



The Palgrave Fichte Handbook

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Steven Hoeltzel

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Palgrave Handbooks in German Idealism

Series Editor

Matthew C. Altman
Philosophy & Religious Studies
Central Washington University
Ellensburg, WA, USA

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Steven Hoeltzel
Editor

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Editor

Steven Hoeltzel
Department of Philosophy and Religion
James Madison University
Harrisonburg, VA, USA

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Preface

Recent decades have witnessed a remarkable resurgence of interest in the philosophy of J. G. Fichte (1762–1814). Long misportrayed as a merely transitional figure propounding a simplistic subjectivism, Fichte now is increasingly acknowledged as a major philosophical innovator and a highly sophisticated thinker, whose challenging work richly repays careful study. At the same time, however, by comparison with the work of the other major German Idealists (Kant, Schelling, Hegel, Schopenhauer), Fichte's own output remains relatively little-known and largely inaccessible to nonspecialists. This is unfortunate, because, even today, Kantian ideas and approaches continue to shape the philosophical landscape, and Fichte is the first, albeit the least famous, of the truly great post-Kantian philosophers. There therefore is a need for scholarly work on Fichte that, in addition to advancing various expert-level discussions, will simultaneously offer a solid (and not oversimplified) introduction and orientation to Fichte's philosophy as a whole.

The Palgrave Fichte Handbook is designed to help meet this need in a number of ways. First, the volume is principally organized according to the basic branches of philosophy (thus not according to specific works or periods in Fichte's career, or thematic niches within classical German philosophy—fairly standard approaches in the existing literature). Second, there is a strong comparative focus throughout the book, with particular emphasis on the complicated relationships between Fichte's philosophy and Kant's. Schelling and Hegel make repeat appearances also, as do various representatives of existentialism, phenomenology, political theory, analytic philosophy, and so forth, so that Fichte's philosophy is put forward with reference to its conceptual and historical context and impact. Finally, the book features a detailed introduction which offers a basic overview of Fichte's philosophy, integrated within

which are brief treatments of the various more-specialized topics and problems that the subsequent chapters explore in depth.

Each of the book's twenty-plus chapters combines helpful exposition, careful interpretation, and incisive argument. All are new essays by leading and emerging scholars of Fichte and German Idealism, including some of the most accomplished people currently working in the field. Thanks to each contributor's adept and illuminating work with highly challenging material, *The Palgrave Fichte Handbook* is both an outstanding introduction to Fichte's philosophy and a major contribution to Fichte scholarship.

Harrisonburg, VA

Steven Hoeltzel

Series Editor's Preface

The era of German Idealism stands alongside ancient Greece and the French Enlightenment as one of the most fruitful and influential periods in the history of philosophy. Beginning with the publication of Kant's *Critique of Pure Reason* in 1781 and ending about ten years after Hegel's death in 1831, the period of "classical German philosophy" transformed whole fields of philosophical endeavour. The intellectual energy of this movement is still very much alive in contemporary philosophy; the philosophers of that period continue to inform our thinking and spark debates of interpretation. After a period of neglect as a result of the early analytic philosophers' rejection of idealism, interest in the field has grown exponentially in recent years. Indeed, the study of German Idealism has perhaps never been more active in the English-speaking world than it is today. Many books appear every year that offer historical/interpretive approaches to understanding the work of the German Idealists, and many others adopt and develop their insights and apply them to contemporary issues in epistemology, metaphysics, ethics, politics, and aesthetics, among other fields. In addition, a number of international journals are devoted to idealism as a whole and to specific idealist philosophers, and journals in both the history of philosophy and contemporary philosophies have regular contributions on the German Idealists. In numerous countries, there are regular conferences and study groups run by philosophical associations that focus on this period and its key figures, especially Kant, Fichte, Schelling, Hegel, and Schopenhauer. As part of this growing discussion, the volumes in the *Palgrave Handbooks in German Idealism* series are designed to provide overviews of the major figures and movements in German Idealism, with a breadth and depth of coverage that distinguishes them from other anthologies. Chapters have been specially commissioned for this series,

and they are written by established and emerging scholars from throughout the world. Contributors not only provide overviews of their subject matter but also explore the cutting edge of the field by advancing original theses. Some authors develop or revise positions that they have taken in their other publications, and some take novel approaches that challenge existing paradigms. The *Palgrave Handbooks in German Idealism* thus give students a natural starting point from which to begin their study of German Idealism, and they serve as a resource for advanced scholars to engage in meaningful discussions about the movement's philosophical and historical importance. In short, the *Palgrave Handbooks in German Idealism* have comprehensiveness, accessibility, depth, and philosophical rigor as their overriding goals. These are challenging aims, to be sure, especially when held simultaneously, but that is the task that the excellent scholars who are editing and contributing to these volumes have set for themselves.

Ellensburg, WA

Matthew C. Altman

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Note on Sources and Key to Abbreviations

Works by Fichte and Kant are referenced in the text parenthetically, using the abbreviations listed below. When citing an English translation, the German source is also indicated, with the exception of Kant's work, for which the *Akademie* pagination is already given with the translations. Where there is no mention of an English version, the translation is the author's own. Works cited only in endnotes are given with their full publication information. At the end of each of the following entries (where applicable), I list the volume number of the author's collected works in which the German version appears.

Fichte

Parenthetical citations of English translations of Fichte's work are followed by citations of the corresponding German originals, from *Gesamtausgabe der Bayerischen Akademie der Wissenschaften* (GA). Where there is no mention of an English version, the translation is the author's own.

- ACR *Attempt at a Critique of All Revelation* (1792). Ed. and trans. Garrett Green. Cambridge: Cambridge University Press, 2010. (GA I/1)
- AD *J. G. Fichte and the Atheism Dispute (1798–1800)*. Trans. Curtis Bowman. Ed. Yolanda Estes and Curtis Bowman. Farnham, Surrey: Ashgate, 2010.
- AGN *Addresses to the German Nation* (1808). Ed. Gregory Moore. Cambridge: Cambridge University Press, 2008. (GA I/10)
- CCR *A Crystal Clear Report to the General Public Concerning the Actual Essence of the Newest Philosophy: An Attempt to Force the Reader to Understand* (1801). Trans. John Botterman and William Rash. In *Philosophy of*

xiv **Note on Sources and Key to Abbreviations**

- German Idealism*, ed. Ernst Behler, 39–115. New York: Continuum, 1987. (GA I/7)
- CCS *The Closed Commercial State* (1800). Trans. Anthony Curtis Adler. Albany: State University of New York Press, 2012. (GA I/7)
- CPA *Characteristics of the Present Age* (1806). In *The Popular Works of Johann Gottlieb Fichte*, trans. William Smith, 2:v–288. Bristol: Thoemmes Press, 1999. (GA I/8)
- EPW *Fichte: Early Philosophical Writings*. Trans. and ed. Daniel Breazeale. Ithaca: Cornell University Press, 1988.
- FG *Fichte im Gespräch*. Ed. Erich Fuchs, Reinhard Lauth, and Walter Schieche. Stuttgart–Bad Cannstatt: Frommann-Holzboog, 1991.
- FNR *Foundations of Natural Right, According to the Principles of the Wissenschaftslehre* (1796–1797). Trans. Michael Baur. Ed. Frederick Neuhauser. Cambridge: Cambridge University Press, 2000. (GA I/3–4)
- GA *J. G. Fichte—Gesamtausgabe der Bayerischen Akademie der Wissenschaften*. Ed. Reinhard Lauth, et al. 42 vols. Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1962—. References to this edition are given in the form GA I/7:13, indicating part, volume, and page number; or, in the case of correspondence, are in the form GA III/2, no. 189, indicating part, volume, and letter number.
- IWL *Introductions to the Wissenschaftslehre and Other Writings (1797–1800)*. Trans. and ed. Daniel Breazeale. Indianapolis: Hackett, 1994.
- NM *Foundations of Transcendental Philosophy (Wissenschaftslehre) Nova Methodo (1796/99)*. Trans. and ed. Daniel Breazeale. Ithaca: Cornell University Press, 1992. (GA IV/2, K)
- PR *The Philosophical Rupture between Fichte and Schelling: Selected Texts and Correspondence (1800–1802)*. Trans. and ed. Michael G. Vater and David W. Wood. Albany: State University of New York Press, 2012.
- RC “Review of Leonhard Creuzer, *Skeptical Reflections on the Freedom of the Will, with Reference to the Latest Theories of the Same*, with a Foreword by Professor Schmid” (1793). Trans. Daniel Breazeale. *Philosophical Forum* 32, no. 4 (winter 2001): 289–96. (GA I/2)
- RG “Review of Friedrich Heinrich Gebhard, *On Ethical Goodness as Disinterested Benevolence*” (1793). Trans. Daniel Breazeale. *Philosophical Forum* 32, no. 4 (winter 2001): 297–310. (GA I/2)
- RL *Die Anweisung zum seligen Leben, oder auch die Religionslehre* (1806). Ed. F. Medicus Hamburg: Meiner, 1910. (GA I/9)
- SE *The System of Ethics, According to the Principles of the Wissenschaftslehre* (1798). Trans. and ed. Daniel Breazeale and Günter Zöllner. Cambridge: Cambridge University Press, 2005. (GA I/5)
- VM *The Vocation of Man* (1800). Trans. Peter Preuss. Indianapolis: Hackett, 1987. (GA I/6)

- WL *The Science of Knowledge (Wissenschaftslehre)* (1794/95). Trans. and ed. Peter Heath and John Lachs. New York: Appleton-Century-Crofts, 1970. (GA I/2)
- WL₁₈₀₄ *The Science of Knowing: J. G. Fichte's 1804 Lectures on the Wissenschaftslehre* (1804). Trans. Walter E. Wright. Albany: State University of New York Press, 2005. (GA II/8)

Kant

As is standard in Kant scholarship, each parenthetical reference to Kant's writings gives the volume and page number(s) of the Royal Prussian Academy edition (*Kants gesammelte Schriften*), which are included in the margins of the translations.

- A/B *Critique of Pure Reason* (1781, 1787). Trans. and ed. Paul Guyer and Allen W. Wood. Cambridge: Cambridge University Press, 1998. (Ak 3, 4) The volume number is not included in references to the *Critique of Pure Reason*.
- Ak *Kants gesammelte Schriften*. 29 vols. Ed. Preussische Akademie der Wissenschaften and successors. Berlin: Reimer, later de Gruyter, 1900—References to this edition are given in the form Ak 3:4, indicating volume and page number. Where applicable, the number of the *Reflexion* (R) is given in addition to the volume and page number.
- C *Correspondence*. Trans. and ed. Arnulf Zweig. Cambridge: Cambridge University Press, 1999. (Ak 10–13)
- CJ *Critique of the Power of Judgment* (1790). Trans. Paul Guyer and Eric Matthews. Ed. Paul Guyer. Cambridge: Cambridge University Press, 2000. (Ak 5)
- CPPr *Critique of Practical Reason* (1788). In *Practical Philosophy*, trans. and ed. Mary J. Gregor, 137–271. Cambridge: Cambridge University Press, 1996. (Ak 5)
- DSS *Dreams of a Spirit-Seer Elucidated by Dreams of Metaphysics* (1766). In *Theoretical Philosophy, 1755–1770*, trans. and ed. David Walford, 301–59. Cambridge: Cambridge University Press, 1992. (Ak 2)
- G *Groundwork of the Metaphysics of Morals* (1785). In *Practical Philosophy*, trans. and ed. Mary J. Gregor, 41–108. Cambridge: Cambridge University Press, 1996. (Ak 4)
- LE *Lectures on Ethics*. Trans. Peter Heath. Ed. Peter Heath and J. B. Schneewind. Cambridge: Cambridge University Press, 1997. (Ak 27)
- MM *The Metaphysics of Morals* (1797). In *Practical Philosophy*, trans. and ed. Mary J. Gregor, 363–602. Cambridge: Cambridge University Press, 1996. (Ak 6)

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- NF *Notes and Fragments*, trans. Curtis Bowman, Paul Guyer, and Frederick Rauscher, ed. Paul Guyer. Cambridge: Cambridge University Press, 2005. (Ak 15–20)
- Pro *Prolegomena to Any Future Metaphysics That Will Be Able to Come Forward as a Science* (1783). Trans. Gary Hatfield. In *Theoretical Philosophy after 1781*, ed. Henry Allison and Peter Heath, 49–169. Cambridge: Cambridge University Press, 2002. (Ak 4)
- Rel *Religion within the Boundaries of Mere Reason* (1793). Trans. George di Giovanni. In *Religion and Rational Theology*, ed. Allen W. Wood and George di Giovanni, 55–215. Cambridge: Cambridge University Press, 1996. (Ak 6)
- RP *What Real Progress Has Metaphysics Made in Germany since the Time of Leibniz and Wolff?* (1793/1804). Trans. Peter Heath. In *Theoretical Philosophy after 1781*, ed. Henry Allison and Peter Heath, 349–424. Cambridge: Cambridge University Press, 2002. (Ak 20)

Notes on Contributors

Matthew C. Altman is Professor of Philosophy at Central Washington University. He is the author of *A Companion to Kant's "Critique of Pure Reason"* (2008) and *Kant and Applied Ethics* (2011), coauthor of *The Fractured Self in Freud and German Philosophy* (2013), editor of *The Palgrave Handbook of German Idealism* (2014) and *The Palgrave Kant Handbook* (2017), and series editor of the *Palgrave Handbooks in German Idealism*.

Emmanuel Chaput is a PhD Student in Philosophy at the University of Ottawa. His research interests focus mainly on German Idealism, Hegel, and the Young Hegelians. He is the coeditor, with Kaveh Boveiri and Arnaud Theurillat-Cloutier, of the book *Hegel, Marx and the Contemporary World* (2016).

James A. Clarke is Lecturer in Philosophy at the University of York. He has published several papers on Fichte and Hegel and is currently coediting a volume of essays on early post-Kantian practical philosophy. His research interests include contemporary legal and political philosophy, Critical Theory (especially the theory of recognition), and post-Kantian practical philosophy (especially the work of J. G. Fichte and J. B. Erhard).

Cynthia D. Coe is Professor of Philosophy at Central Washington University. Her interests lie mainly in nineteenth- and twentieth-century European philosophy (with particular focus on Nietzsche and Levinas), feminist theory, and critical race theory. She is the author of *Levinas and the Trauma of Responsibility: The Ethical Significance of Time* (2018) and co-author of *The Fractured Self in Freud and German Philosophy* (2013).

Benjamin D. Crowe is Lecturer in Philosophy at Boston University. His work focuses on issues of religion and human agency within the larger German philosophical tradition. In addition to two monographs on Heidegger, he is the author of a number of articles and book chapters on Fichte, German Romanticism, and Dilthey. Most recently, he is the editor of *The Nineteenth Century Philosophy Reader* (2016) and the editor and translator of Fichte's *Lectures on the Theory of Ethics (1812)* (2016).

Yolanda Estes now retired from Mississippi State University, works as an independent scholar in Quito, Ecuador. She specializes in the philosophy of J. G. Fichte. She is coeditor of *J. G. Fichte and the Atheism Dispute (1798–1800)* (2010) and is currently coediting an anthology on Fichte's philosophy of religion.

Markus Gabriel is Professor and Chair in Epistemology, Modern, and Contemporary Philosophy, as well as Director of the International Centre for Philosophy and the Center for Science and Thought, at the University of Bonn. From 2017–2019 he was Visiting Professor at Université Paris 1-Panthéon Sorbonne. He is the author of more than a dozen books and a hundred articles, including *Transcendental Ontology: Essays in German Idealism* (2013); *Fields of Sense. A New Realist Ontology* (2015), and *I am Not a Brain: Philosophy of Mind for the 21st Century* (2017). His areas of expertise are epistemology, German Idealism, and metaphysics/ontology.

Kienhow Goh is an EFL Assistant Professor at Suwon Science College, South Korea. He received his Ph.D. in Philosophy from Syracuse University in 2010, and has published several journal articles and book chapters on modern classical German philosophy. His research focus is on issues related to the relationship of freedom and nature in Fichte's Jena philosophy.

Gabriel Gottlieb is Associate Professor of Philosophy at Xavier University. He is the editor of *Fichte's Foundations of Natural Right: A Critical Guide* (2016) and coeditor of *Practical Philosophy from Kant to Hegel: Freedom, Right, Revolution* (forthcoming). Recent publications include "Theory of Science: Fichte, Schelling," in *A Companion to Nineteenth-Century Philosophy* (2019), and "A Family Quarrel: Fichte's Deduction of Right and Recognition" in *Kant and his German Contemporaries, Volume 2: Aesthetics, History, Politics, and Religion* (2018).

Paul Guyer is the Jonathan Nelson Professor of Humanities and Philosophy at Brown University. He is the author of ten books on the philosophy of Kant,

most recently *Virtues of Freedom* (2016). He is also the author of *A History of Modern Aesthetics* in three volumes (2014). He was General Co-Editor of the *Cambridge Edition of the Works of Immanuel Kant* and co-translator of the first and third critiques as well as Kant's *Notes and Fragments*. Current projects include books on Kant and Moses Mendelssohn and on Kant's impact on the history of moral philosophy.

Moritz Hellmich works as a translator in Jena, Germany. Previously he has studied philosophy, English, politics, and physics at the Universities of Jena and Bristol.

Steven Hoeltzel is Professor of Philosophy at James Madison University. He is the coeditor of *Transcendental Inquiry: Its History, Methods and Critiques* (2016) and *Kant, Fichte, and the Legacy of Transcendental Idealism* (2015). He has published widely on Fichte's philosophy, especially its ontological implications and its value-theoretical dimensions. Recent articles include "Fichte and Existentialism: Freedom and Finitude, Self-Positing and Striving," in *The Palgrave Handbook of German Idealism and Existentialism* (forthcoming); and "Fichte and Kant on Reason's Final Ends and Highest Ideals," in *Revista de Estud(i)os sobre Fichte* (2018).

David James is Associate Professor of Philosophy at the University of Warwick. His publications include *Fichte's Republic: Idealism, History and Nationalism* (2015) and *Fichte's Social and Political Philosophy: Property and Virtue* (2011). He is also editor of *A Critical Guide to Hegel's Elements of the Philosophy of Right* (2017) and coeditor of *The Cambridge Companion to Fichte* (2016). He is currently completing a book entitled *Practical Necessity, Freedom and History from Hobbes to Marx*.

Halla Kim is Professor of Philosophy at Sogang University and a resident scholar at the Schwalb Center for Israel and Jewish Studies at the University of Nebraska Omaha. His areas of specialization are Kant, German Idealism, Korean philosophy, and Jewish philosophy. His books include *Kant and the Foundations of Morality* (2015), and he has coedited *Kant, Fichte and the Legacy of Transcendental Philosophy* (2014), *Transcendental Inquiry: Its History, Methods and Critiques* (2016), and *Jewish Religious and Philosophical Ethics* (2017). He is currently working on book-length manuscripts on *Kant and the New Foundations of Morality*, and *Korean Philosophy: An Introduction*.

C. Jeffery Kinlaw is Professor of Philosophy at McMurry University. He has published widely in German philosophy (especially Fichte, Hegel,

Schleiermacher, and Heidegger), and has strong secondary interests in epistemology, political philosophy, philosophy of action (free will), and philosophy of religion. He is currently working on a major project on Fichte and philosophy of mind.

Wayne Martin is Professor in the School of Philosophy and Art History at the University of Essex, where he directs the Essex Autonomy Project. His current interests include the theories of will and autonomy in classical German philosophy from Luther to Hegel, and on the relevance of these theories to contemporary debates both in philosophy and in public policy.

Nedim Nomer teaches at Sabancı University. His writings have appeared in the *Journal of Political Philosophy*, *Journal of the History of Philosophy*, *Philosophical Forum*, *Ethics*, *History of Political Thought*, and the *British Journal of Middle Eastern Studies*.

Angelica Nuzzo is Professor of Philosophy at the Graduate Center and Brooklyn College, City University of New York. Among her books are *Approaching Hegel's Logic, Obliquely: Melville, Molière, Beckett* (2018); *Memory, History, Justice in Hegel* (2012); and *Ideal Embodiment: Kant's Theory of Sensibility* (2008).

Andreas Schmidt is Professor of Philosophy with an emphasis on German Idealism at the Friedrich-Schiller-Universität, Jena. Important publications include *Der Grund des Wissens. Zu Fichtes Wissenschaftslehre in den Versionen von 1794/95, 1804/II und 1812* (2004); *Göttliche Gedanken. Zur Metaphysik der Erkenntnis bei Descartes, Malebranche, Spinoza und Leibniz* (2009); translation, introduction, and commentary on *René Descartes: Meditationen. Dreisprachige Parallelausgabe* (2011); and coediting of *Fichtes System der Sittenlehre: Ein kooperativer Kommentar* (2015).

Michael Stevenson is a Core Faculty member at the Brooklyn Institute for Social Research, an interdisciplinary teaching and research institute that offers critical, community-based education in the humanities and social sciences. He is a historian of philosophy specializing in post-Kantian German philosophy, especially idealism, existentialism, and phenomenology. He was educated at the University of Pennsylvania, Cornell University and Columbia University, and has previously taught at Hunter College, City University of New York, Barnard College, and as a Lecturer in the Core Curriculum program at Columbia University.

Isabelle Thomas-Fogiel is Professor at the University of Ottawa and the University of Paris 1. She is a specialist in both German Idealism and current philosophy (post-1950). She has translated seven of Fichte's texts into French, along with two works by Natorp and two by Cassirer, in addition to directing the translation of *Making it Explicit* by Robert Brandom. Her books include: *Critique de la représentation, Etude sur Fichte* (2000); *Fichte, réflexion et argumentation* (2004); *Référence et autoréférence* (2005); *Le Concept et le Lieu* (2008); *The Death of Philosophy* (2011); *Le lieu de L'Universel* (2015); *Tristes réalismes* (2017).

Owen Ware is Assistant Professor of Philosophy at the University of Toronto. He works on Kant and nineteenth-century philosophy, with a focus on German Idealism. He is the author of two forthcoming books: *Kant's Justification of Ethics* and *Fichte's Moral Philosophy*; and he is a coeditor of the forthcoming anthology *Fichte's System of Ethics: A Critical Guide*. His articles have appeared in such journals as *Philosophers' Imprint*, the *Journal of the History of Philosophy*, and *Philosophy and Phenomenological Research*, among others.

Michihito Yoshime is Associate Professor at Osaka University. His research focuses on Karl-Otto Apel, Kant, Fichte, and the relations of influence between them. His recent publications include "What is the Unlimited Communication Community? Transcendental Pragmatics as Contemporary Fichteanism," in *Fichte and Transcendental Philosophy* (2014); "Consequences of the Transcendental-Pragmatics Consensus Theory of Truth," in *Transcendental Inquiry* (2016); "On the Precedence of the First-personal Point of View in Contemporary Kantian Moral Arguments," in *Philosophia Osaka* (2018); and "The Problem of "können" in Kant's B-Deduction and Its Significance for Fichte," in *Revista de Estud(i)os sobre Fichte* (2018).

Günter Zöllner is Professor of Philosophy in the Faculty of Philosophy, Philosophy of Science and Religious Studies at the Ludwig-Maximilian University of Munich. He studied at the University of Bonn (Germany), the École normale supérieure, Paris (France) and Brown University (USA). He has held visiting professorships at Princeton University, Emory University, McGill University, Seoul National University, The Chinese University of Hong Kong, Huazhong University of Science and Technology, and the University of Bologna. A past president of the International J. G. Fichte Society, his book publications on Fichte include *Fichte's Transcendental Philosophy* (1998), *Der Staat als Mittel zum Zweck* (2011), *Fichte lesen* (2013), and *The Cambridge Companion to Fichte* (2016).



1

Introduction: Fichte's Post-Kantian Project

Steven Hoeltzel

Johann Gottlieb Fichte is the first truly great thinker among Immanuel Kant's many eminent intellectual descendants. In Fichte's *Wissenschaftslehre*,¹ Kant's Copernican revolution in philosophy achieves heightened metaphysical and methodological self-consciousness, and Kant's signal innovations are radically rethought, systematically reintegrated, sharply critiqued in some cases, and boldly extended in others. The initial result—the so-called “Jena *Wissenschaftslehre*” of roughly 1794–1800—is the first monumental work of post-Kantian idealism, and moreover is “post-Kantian” in the best possible sense: it is unmistakably the achievement of a thinker steeped in and inspired by Kant's critical philosophy, yet it teems with challenging new concepts and strikingly original analyses and arguments. All things considered, Fichte's work is no mere recapitulation or commentary on the critical philosophy; it is a searching and singular contribution to the tradition as a whole. And owing to the time and the (often tumultuous) circumstances of its initial presentation and reception,² to study Fichte's philosophy in context is to immerse oneself in one of the most intensely productive and consistently profound periods in the history of Western thought.^{3,4}

S. Hoeltzel (✉)

Department of Philosophy and Religion, James Madison University,
Harrisonburg, VA, USA

e-mail: hoeltzsh@jmu.edu

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Fichte's Philosophy in Context

Part I of this anthology examines Fichte's ideas in relation to their wider cultural climate, their debt to (and deviations from) the philosophy of Kant, and their influence upon two other major German Idealists: Schelling and Hegel. In Chap. 2, "Fichte's Life and Philosophical Trajectory," Yolanda Estes interweaves an account of Fichte's eventful personal life with an overview of his complex philosophical development. Naturally the latter task demands some selectivity, and Estes's approach is to focus mainly on issues brought to the fore by the most fateful episode in Fichte's contentious career: the "atheism controversy" (*Atheismusstreit*) of 1798–1800. According to the Jena *Wissenschaftslehre*, the ultimate enabling conditions for cognition and volition are accomplishments integral to the autonomous self-articulation of "the I": the transcendental subject, on a post-Kantian construal. And one such accomplishment, Fichte argues, is the positing of a "moral world order," by which the intelligible efficacy of the good will is assured, and from which the significance of the sensible world finally derives (IWL 149 [GA I/5:353]). Moreover—Fichte adds, scandalously, in 1798—a conviction of this kind constitutes religious belief or faith (*Glaube*) "in its entirety," at least insofar as such belief has a rational basis; and that is because "this living and efficaciously acting order is itself God. We require no other God, nor can we grasp any other."—Or so he claims, on the grounds that we "cannot grasp personality and consciousness apart from limitation and finitude" (IWL 150–52 [GA I/5:354–55]).

Such assertions, which were read by many as arguments for atheism, helped to spark a major controversy by which Fichte was soon engulfed, and to which he responded in a series of noteworthy (but now seldom studied) writings that pointedly present some essential elements of his idealistic account of I-hood and the ultimate ordering principles.⁵ To be sure, the themes foregrounded by the atheism controversy, along with the claims stressed by Fichte in his failed attempt to weather it, do not exhaust what is philosophically salient in Fichte's system. Still, this entire episode, much of which is recorded in texts familiar only to specialists, harks back to topics central to the *Wissenschaftslehre*'s inception⁶; anticipates the markedly more metaphysical and religious tone of its later presentations (in which the independently "self-positing" I of the Jena *Wissenschaftslehre* is more and more explicitly positioned as a mere semblance or manifestation of a unitary, all-encompassing "being [*Sein*]" or "God"); and dramatically problematizes the conceptual connections between transcendental idealism, morality, and metaphysics.

Of course, any fully worked-out account of the latter connections will also have to take stock of the key relationships between Fichte's position and the paradigm and prototypes provided by Kant's work. The many complex connections between Kant's critical philosophy and the *Wissenschaftslehre* are a major theme throughout this volume, beginning with Chap. 3. Fichte himself frequently characterizes the *Wissenschaftslehre* as a more rigorous and radical statement, justification, and consolidation of the basic implications of Kant's main innovations. Kant's own philosophy, according to one of Fichte's more memorable formulations, "is correct—but only in its results and not in its reasons" (EPW 371 [GA III/2, no. 171]).⁷ Accordingly, one main tendency in recent Anglophone Fichte-scholarship has been to work to substantiate such claims—for instance, by reading Fichte's project as a form of transcendental idealism⁸ that has been ruthlessly purged of Kant's residual realism (including, e.g., Kant's apparent commitments to 'things in themselves,' a causal model of perception, and a faculty psychology)⁹; as a philosophy that has thoroughly vindicated Kant's essentially unsubstantiated claims concerning the ultimate unity (not merely the final compatibility) of theoretical and practical reason¹⁰; as a system that yields a version of Kantianism in ethics that arguably improves upon Kant's own¹¹; and so on.

In Chap. 3, "The Precursor as Rival: Fichte in Relation to Kant," Günter Zöllner offers a critical (but not unappreciative) reappraisal of several of Fichte's more notable innovations. For one, Zöllner argues, the novelty of Fichte's core conceptions is often overestimated. For example, Fichte often is credited with providing the critical philosophy (which, in its Kantian form, is based on various unreduced oppositions: intuition versus conceptualization, theoretical versus practical reason, and so on) with a deeper and more unitary foundation, in the form of some transcendently basic mode or modes of mental accomplishment (positing; the *Tathandlung* or "fact-act"; intellectual intuition) that would precede and prepare for the various differentiations basic to Kant's philosophy. And yet, as Zöllner points out, one can readily discern at least the outlines of those Fichtean concepts in some of Kant's own key ideas (most notably, transcendental apperception and the categorical imperative). Moreover, Zöllner argues, some of Fichte's genuine innovations (for instance, his assimilation of theoretical to practical reason, and his topical reorganization of practical philosophy) push Kantian ideas to objectionable extremes—for example, by wiping out the boundaries between warranted cognition and interested belief, and by making morality indifferent, even antagonistic, toward the cultivation and expression of individuality.

The relationship between Kant's and Fichte's philosophies is examined, from a variety of perspectives, throughout this anthology (see, *inter alia*,

Chaps. 7, 8, 9, 11, 12, 13, 18, and 19). To be sure, though, in order to measure Fichte's historical significance, we must not only assess the *Wissenschaftslehre's* connections to Kant. We must also consider, among many other things, its contribution to German Idealism, especially in the work of Schelling and Hegel.¹² According to one venerable rendering of this relationship, Fichte clarifies and consolidates the critical philosophy by ridding it of Kant's residual realism and underived dualisms, but the result (or so the story goes) is a one-sided, merely subjective idealism, in need of supplementation by the objective idealism developed by the young Schelling—which, in turn, is assimilated and transcended by absolute idealism à la Hegel.

In Chap. 4, “Fichte, German Idealism, and the Parameters of Systematic Philosophy,” Andreas Schmidt adopts a decidedly different viewpoint on the relations between these figures. Schmidt argues that the most significant way (albeit not the only way) in which Fichte influenced his successors was by reframing the early post-Kantian debate around a number of novel problems: problems concerning (1) the architecture, (2) the topic, (3) the certainty, and (4) the generation of the ideal philosophical system. Schmidt further suggests that both Schelling and then Hegel propose such new and divergent solutions to these problems that it becomes doubtful whether any two of these three thinkers are pursuing one and the same basic project. Thus it also becomes questionable whether we can rank their various accomplishments according to some one, mutually acceptable standard. Nevertheless, Schmidt argues, we can credit Fichte with having established the basic framework within which such divergent projects could take shape.

Metaphilosophy and Method

Fichte constructs the *Wissenschaftslehre* using a wide range of methodological tools, including abstraction, reflection, transcendental argument, dialectical derivation (of which he is a true pioneer), intellectual intuition, “genetic construction,” a principle of “reciprocal determination,” and a law of “reflective opposition.” He also ties the resulting system's basic significance to some complex and provocative metaphilosophical claims, principally concerning (1) the basic standpoint proper to philosophy in general and (2) the basic commitments constitutive of idealism in particular.

Genuinely philosophical thinking, for Fichte, occupies a “standpoint which transcends life”—not merely in the sense that the philosopher, qua philosopher, thinks carefully about perennial non-empirical questions, but also, and essentially, in the sense that her thinking, qua philosophical, freely raises itself

above the entire frame of reference that constitutes “the standpoint of life” as such (EPW 435 [GA III/3, no. 440]). The latter is “the way of thinking of ordinary life and of *science* (*materialiter sic dicta*¹³)”—a mode of cognition which distinctively *philosophical* thinking comprehensively brackets and fundamentally questions (EPW 433 [GA III/3, no. 440]). Thus, rather than being swept up and carried along by “life,” in which we just unthinkingly assent to the real being of the objects on display in experience (objects whose characteristics are methodically investigated by empirical science), philosophical thinking aims instead “to display the basis or foundation of all experience” *as such*—from which it follows, Fichte argues, that “philosophy’s object must necessarily lie *outside of all experience*” (IWL 9 [GA I/4:187]). Accordingly, genuinely philosophical thinking does not aspire “to produce any object which could be of any concern to life and the (material) sciences,” because to do that would merely be “to expand the sphere of ordinary thinking” (EPW 433 [GA III/3, no. 440]).¹⁴

Described in its essentials, experience of the sort that the *Wissenschaftslehre* undertakes to explain is cognition comprising reference to determinate objects (entities, states of affairs, etc.) to which the cognizer ascribes a mind-independent existence. Transcendentally reflected-upon, such experience—in contrast with imagination, aspiration, and the like—coincides with “the system of representations accompanied by the feeling of necessity”: we have *experience*, in this sense, insofar as “we discover that we are constrained ... with respect to the content of our cognitions” (IWL 7–8 [GA I/4:186]). Thus the fundamental philosophical question is what accounts for the indicated constraint. And Fichte argues that the answer must take one or the other of two radically incompatible forms: “*idealism*” or “*dogmatism*” (IWL 11 [GA I/4:188]).¹⁵

Dogmatism, which he rejects, “wishes to use the principle of causality to explain the general nature of the intellect as such, as well as the specific determinations of the same” (IWL 21 [GA I/4:196]). This is an explanatory approach which, if carried through completely, would establish that mind *as such*, originally and always, is generated and regulated by some substance or process that exists and operates without awareness or intention (thus pointlessly and aimlessly).¹⁶ Idealism, by contrast, maintains that “the intellect cannot be anything passive, because ... it is what is primary and highest and is thus preceded by nothing that could account for its passivity” (IWL 25–26 [GA I/4:199–200]).¹⁷ What is basic, on the idealist’s account, is purposive intelligence; therefore, what must account for the constrained character of experience is (1) this intelligence’s own finitude or limitation *qua purposive intelligence*—ergo, a limitation that takes the form of this intelligence’s

incomplete control over the content of its own states—and (2) the (rationally, not nomologically) law-governed character of this intelligence’s basic operations, whereby the aforementioned adventitious mental contents are autonomously elaborated-upon (IWL 25–26 [GA I/4:199–200]). Accordingly, idealism proposes to “derive from the fundamental laws of the intellect the system of the intellect’s necessary modes of acting and, along with this, the objective representations that come into being thereby” (IWL 27 [GA I/4:201])—not in the sense that the mind magically generates real things or covertly authors experience’s given contents, but insofar as the transcendental subject autonomously deploys the non-sensory ordering forms which, applied to the recalcitrant contents of ‘experience,’ effectuate representation of putatively mind-independent objects.¹⁸

Fichte’s philosophy-vs-‘life’ and idealism-vs-dogmatism distinctions are intended to establish and elucidate the basic parameters of his project. Yet both of these distinctions, as well as the many methodological devices employed within the *Wissenschaftslehre*, are defined and deployed in ways that leave ample room for further interpretation—and which thereby introduce some ambiguity as to the exact aims and overall upshot of the system. The chapters that make up Part II of this volume explore a number of the important issues that arise in relation to Fichte’s metaphilosophy and methodology.

In Chap. 5, “Fichte on the Standpoint of Philosophy and the Standpoint of Ordinary Life,” Halla Kim discusses that distinction, with reference to its further elaboration and application in Fichte’s writings. One question raised by Fichte’s seemingly very strict separation of these two standpoints is whether philosophy, as he defines it, can contribute anything of value to prephilosophical life, or can solve any problems that are not already philosophical—and thus (or so it seems) merely artefacts of a strictly optional, artificial stance. On Kim’s reading, Fichte manages both (1) to accord special authority to the standpoint of philosophy and (2) to harmonize the two standpoints in a way that brings pure speculation and everyday living, abstract knowledge and concrete agency, into a mutually-enriching accord. As Kim explains it, this is because there is a profound tension at the heart our prephilosophical outlook: roughly, a discord between our conception of ourselves as intellectually spontaneous, free agents, and our experience of ourselves as beings causally entangled in mindless, aimless natural processes. Only an idealistic philosophy—or so Fichte argues—can account for the latter experience in a way that not only vindicates the former self-conception, but that also promises to suffuse our everyday activities with the pure, permanent light of essential comprehension and infeasible conviction.¹⁹

In Chap. 6, “Reflection, Metaphilosophy, and Logic of Action in the *Science of Knowledge*,” Isabelle Thomas-Fogiel examines the consistently, radically reflective inception and orientation of Fichte’s system. As Thomas-Fogiel shows, the many outwardly divergent presentations of the *Wissenschaftslehre* nonetheless all share a foundational focus upon some sort of explicitly self-referential accomplishment or phenomenon (“I = I”; the knowledge of knowledge; the identity of the knowing and the known; and so forth), which then is consistently characterized with reference to reflection, reflexivity, and the like. Evidently, then, to grasp Fichte’s conception of reflection is to understand the very core of his philosophy. Here, Fichte breaks with Kant’s model of representation (as a relation between two heterogeneous terms) and with the classical model of reflection (as a kind of turning-back toward some pre-existing object or fact), because both are untenable as accounts of the mind’s access to its own activities. Clearly this is a crucial methodological issue for the critical philosophy, and Thomas-Fogiel argues that Fichte’s radical rethinking of the nature and necessity of reflection leads to his development of a powerful and original approach to the legitimation (and critique) of philosophical discourse *per se*.

In Chap. 7, “Fichte’s Anti-Dogmatism and the Autonomy of Reason,” Kienhow Goh ponders the essential upshot of Fichte’s idealism-dogmatism distinction. As Goh notes, Fichte defines his own position largely in terms of its diametrical opposition to dogmatism—yet Fichte also claims that “idealism is unable to refute dogmatism,” because their disagreement “is a dispute concerning the first principle,” such that each ultimately begs the question against the other, and both “appear to have the same speculative value”—from which it seems to follow that which of the two outlooks one chooses simply “depends upon the kind of person one is” (IWL 15–20 [GA I/4:191–95]). Such statements may seem to concede that there finally are no rational grounds for favoring idealism over dogmatism, but Goh forcefully argues against such an interpretation. Instead, he proposes, Fichte’s deeper point is that, compared to idealism, dogmatism is the expression of a somewhat stunted, because relatively un-self-conscious, grade of rational development: one at which the philosopher, qua rational being, is as yet only dimly cognizant of the fact that reason, simply qua reason, demands its own absolute autonomy. From that relatively degraded vantage point, at which one has failed to fully grasp and enact the fact that that pure reason is absolutely practical, it can appear that reason’s role is merely to theoretically spell out the arational appearances—and this conception of rationality leads straight to dogmatism. But according to the true conception of rationality (per Goh’s illuminating interpretation of

Fichte), fully rational justification obtains only if and insofar the structure and significance of appearances is essentially determined by the optimally rational outlook, not the reverse. Ergo, idealism.

Transcendental Fundamentals

Fichte's commitment to reason's absolute autonomy, even primacy, relative to the objects on display in experience, is encoded in two of his system's basic principles: (1) "The I originally absolutely posits [*setzt ursprünglich schlechthin*] its own being"; and (2) "a not-I is absolutely opposed [*schlechthin entgegengesetzt*] to the I," from which Fichte infers that "opposition in general [*das Entgegengesetztseyn überhaupt*] is absolutely posited by the I" (WL 99, 104, 103 [GA I/2:261, 266]).²⁰ It should be noted that there is no consensus concerning exactly how these claims ought to be understood (or even how they ought to be translated into English),²¹ partly because Fichte never explicitly defines the all-important technical term "posit,"²² and partly owing to the very high level of abstraction at which his claims about positing are put forward. In any case, one thing that is clear is that, upon further analysis, Fichte considers the above two principles to be linked by the claim that "without a striving, no object at all is possible" (WL 233 [GA I/2:399])—a claim also known as "the striving doctrine." This claim is the linchpin in Fichte's larger argument that theoretical reason and practical reason are mutually interdependent (if not indeed essentially unitary), albeit always in such a way that reason's practical aspect is in some sense preponderant:

Willing is the genuine and essential character of reason; according to philosophical insight, representing does of course stand in reciprocal interaction with willing, but nevertheless is posited as the contingent element. The practical faculty is the innermost root of the I; everything else is placed on and attached to this faculty. (FNR 21 [GA I/3:332])

In Chap. 8, "Knowledge and Action: Self-Positing, I-Hood, and the Centrality of the Striving Doctrine," C. Jeffery Kinlaw scrutinizes Fichte's conception of self-positing and its connection to the striving doctrine. In the Jena *Wissenschaftslehre*, epistemology and a radically practical conception of rational personhood are integrated within a unified, systematic account of the self's consciousness of itself and relation to its world.²³ On Kinlaw's reconstruction, this integration hinges upon a conception of self-positing according to which the I's consciousness of itself (that is, its constitutive awareness of

itself as the distinctive sort of entity that it is) just is the I's awareness of itself as answerable to a norm of rational self-determination. Thus, contrary to one venerable strand of Fichte-interpretation, self-positing is by no means an exclusively epistemic sort of self-activity or self-relation. And the striving doctrine, interpreted in this light, is the claim that the I's constitutive relationship to some end or ends is a transcendental precondition for its cognitive reference to objects: the I countenances something other than itself only if and insofar as it finds something interposed (whether as an obstacle or as an opportunity) between itself and its already-established goal or goals. As Kinlaw notes, such a claim might seem to risk an absurd subordination or unacceptable relativization of objectivity to subjectivity, turning the content of one's representation of the world into the plaything of one's arbitrary adoption of this or that aim. Kinlaw counters this worry, however, by pointing out that the normativity of rational self-determination entails the normativity of epistemically well-founded (and therefore reliably action-guiding) beliefs.

Chapter 9, "Fichte's Account of Reason and Rational Normativity," by Steven Hoeltzel, arrives at some broadly similar conclusions from an interestingly different direction—namely, by working toward a unifying and clarifying analysis of Fichte's wide-ranging and often unusual characterizations of the nature of reason and rational normativity. In Fichte's writings, *reason* is equated or closely associated with, among other things: "I-hood," "positing" (especially self-positing), "acting" (as opposed to "being"), "self-reverting activity," and "subject-objectivity" (see, e.g., FNR 18 [GA I/3:329]; IWL 87 [GA I/4:255]). Of course, Fichte also claims that reason, as such, is principally *practical*: "practical reason is the root of all reason" (VM 79 [GA I/6:265]). More specifically, he holds that reason regulates itself according to a self-legislated norm of "absolute self-sufficiency" and, to that extent, harbors an "absolute tendency toward the absolute"—which he seems to see as equivalent to the idea that "fusion ... into the absolutely pure form of reason or into God is indeed the ultimate goal of finite reason" (SE 58, 33, 143 [GA I/5:67, 45, 142]). Indeed, he even seems to go so far as to maintain that reason, so construed, finally mandates our firm assent to an outlook according to which "only reason is; infinite reason in itself, and finite reason in it and through it" (VM 111 [GA I/6:296]). How ought we to understand all these claims? Hoeltzel proposes that, for Fichte, reason as such consists in a special sort of mental activity: *the self-initiated instatement of self-wrought, non-sensory ordering forms*, the first and foremost of which is the idea of *precisely this type of activity* in its pure and uncompromised ("self-sufficient") form. Hoeltzel argues that such an analysis essentially accords with Kant's conceptions of (1) the categorial synthesis of appearances and (2) the projection by pure reason

of regulative ideas. Arguably this analysis also clarifies the sense in which Fichte holds that theoretical and practical reason are originally and ideally *unitary*, yet always such as to be preponderantly practical. Finally, Hoeltzel argues that this Fichtean conception of the ultimately and optimally unitary nature of reason (1) underwrites a distinctly post-Kantian (albeit highly schematic) form of constructivism with regard to rational normativity, and (2) yields a conception of reason's supreme norm in the light of which (via the ensuing ethics of belief, and given Fichte's cognitive constructivism)²⁴ the conviction that "only reason is; infinite reason in itself, and finite reason in it and through it" emerges as the quintessentially rational philosophical outlook (VM 111 [GA I/6:296]).

Fichte's commitment to reason's autonomy goes hand in hand with his opposition to dogmatism: his rejection of the claim that mental activity is generated and regulated by something mindless and aimless. Moreover, Fichte clearly holds that the epistemologically affiliated notion of the thing in itself—that is, of "a not-I that is not opposed to any I" (EPW 74 [GA I/2:62])—is, in light of the *Wissenschaftslehre's* basic principles, ill-formed and illegitimate ("a pipe dream, a non-thought": EPW 71 [GA I/2:57]). But such claims raise significant questions. To begin with: How, then, does Fichte understand and account for the empirical dimension of cognition and volition? (On the orthodox Kantian model, the empirical content of experience is the result of an "affection" of the mind by some thing-in-itself outside the mind. But Fichte roundly rejects such a picture.) And what, then, does Fichte's post-Kantian position imply regarding the sources and the epistemic status of our beliefs in material objects and other minds?

Fichte himself asks: "Can one explain cognition without having to assume the occurrence of any *contact* or *affection* whatever?" (IWL 74 [GA I/4:241]) His answer, in broadest outline, is that "all of our cognition does indeed begin with an *affection*, but not with an affection *by an object*" (IWL 74 [GA I/4:241]). Instead—according to the first fully systematic presentation of his position, the 1794/1795 *Foundation of the Entire Wissenschaftslehre*, "all that is required ... is the presence of a check [*Anstoß*] on the I, that is, for some reason that lies merely outside the I's activity, the subjective must be extensible no further" (WL 189 [GA I/2:354–55]). This 'check' to the I's activity is then more specifically depicted by Fichte as the advent or manifestation within the mind ("*im Ich*") of something that is "not immediately posited through the I's own positing of itself" (WL 130 [GA I/2:293]): "something heterogeneous, alien, and to be distinguished" from the I (WL 240 [GA I/2:405]), insofar as the latter essentially consists in pure and autonomous mental activity. In the 1794/1795 presentation, the role of the I's basic other is played by recalcitrant

sensory data (see WL 272 [GA I/2:437]). In later writings, however (most notably the 1796/1797 *Foundations of Natural Right*), Fichte supplements the idea of a merely sensory “check” or “affront” (*Anstoß*) to the I’s activity, with the more complex notion of a conceptually structured “summons” (*Aufforderung*—or, occasionally, “demand”: *Anforderung*), calling for the I’s reasons-responsive self-limitation.²⁵ This notion substantially mitigates, if it does not altogether counteract, the seemingly subjectivist or solipsistic tendencies of Fichte’s transcendental epistemology.²⁶ Indeed, his detailed explication of the necessity and implications of the summons make Fichte the first major theorist of intersubjectivity and its associated norms: reciprocal recognition, respectful self-restraint, and so forth.²⁷

In Chap. 10, “Fichte’s Relational I: *Anstoß* and *Aufforderung*,” Gabriel Gottlieb explores some important issues raised by Fichte’s assignment of the latter two concepts—which *prima facie* are interestingly distinct—to essentially the same transcendental role: that of first enabling the I to become conscious of itself *as* an I. To date, two opposing interpretations of the relations between these ideas have prevailed. One, which Gottlieb calls the “intersubjective interpretation,” argues that Fichte’s initial (1794/1795) doctrine of the *Anstoß* or “check” already implies that an *Aufforderung* or intersubjective “summons” is a necessary condition for full-fledged self-consciousness (a claim the argument for which is then more explicitly elaborated in the texts and lectures of 1796/1797). The other, “standard interpretation” argues, in contrast, that the initial *Anstoß* doctrine concerns only the need for some sort of limit on the I’s activity, and that it is a mistake to suppose that only an *Aufforderung* could fulfill that function. Gottlieb argues that both interpretations have real weaknesses: the intersubjective interpretation lacks sufficient textual support, but the standard interpretation is not easily distinguished from the type of causal-compulsion model that Fichte cannot accept. Instead, then, Gottlieb proposes a “normativity interpretation” of the *Anstoß* doctrine, the central claim of which is that Fichte’s argument, from the start, is that self-consciousness requires, as a necessary condition for its possibility, that the I encounters some kind of normative limit on its own activity, such that it is called upon to freely limit that activity.

Ethical Theory

For Fichte, as for Kant (cf. G 4:437), “reason sets itself an end purely and simply by itself, and to this extent it is absolutely practical” (SE 59 [GA I/5:68]). Thus, as Kant might also say, “a rational being continually legislates

to itself”—but on Fichte’s account, “as concerns the content of the law,” what is required by reason as such is “absolute self-sufficiency, absolute undeterminability by anything other than the I” (SE 58 [GA I/5:67]). Or, to put this more precisely: “Our ultimate goal is the self-sufficiency of all reason as such and thus not the self-sufficiency of one rational being [*Einer Vernunft*], insofar as the latter is an individual” (SE 220 [GA I/5:209]). Presumably such statements convey Fichte’s own, more rarefied conception of what follows from Kant’s core commitments (respect for universal law; humanity as an end itself); but in any case, Fichte’s account of the content, justification, and implications of the moral law diverges from Kant’s approach in a number of notable ways. And, interestingly, through much of the nineteenth century, the expert consensus was that Fichte’s ethical theory is a version of Kantianism that is in some ways superior to Kant’s.²⁸ In latter-day Anglophone moral philosophy, by contrast, Fichte’s contributions have gone largely unrecognized until very recently, with the appearance of several significant in-depth studies.²⁹

In Chap. 11, “Fichte’s Deduction of the Moral Law,” Owen Ware examines Fichte’s approach by comparison with Kant’s. Fichte was sometimes critical of Kant’s strategy of appealing to the “fact of pure reason” as proof of the moral law’s authority (see, e.g., RG 304–305 [GA I/2:27–28]), and this has led most scholars to interpret Fichte’s own deduction of the moral law accordingly—that is, as an attempt to derive not only the content of that law but also the fact of moral consciousness from the I (understood as purely active and freely self-determining), as opposed to positioning consciousness of the moral law as the foundation of moral philosophy and the basis for our affirmation of freedom (as Kant is typically thought to have done). Ware suggests, however, that such interpretations risk oversimplifying Fichte’s approach, especially insofar as they overlook a passage in which Fichte, in the course of his own deduction of the principle of morality, cites Kant’s procedure with evident approval (SE 55–56 [GA I/5:65]). This passage makes it necessary to ask whether Fichte’s own procedure is viciously circular or perhaps inconsistent, but Ware counters these concerns by reconstructing Fichte’s deduction in a way that circumvents such objections while acknowledging and explaining Fichte’s (limited) endorsement of Kant’s alternative approach.

In Chap. 12, “Freedom as an End in Itself: Fichte on Ethical Duties,” Paul Guyer examines some further divergences—along with some noteworthy areas of overlap—between Fichte’s ethics and Kant’s. Guyer argues that both philosophers regard freedom as the highest end that moral agency ought to realize, but that they differ with respect to the ways in which this end is conceptualized and contextualized. On Kant’s account, moral agency finally aims at a “realm of ends” (G 4:433); in Fichte’s case, it strives for “the self-sufficiency

of all reason as such”—not in the sense of untrammelled individual sovereignty, but as the unlimited implementation of freely self-determining rationality. Still, as Guyer notes, Fichte's depersonalization of our ultimate goal—his idea of a freedom that is irreducible to, and that outranks, each individual's freedom to set his or her own ends—finally situates him at quite some distance from Kant. For Kant, the goal of morality is “a whole of all ends in systematic connection (a whole both of rational beings as ends in themselves and of the ends of his own that each may set for himself)” (G 4:433). For Fichte, in contrast,

everyone is an end, in the sense that everyone is a *means* for realizing reason. This is the ultimate and final end of each person's existence; this alone is why one is here, and if this were not the case, if this were not what ought to happen, then one would not need to exist at all.—This does not diminish the dignity of humanity; instead, it elevates it. (SE 245 [GA I/5:230])

Of course, Fichte also holds (as Guyer goes on to explain) that individuals have rights to the pursuit of their own ends, subject to their recognition of the same rights for others.

In Chap. 13, “Fichte on Freedom,” Wayne Martin works to decipher Fichte's famous early statement that the *Wissenschaftslehre* is

the first system of freedom. Just as France has freed man from external shackles, so my system frees him from the fetters of things in themselves, which is to say, from those external influences with which all previous systems—including the Kantian—have more-or-less fettered man. Indeed the first principle of my system presents man as an independent being. (EPW 385 [GA III/2, no. 282a])

Such claims indicate that, chez Fichte, a philosophically tenable treatment of freedom has to be, if not exactly anti-Kantian, then still decidedly post-Kantian. Accordingly, Martin carefully traces the development of Fichte's early views on freedom, from his initial determinism, through an enthusiastic but not-uncritical Kantian phase, and eventually to a post-Kantian position of his own. Fichte, like Kant, seeks to reconcile human freedom with nature's determinism. But he cannot accept Kant's proposed resolution, which (1) requires recourse to things in themselves, (2) threatens to abrogate the causal closure of nature, unless supplemented with a speculative doctrine of preestablished harmony, and (3) makes the connection between our postulated freedom and our lived experience of agency deeply inscrutable. Martin argues that the reconciliation of nature and freedom is therefore reconceived by Fichte, not as something already constituted (because divinely preestablished),

but as a possible future accomplishment, demanded by an “absolute decree of reason” (WL 137 [GA I/2:301]). What reason thus decrees is that we work to transform nature into something that is no longer antithetical to freedom—an infinite task, to be carried out through both the manual cultivation of the world around us and the moral cultivation of the self within.

Political and Social Theory

In Fichte’s philosophy—in yet another significant departure from Kant—rights are justified on strictly *non*-moral grounds.³⁰ In a highly original argument for which Fichte is now famous—and an argument that makes him, not Hegel, the first great theorist of intersubjectivity—he claims that (1) full-fledged self-consciousness can come about only on the basis of an experience wherein one’s capacity for reasons-responsive self-determination is explicitly disclosed and engaged; that (2) this experience must originally take the form of one’s finding oneself the addressee of a summons (*Aufforderung*) from another free being, by whom one is called upon (not compelled) to freely restrict one’s own activity in some way; that (3) to apprehend this summons *as* just such a summons is at least tacitly to acknowledge norms of mutual recognition and restraint that structure and sustain *free, rational* interactions between free, rational *individuals*; and, finally, that (4) to acknowledge such norms is to recognize others’ rights to free self-determination while simultaneously claiming such a right for oneself.³¹

In Chap. 14, “Fichte on Property Rights and Coercion,” Nedim Nomer explores some of the further specifics of Fichte’s account of individual rights, with particular attention to his claim that the integrity of each individual’s rightful sphere of freedom requires both (1) property, understood as some share of the sensible world to which one is exclusively entitled and which makes possible one’s ongoing, individual self-definition, and (2) coercion, in the form of an omnipotent state that enforces the principles of right. Scholars have disagreed about how best to understand both claims: Does Fichte fundamentally understand the right to property as an entitlement to the exclusive possession and use of certain material objects or, instead, as a right to labor under conditions that ensure one’s subsistence as a free individual? And if the principles of right require the coercive backing of an all-powerful state, then how, if at all, does compliance with these principles secure the freedom of the individual? Nomer argues that such questions reflect some mistaken assumptions. First, he suggests, Fichte’s concept of a sphere of personal freedom is sufficiently abstract to underwrite several different kinds of property rights

(including rights of ownership, an entitlement to pursue a specific occupation, and a right of privacy) in a way that is sensitive to specific social contexts. And, second, Fichte thinks that it is a basic fact of social life that different individuals' actions will tend to clash, so that the only alternative to an unending cycle of mutual extra-legal coercion is the establishment of a regime of property rights that make peaceful coexistence possible and that are enforced by the state.

In Chap. 15, "Fichte's Theory of the State in the *Foundations of Natural Right*," James A. Clarke takes a closer look at Fichte's understanding of the relationship between the powers wielded by the state and the rights and freedoms of the individual. Commentators have long questioned whether Fichte's theory strikes an acceptable balance here. Granted, for Fichte the purpose of the ideal state is to guarantee the security of each individual's rights and freedoms; nevertheless, his theory grants unappealable authority and extraordinarily broad powers to the government—and expressly *not* to the populace: Fichte rejects democracy in that sense (see FNR 14 [GA I/3:325]). He also rejects the separation of powers, so his model government cannot comprise relatively independent legislative or judicial branches, by which the state's sweeping executive powers might be overseen or constrained. And these powers, on Fichte's account, include extensive "police power and police legislation" (FNR 146 [GA I/3:444]), the aim of which is to afford all citizens maximum protection against rights-violations, but the techniques of which include (notoriously) the close surveillance of each citizen and the legal prohibition of countless innocuous activities. So is Fichte's account of the ideally rational state actually, if inadvertently, a blueprint for a totalitarian system? Fichte, of course, did not think so, and nor does Clarke, who provides a careful reconstruction of Fichte's theory, with special attention to its provision for an "ephorate" designed to be a bulwark against despotism and tyranny. Clarke then offers a qualified defense of Fichte's theory, against the charge that it leaves individual freedoms at the mercy of an over-empowered state.

Another noteworthy feature of Fichte's social thought is his nationalism—or, if it should prove difficult to find a duly precise definition of "nationalism" that obviously applies, in any case there is his philosophical investment in an ethically-charged notion of nationhood and, indeed, of the German nation's special (spiritual) mission (see AGN 96–97 [GA I/10:195–96]). Do Fichte's ideas thus point the way toward the twentieth century's worst manmade disasters? Do they look forward to the resurgent nationalisms that threaten the postwar international order? It should be noted that worries of this sort may overlook the fact that Fichte's own interest in the issue of nationality was always part of a broader, cosmopolitan outlook, according to which, "through

the mutual intercourse of different peoples,” we ought finally to achieve “an omnifaceted, purely human civilization,” united by science (CCS 198 [GA I/7:141]).³² But it is fair to ask whether such worries can be readily dismissed on those grounds alone.

In Chap. 16, “Fichte’s Concept of the Nation,” David James approaches this question by examining what Fichte actually means by the term “nation.” Fichte commonly deploys important technical terms without explicitly defining them—and he does this on principle, in order to arouse his interlocutor’s own mental energy and agility and, thereby, to elicit a lived experience of the central subject of the *Wissenschaftslehre*. His handling of the notion of the nation is no exception, and this makes it necessary to carefully track the ways in which this concept interacts with other ideas: of the state, descent, culture, language, and so on. As James notes, Fichte regards the ideal state as a political construction designed to sustain various practical arrangements that it would be rational for free agents to agree upon. And insofar as the state ought to be constructed according to such rational criteria, it need not derive its unity or identity from any preexisting ethnic or cultural grouping. Indeed, in *The Closed Commercial State* (1800), Fichte distinguishes (1) the “one nation” comprising the “peoples of modern Christian Europe”—a group united by a common culture, morality, and religion, but not necessarily by shared descent (see CCS 139 [GA I/7:92–93])—from (2) the plurality of independent states into which that larger nation had, largely haphazardly, been politically partitioned. Fichte’s model of the commercially closed state even mandates that such political divisions be rationally redrawn and substantially reinforced—a far cry from demanding the political unification of the nation within a single state, or equating citizenship with membership in a nation that precedes the state’s construction. Nevertheless, Fichte also seems to associate this consolidation of political divisions with the gradual (and, he thinks, desirable) cultivation of increasingly “sharply determined national character[s]” and, indeed, of “entirely new nation[s]” (CCS 195 [GA I/7:139]). The sense of “nation” involved here seems to be in some tension with the one outlined above, so James proceeds to consider whether the *Addresses to the German Nation* (1807/1808) offer a more definite account of what constitutes a nation with its own distinctive character. Certainly there is a significant shift: Fichte now maintains that the members of a nation are united, and their distinctive national character defined, by the “inner frontiers” established by the language that they speak (AGN 53 [GA I/10:150]). More precisely, on this account, in order for language-use to constitute membership in a nation, the language in question must have been acquired in such a way that its elements—especially those that indicate non-sensory phenomena: metaphysical

categories, normative notions, religious conceptions, and so forth—are deeply rooted in and inwardly articulate the lived experience of the speaker (as opposed to being learned and employed in some more surface-level way, such that the language and one's own basic outlook remain to some extent disconnected). This restriction might appear to tie nationality, via language-learning, to ethnicity or descent, but James argues that Fichte's accounts of language-learning and education show that he is not committed to any such necessary connection.

In Chap. 17, “Fichte's Philosophy of History: Between *A Priori* Foundation and Material Development,” by Angelica Nuzzo, the focus shifts from Fichte's analyses of political and cultural formations to his outlook on history as a whole. Before examining Fichte's most thorough treatment of this topic, *Characteristics of the Present Age* (1806), Nuzzo outlines Fichte's earlier thoughts on the interface between philosophy and history. These thoughts reflect the stark tensions between, on the one hand, the sheer givenness and contingency of history, as the work of free human activity, and on the other hand, the philosopher's quest for insight *a priori* into a developmental logic or world-plan that makes history intelligible as a whole and imparts to it a necessary direction. The challenge, then, is to identify rational and formal structures within history—structures that somehow organize and explain the factual course of concrete events without eliminating things' sheer facticity or negating human beings' freedom. Nuzzo argues that prior to the 1806 *Characteristics*, Fichte tends to locate the guiding thread of history within the moral teleology of humanity, which derives from his transcendental analysis of the necessary conditions for self-consciousness. The ensuing outlook, however, hardly constitutes a full-fledged philosophy of history (which, as Nuzzo notes, is something that Fichte seems not to have thought viable at the time). On Nuzzo's reading, a proper philosophy of history—with a complex periodization that is both derivable *a priori* and demonstrably applicable to the actual course of events—becomes possible for Fichte only on the basis of his eventual shift to a more metaphysical frame of reference, in which the transcendental analysis of the necessary conditions for consciousness gives way to a conception of knowing (*Wissen*) as the medium for the manifestation of the absolute. Viewed through this lens, history is the appearance, in a sensible and sequential form, of a supersensible, eternal, *undivided, independent, self-actualizing activity*, which, as such, must appear (in time) as free rational activity's progressive emancipation from blind instinct and overcoming of arational principles of division, until finally, with “sure and unerring hand,” humanity “builds itself up into a fitting image and representative of reason” (CPA 9–10 [GA I/8:201]). Still, Nuzzo argues, Fichte's complete philosophy

of history does not consist solely in the *a priori* derivation of that process's necessary periodization. There is also the need to map the latter onto the actual empirical data, and this is a matter for reflective judgment. This is because the appearance of the absolute requires a medium extraneous to its own perfectly pure, self-actualizing activity, and this entails the introduction of an alien element, opaque and inert, which can impede and inflect the absolute's unfolding, in ways that no pure logic can predict. Pure freedom, striving against unpredictable impediments, yields absolute contingency; thus the philosophy of history has an irreducibly *a posteriori* dimension, without which the philosopher's *a priori* insights yield only a formal schema for history—not fulfilled philosophical comprehension of the real, full-blooded phenomenon.

Metaphysics and Epistemology

In Chap. 18, “Giving Shape to the Shapeless: Divine Incomprehensibility, Moral Knowledge, and Symbolic Representation,” by Benjamin D. Crowe, history is once again an important theme. First, however, Crowe explores some of the more purely philosophical issues raised by Fichte's famous equation of God with the moral world order (IWL 150–51 [GA I/5:354]), his related denial of God's “personality and consciousness” (IWL 152 [GA I/5:355]), and his pointed insistence on God's incomprehensibility (see especially AD 177–79 [GA I/6:50–52]). On Crowe's reading, for Fichte, God is neither a circumscribed personality nor a consciousness defined by a delimited point of view, but God nonetheless can be said to possess mind-like attributes of a rarefied kind. As the “moral world order” (which, Fichte argues, the finite rational being necessarily posits as the supra-subjective, non-sensible guarantor of the inextinguishable efficacy of the good will), God is the constantly-operative, *purposive, intelligent ordering* of the whole—“the reason in which ours is rooted” and which has “been operative in advance of all finite reason” (GA II/4:289), suffusing the whole with purpose by integrating the mechanism of nature with the telos of morality. “As regards content,” Fichte further states, “divinity [*Gottheit*] is nothing but consciousness . . . pure intelligence, spiritual life and activity,” albeit of a sort that is essentially incomprehensible to us (AD 178 [GA I/6:51]). Yet this incomprehensibility arises, Crowe argues, not because Fichte deems God logically impossible or absolutely unspecifiable, but chiefly because he holds that real comprehension requires thorough determination through concepts that mark distinctions and introduce limitations—concepts which, for just that reason, are inapplicable to the unitary, unconditioned ordering of the

whole. Still, such an ordering is (Fichte argues) presupposed by moral agency, from which it follows that, in sum, “it is contradictory not to assume [God’s] existence, [but] assuming that He is comprehensible is equally so. Nothing is as incomprehensible as God” (GA II/4:291). Interestingly, as Crowe goes on to show, that point is nowhere near the *terminus ad quem* of Fichte’s reflections on humanity’s attempts to grasp the divine. In his later writings, especially, Fichte theorizes the historically variable forms of moral community as interestingly-different but always-imperfect expressions of this incomprehensible but indispensable idea. Crowe also examines, throughout this chapter, various Kantian prototypes for Fichte’s positions (most notably in *Critique of the Power of Judgment* and *Religion within the Boundaries of Mere Reason*), while also underscoring the more uncompromising character of Fichte’s own approach.

Fichte’s relation to Kant is once again foregrounded in Chap. 19, “The Letter and the Spirit: Kant’s Metaphysics and Fichte’s Epistemology,” in which Matthew C. Altman argues that Fichte’s radical reworking of Kant’s transcendental epistemology—in particular, his rejection of Kant’s appeal to the thing in itself as the ground of appearances—does not commit him to a merely subjective idealism. In Fichte’s own words, “The *Wissenschaftslehre* ... recognizes the concept of a thing in itself to be a complete perversion of reason, an utterly unreasonable concept” (IWL 56 [GA I/4:225]).³³ Altman recounts Fichte’s chief reasons for paring away this Kantian commitment, and explains how transcendental idealism can jettison that concept and still circumvent subjectivism. The key consideration here is that for the critical philosophy, pure reason is not exclusively theoretical but also (and arguably primarily) practical. As Kant puts it, “Rational being is distinguished from the rest of nature by this, that it sets itself an end” (G 4:437). Compare Fichte: “Reason sets itself an end purely and simply by itself, and to this extent it is absolutely practical” (SE 59 [GA I/5:68]). Reason, on this account, requires not only that we seek knowledge, but also (and arguably primarily) that we work toward an ideal of autonomy or self-sufficiency. And there could be no such project in the absence of some broader context by which the rational being’s independence is somehow compromised. Accordingly, purely practical requirements, purely rational in origin, mandate assent to the existence of a mind-independent reality. All things considered, Altman argues, while Fichte’s position is not faithful to the letter of Kant’s philosophy, it is more consistent with its spirit,³⁴ and especially with Kant’s critique of our epistemic pretensions and his related rethinking of reason’s highest aspirations.

Chapter 20, “Transcendental Ontology in Fichte’s *Wissenschaftslehre* of 1804,” by Markus Gabriel, also examines Fichte’s account of the relationship

between the domain of what there is and the domain of what we can know. Gabriel argues that Fichte's project should be read as a contribution to transcendental ontology—that is, to an account of being and existence that shows that there are no objects or facts that are in principle inaccessible to human knowledge-acquisition.³⁵ (Note that this is one way of understanding what follows from Fichte's rejection of things in themselves.) On this view, although there can be contingent, empirical facts that we happen not to know, what there is (being) cannot outstrip or contradict what is knowable in principle (thought); being can comprise no unknowable domain, outside of or opposed to what thinking is in principle able to grasp. On Gabriel's reading, this is the upshot of Fichte's account of being and existence in the 1804 lectures on the *Wissenschaftslehre*. Also prominent in those lectures is an analysis of "absolute knowing," which, Gabriel argues, is supposed to show, from the higher-order (reflective, transcendental) standpoint of the *Wissenschaftslehre*, that there can be only one form of knowledge and hence only one kind of knower. Consequently, human knowing is not beholden to some specific, contingent cognitive architecture, imposing limits or distortions that a non-human knower (e.g., God) could transcend. Gabriel caps his discussion with an examination of the relationship between the approach outlined above and two alternative accounts of transcendental ontology in Fichte: one broadly antinaturalistic, the other more specifically ontotheological.

Some Repercussions

The extent of Fichte's impact on philosophy's subsequent development, although still widely unrecognized, would be difficult to overstate. Obviously, both German Idealism and early German Romanticism developed in dialogue with Fichte's ideas, but his influence also extends, in less overt ways, into existentialism,³⁶ phenomenology,³⁷ and beyond.³⁸ To mention only a few of the more noteworthy connections: We know that Kierkegaard read Fichte³⁹ and was powerfully influenced by him.⁴⁰ The same is true for Husserl.⁴¹ Heidegger would have been exposed to Fichte's thinking both through Husserl and via the Southwest school of neo-Kantianism (Windelband, Rickert, Lask)⁴²—whose distinctive tendency, Heidegger says in 1919, "one could almost characterize ... as neo-Fichteanism."⁴³ Heidegger's own early project of reconstituting philosophy as "a genuinely primordial science from which the theoretical itself originates"⁴⁴ not only sounds structurally isomorphic with what Fichte attempts in the 1794/1795 *Foundation of the Entire Wissenschaftslehre*,⁴⁵ but also is avowedly indebted to Lask's neo-Fichtean

account of the constitution of intelligibility.⁴⁶ And in his 1929 lectures on German Idealism (which are dominated by a detailed discussion of the 1794/1795 *Foundation*), Heidegger credits Fichte with having dismantled and surpassed modernity's malformed models of subjectivity (as thinking substance, contemplative subject, etc.), through his account of *self-positing* as "the essence of the Being of the entity having the character of the I [*das Wesen des Seins dieses Seienden vom Charakter des Ich*]."⁴⁷ Moreover, although it is not known for certain whether Sartre ever actually read Fichte, the affinities between the two thinkers' philosophies are truly remarkable.⁴⁸

In Chap. 21, "Heidegger's Modest Fichteanism," Michael Stevenson explores the relationship between Fichte's transcendental theory of subjectivity and Heidegger's existential analytic of *Dasein*. Stevenson argues that the idea immortalized in Sartre's slogan, "existence precedes essence"⁴⁹—namely, the claim that human subjectivity is essentially self-constituting—is an idea that originates with Fichte; thus, existentialism is rooted in Fichteanism and, by extension, in the critical philosophy of Kant. In the case of Heidegger, whose work of the late 1920s is the main focus of Stevenson's analysis, the debt to Kant is widely acknowledged. Yet, as Stevenson notes, Heidegger credits German Idealism with having anticipated his appropriation and critique of Kant—while stating, at the same time, that his own reading nevertheless "moves in the opposite direction."⁵⁰ Evidently, then, in coming to terms with Kant's philosophy, Heidegger is also thinking with and against the post-Kantian idealists—but how, more precisely, does he do so? Stevenson's answer is that Heidegger follows Fichte in taking Kant's work to point the way toward a new understanding of human subjectivity as self-constituting—but that Heidegger also diverges from Fichte, and thereby turns away from German Idealism, by rejecting the claim that subjectivity's self-constitution entails its self-sufficiency.

In Chap. 22, "Fichte, Sartre, and Levinas on the Problem with the Problem of Other Minds," by Cynthia D. Coe, the comparative focus shifts from early existentialism's idea of subjectivity to more-recent phenomenological accounts of intersubjectivity. Coe argues that all three of these thinkers, beginning with Fichte, reject the broadly Cartesian model of mentality that gives rise to the traditional epistemological problem. In place of that strictly epistemological depiction of the mind, as essentially a self-sufficient surveyor of things' perceptible properties, all three affirm a person who is partly constituted (not just contingently characterized) by relationships with others and who, accordingly, is answerable to the norms by which such relationships are structured and sustained. Still, Fichte, Sartre, and Levinas all emphasize interestingly different dimensions of the lived experience of intersubjectivity, and Coe

argues that the former two remain partly caught up in the traditional picture, which is defined (and in some ways distorted) by an exaggerated image of the autonomous individual consciousness, whereas closer attention to what is experientially and ethically elemental to intersubjectivity—as we find, for example, in Levinas’s phenomenology—encourages a more accurate and more adequate understanding of our individual limitations and obligations.

Fichte opens the first Introduction to the 1797/1798 *Attempt at a New Presentation of the Wissenschaftslehre* with these lines: “Attend to yourself; turn your gaze from everything surrounding you and look within yourself: this is the first demand philosophy makes upon anyone who studies it” (IWL 7 [GA I/4:186]). Perhaps it is unsurprising that the ensuing account of I-hood, with its new and (until that time) unparalleled stress on self-conscious self-actualization, would provide a significant stimulus toward the development of more concentrated existential and phenomenological approaches. Interestingly, and perhaps surprisingly, Fichte’s ideas have also figured importantly in more recent debates taking place in the more analytical precincts of German philosophy. In particular, Fichtean ideas have importantly informed Dieter Henrich’s subjectivity-centered critique of Habermas’s discourse ethics.⁵¹ Beyond that, however (and this seems to be relatively little-known in Anglophone circles), an interestingly Fichtean approach to issues in the analytic philosophy of language—the transcendental pragmatics of Karl-Otto Apel⁵²—has emerged as an important alternative both to the approach preferred by Habermas and, no less, to the ‘philosophy of consciousness’ still favored by figures like Henrich.

In Chap. 23, “Fichtean Selfhood and Contemporary Philosophy of Language: The Case of Transcendental Pragmatics,” Michihito Yoshime reconstructs this development. As Yoshime explains, Fichte is the first philosopher in the transcendental tradition to have reached the following radical insight, which structures his entire philosophy: A transcendental “science of science,” the basic principles of which should ground those of all other legitimate sciences, must be in some sense *self-grounding*; consequently, the transcendental “science of science” must have a basic principle that is in some way self-certifying—and, accordingly, self-reverting or self-referentially structured. And the *Wissenschaftslehre* is founded upon precisely such a principle, which describes the self-referentially self-grounding activity-structure (the *Tathandlung* or “fact-act”) constitutive of *selfhood*—or the I, or I-hood (*Ichheit*), or consciousness. Yoshime argues, however, that in light of more recent philosophical developments—especially the linguistic turn, and in particular Wittgenstein’s private language argument—philosophy’s self-reverting grounding cannot plausibly be credited to the spontaneity and interiority of a

self-positing consciousness, but must instead be rethought with reference to the inescapable norms and presuppositions of argumentative discourse. Apel's transcendental pragmatics, especially in its approach to "ultimate grounding" (*Letztbegründung*), undertakes just such a project. Thus, Yoshime's reading suggests that the *Wissenschaftslehre*, in addition to being a pivotal contribution to post-Kantian philosophy, remains a key resource for contemporary reflections on rationality's foundations.

Conclusion: Complexity, Unity, Infinity

Chapter 24 brings the volume to a close with a series of brief reflections on some of the more noteworthy prospects and problems for Fichte studies in the years ahead. One enduring source of real promise, but also of not-inconsiderable difficulty, is the sheer complexity of Fichte's philosophy. This makes the interpretation of his writings particularly challenging, but it also constitutes his work as a remarkably rich resource, whose conceptual potential is far from exhausted and whose historical impact we have only recently begun to appreciate aright. Two somewhat more specific challenges also loom large: the development of more-unified accounts both of the Jena *Wissenschaftslehre* in particular, and also of the *Wissenschaftslehre* as a whole, through and beyond the writings of 1800 (this later period being, to a large extent, *terra incognita* in the Anglophone world). To say this is, of course, to presuppose the overall and enduring consistency of at least the essentials of Fichte's philosophy. But some such working assumption seems justified, not only by the general principle of charity, but also by Fichte's own, lifelong, oft-attested will to absolute integrity—to "what gives strength and completeness to the whole" (WL 113 [GA I/2:276]).

Notes

1. The word "*Wissenschaftslehre*" is Fichte's neologism and names his philosophy's initial basic aim: "demonstrating the first principles of all the sciences which are possible—something which cannot be done within these sciences themselves" (EPW 108 [GA I/2:120]). Fichte's project thus begins as a rigorous demonstration and delimitation—thus, a 'doctrine' or 'theory' (*Lehre*)—of 'science,' that is, of well-founded, systematically elaborated cognition (*Wissenschaft*). Nevertheless, in even the earliest statements of even its most basic claims, the *Wissenschaftslehre* broaches axiological and (arguably) onto-

logical topics that are not ordinarily associated with the aforementioned epistemological concerns. For that reason, and also because the system's epistemological essentials are not quite captured by any one English rendering ("Doctrine of Science," "Theory of Scientific Knowledge," "Science of Knowledge," etc.), it is standard practice to leave Fichte's coinage untranslated.

2. The details are too complicated to go into here; instead, concerning the first major phase of Fichte's career (1793–1799), see Daniel Breazeale, "Fichte in Jena" (EPW 1–50); and regarding its second major phase (from 1799 until Fichte's untimely death in 1814), see Günter Zöller, "Fichte's Later Presentations of the *Wissenschaftslehre*," in *The Cambridge Companion to Fichte*, ed. David James and Günter Zöller (Cambridge: Cambridge University Press, 2016), 139–67.
3. Fichte's most impactful works were all published during the 1790s and thus at a pivotal moment for classical German philosophy, insofar as this decade also saw Kant's last major publications, a series of important early texts by Schelling, and the earliest (albeit then-unpublished) writings of Hegel. From 1800 until his death in 1814, Fichte produced a great deal of significant further work, but most of this material remained unpublished during his lifetime, and only a fraction has been translated into English (most notably: VM; CCS; CCR; WL₁₈₀₄; AGN; LTE; and the writings compiled in volume two of *The Popular Works of Johann Gottlieb Fichte*, 4th ed., trans. William Smith, ed. Daniel Breazeale (Bristol: Thoemes Press, 1999)).
4. For recent overviews of the period, see: Frederick Beiser, *The Fate of Reason* (Cambridge: Harvard University Press, 1987); Frederick Beiser, *German Idealism: The Struggle against Subjectivism, 1781–1801* (Cambridge: Harvard University Press, 2002); Eckart Förster, *The Twenty-Five Years of Philosophy*, trans. Brady Bowman (Cambridge: Harvard University Press, 2012); Paul W. Franks, *All or Nothing: Systematicity, Transcendental Arguments, and Skepticism in German Idealism* (Cambridge: Harvard University Press, 2005); Terry Pinkard, *German Philosophy 1760–1860: The Legacy of Idealism* (Cambridge: Cambridge University Press, 2002).
5. For a sampling, including contextualizing commentary, see AD.
6. In the text containing the first published presentation of the *Wissenschaftslehre*'s basic principles ("Review of *Aenesidemus*": EPW 59–77 [GA I/2:41–67]), Fichte explicitly connects (1) those principles themselves, (2) his conception of pure reason as practical, (3) his account of the rational grounds for "belief in God [*Glauben an Gott*]," and (4) an affiliated analysis of the origin and content of the "idea of divinity [*Idee der Gottheit*]" (see especially EPW 75–76 [GA I/2:64–66]). He returns to these issues in the 1798 essay, "On the Basis of Our Belief in a Divine Governance of the World" (IWL 142–54 [GA I/5:347–57]), cited above, which figured prominently among the causes of the atheism controversy.

7. See also EPW 75 (GA I/2:65); IWL 52 (GA I/4:221).
8. As Günter Zöllner notes (cf. Chap. 3, below), the term “transcendental idealism” has a much more restricted denotation for Kant than it does for Fichte. For Kant, the term pertains to the enabling conditions for empirical intuition specifically, whereas for Fichte, it far more broadly encompasses both the methodological standpoint and all of the main substantive findings of a philosophy constructed along post-Kantian lines.
9. See, for example, Tom Rockmore, *German Idealism as Constructivism* (Chicago: University of Chicago Press, 2016), chap. 3; Kienhow Goh, “The Ideality of Idealism: Fichte’s Battle against Kantian Dogmatism,” in *Fichte and Transcendental Philosophy*, ed. Tom Rockmore and Daniel Breazeale (London: Palgrave Macmillan, 2014), 128–42.
10. See, for example, Steven Hoeltzel, “The Unity of Reason in Kant and Fichte,” in *Kant, Fichte, and the Legacy of Transcendental Idealism*, ed. Halla Kim and Steven Hoeltzel (Lanham, MD: Lexington Books, 2014), 129–52. Cf. Daniel Breazeale, “The Problematic Primacy of the Practical,” in *Thinking Through the Wissenschaftslehre* (Oxford: Oxford University Press, 2013), 404–39; cf. also Günter Zöllner, *Fichte’s Transcendental Philosophy: The Original Duplicity of Intelligence and Will* (Cambridge: Cambridge University Press, 1998), chaps. 5 & 6.
11. See especially Michelle Kosch, “Fichtean Kantianism in Nineteenth-Century Ethics,” *Journal of the History of Philosophy* 53, no. 1 (2015): 111–32.
12. There is also Schopenhauer to consider, but in this case the connection is more remote. See Günter Zöllner, “Schopenhauer’s Fairy Tale about Fichte: The Origin of *The World as Will and Representation* in German Idealism,” in *A Companion to Schopenhauer*, ed. Bart Vandenabeele (London: Blackwell, 2012), 385–402.
13. “In the material sense”—ergo, the empirical sciences, broadly construed (Ed.).
14. Note that much of what we ordinarily count as philosophy does not satisfy this Fichtean standard. For example, to elaborate a relations-based metaphysics consistent with quantum mechanics, or to develop an account of mental states as multiply-realizable functional states in order to link psychology and neuroscience, would *not* be to think philosophically, per the criterion outlined above. This is because in both of those cases one would be working to “expand the sphere of ordinary thinking”—thoughtfully filling in the picture which our experiences merely sketch—as opposed to bracketing and questioning that sphere in its entirety and as such (stepping back from that whole picture and asking how any such picture can first come about). Evidently, for Fichte, philosophy *sensu strictissimo* must be (or at any rate must begin with) such higher-order, transcendental reflection on “ordinary thinking” as such (including ‘the material sciences’), for the reason that, in the absence of “this separation from actual life,” our thinking remains in the grip of unexamined

assumptions as to what there really is—tacit default commitments which transcendental philosophy deactivates and interrogates (see EPW 432–35 [GA III/3, no. 440]).

15. For a classic treatment of this topic, see Daniel Breazeale, “Idealism vs. Dogmatism,” in *Thinking Through the Wissenschaftslehre*, 301–33.
16. In a strikingly forward-looking argument, Fichte denies that such an explanation ever could be completely carried through, on the grounds that the self-transparency, intentionality, and normativity integral to I-hood are ‘dogmatically’ inexplicable—i.e., irreducible to any amount or arrangement of mindless objects and aimless processes (see especially IWL 20–25 [GA I/4:195–99]).
17. Cf. IWL 17 (GA I/4:193): “The dispute between the idealist and the dogmatist is actually a dispute over whether the self-sufficiency of the I should be sacrificed to that of the thing, or conversely, whether the self-sufficiency of the thing should be sacrificed to that of the I.”
18. For a more detailed treatment of the transcendental theory outlined here, see Steven Hoeltzel, “The Three Basic Principles (*drei Grundsätze*),” in *The Bloomsbury Companion to Fichte*, ed. Marina F. Bykova (London: Bloomsbury, forthcoming).
19. In Fichte, see e.g. IWL 149–50 (GA I/4:184–85); VM 99 (GA I/6:284–85).
20. All quotations in this chapter that reference WL are my own translations; I provide the references for the benefit of Anglophone readers who wish to examine the indicated claims in context.
21. Here the main puzzle is presented by “*schlechthin*,” which is often rendered as “absolutely,” but which can just as acceptably (from a purely verbal standpoint) be rendered as “purely and simply,” or just “simply”—which might put an interestingly different spin on Fichte’s principles. Many contemporary scholars are chary of “absolutely,” insofar as the term “absolute” (“the absolute I,” and so on) can seem to suggest an outdated, metaphysically inflationary interpretation of Fichte’s idealism. Still, there are philosophically significant but not disreputably-‘metaphysical’ senses in which the I’s positing of itself (etc.) might qualify as interestingly ‘absolute’—for instance, in being neither causally compelled by prior conditions nor rationally mandated by any prior commitments.
22. For a helpful discussion of this concept, see pp. 376–83 in Paul Franks, “Fichte’s Position: Anti-Subjectivism, Self-Awareness, and Self-Location in the Space of Reasons,” in *The Cambridge Companion to Fichte*, ed. David James and Günter Zöller (Cambridge: Cambridge University Press, 2016), 374–404.
23. Two landmark earlier studies are: Frederick Neuhouser, *Fichte’s Theory of Subjectivity* (Cambridge: Cambridge University Press, 1992); Zöller, *Fichte’s Transcendental Idealism*.

24. On cognitive construction in Fichte, see also Rockmore, *German Idealism as Constructivism*, chap. 3.
25. For a helpful discussion of this dimension of Fichte's position, see pp. 82–87 in Allen W. Wood, "Deduction of the Summons and the Existence of Other Rational Beings," in *Fichte's Foundations of Natural Right: A Critical Guide*, ed. Gabriel Gottlieb (Cambridge: Cambridge University Press, 2016), 72–91.
26. See Allen W. Wood, "Fichte's Intersubjective I," in *The Free Development of Each: Studies on Freedom, Right, and Ethics in Classical German Philosophy* (Oxford: Oxford University Press, 2014), 194–213.
27. Concerning Fichte's justification of those norms, see Frederick Neuhouser, "Fichte's Separation of Right from Morality," in *Fichte's Foundations of Natural Right: A Critical Guide*, ed. Gabriel Gottlieb (Cambridge: Cambridge University Press, 2016), 32–51.
28. See Kosch, "Fichtean Kantianism."
29. See Michelle Kosch, *Fichte's Ethics* (Oxford: Oxford University Press, 2018); Allen W. Wood, *Fichte's Ethical Thought* (Oxford: Oxford University Press, 2016); Owen Ware, *Fichte's Moral Philosophy* (Oxford: Oxford University Press, forthcoming); Owen Ware and Stefano Bacin, eds., *Fichte's System of Ethics: A Critical Guide* (Cambridge: Cambridge University Press, forthcoming).
30. For further discussion, see James A. Clarke, "Fichte's Independence Thesis," in *Fichte's Foundations of Natural Right: A Critical Guide*, ed. Gabriel Gottlieb (Cambridge: Cambridge University Press, 2016), 52–71.
31. This is my paraphrase of Fichte's reasoning, but for this understanding of his position, I am particularly indebted (albeit not perfectly faithful) to Wood, "Deduction of the Summons," and Neuhouser, "Fichte's Separation of Right from Morality."
32. For further development of this point, see (in addition to Chap. 16, below) David James, *Fichte's Republic: Idealism, History and Nationalism* (Cambridge: Cambridge University Press, 2015), 38–39. For an overview of cosmopolitanism in Fichte (and Kant), see Emiliano Acosta, "Revisiting Kant and Fichte's Conceptions of Cosmopolitanism," *Revista de Estud(i)os sobre Fichte* 16 (2018): <https://journals.openedition.org/ref/805>.
33. Indeed, Fichte is so thoroughly convinced of the concept's obvious inadmissibility that he repeatedly claims that *Kant himself* never seriously affirms that there are things in themselves that ground our sensations. See especially IWL 65–71 (GA I/4:234–39).
34. Fichte himself liked to describe his relationship with Kant's work in exactly these terms. See especially IWL 63–64n (GA I/4:231n).
35. On transcendental ontology in German Idealism more generally, see Markus Gabriel, *Transcendental Ontology: Essays in German Idealism* (London: Bloomsbury, 2013).

36. See Steven Hoeltzel, "Fichte and Existentialism: Freedom and Finitude, Subjectivity and Striving," in *The Palgrave Handbook of German Idealism and Existentialism*, ed. Jon Stewart (London: Palgrave Macmillan, forthcoming).
37. See the essays collected in *Fichte and the Phenomenological Tradition*, ed. Violetta L. Waibel, Daniel Breazeale, and Tom Rockmore (Berlin: de Gruyter, 2010).
38. For a classic statement of this view, see Allen W. Wood, "Introduction," in ACR, xxiv–xxviii; cf. Allen W. Wood, "Fichte's Philosophical Revolution," *Philosophical Topics*, 19, no. 2 (1991): 1–28.
39. See David J. Kangas, "J. G. Fichte: From Transcendental Ego to Existence," in *Kierkegaard and His German Contemporaries Tome I, Philosophy*, ed. Jon Stewart (*Kierkegaard Research: Sources, Reception and Resources*, vol. 6) (Aldershot: Ashgate, 2007), 49–66.
40. In addition to Kangas, "J. G. Fichte," see: Michelle Kosch, "Kierkegaard's ethicist: Fichte's role in Kierkegaard's construction of the ethical standpoint," *Archiv für Geschichte der Philosophie* 88, no.3 (2006): 261–95; Samuel Loncar, "From Jena to Copenhagen: Kierkegaard's Relations to German Idealism and the Critique of Autonomy in *The Sickness unto Death*," *Religious Studies* 47, no. 2 (2011): 201–16.
41. See, for example, James G. Hart, "Husserl and Fichte: With special regard to Husserl's lectures on 'Fichte's ideal of humanity,'" *Husserl Studies* 12 (1995): 135–63.
42. See Marion Heinz, "Die Fichte-Rezeption in der südwestdeutschen Schule des Neukantianismus," *Fichte-Studien* 13 (1997): 109–29.
43. Martin Heidegger, *Towards the Definition of Philosophy*, trans. Ted Sadler (London: Continuum, 2008), 111.
44. *Ibid.*, 75.
45. Cf. Alfred Denker, "The Young Heidegger and Fichte," in *Heidegger, German Idealism, and Neo-Kantianism*, ed. Tom Rockmore (Amherst, NY: Humanity Books, 2000), 103–22.
46. Heidegger, *Towards the Definition*, 69; for further context, see Theodore Kisiel, "Heidegger—Lask—Fichte," in Rockmore, *Heidegger, German Idealism, and Neo-Kantianism*, 239–70.
47. See Martin Heidegger, *Gesamtausgabe: Abteilung II, Band 28: Der deutsche Idealismus (Fichte, Schelling, Hegel)*, ed. Claudius Strube (Frankfurt: Klostermann, 1997), 65. For discussion, see Jürgen Stolzenberg, "Martin Heidegger reads Fichte," in Waibel, Breazeale, and Rockmore, *Fichte and the Phenomenological Tradition*, 207–22.
48. See Dorothea Wildenburg, *Ist der Existentialismus Ein Idealismus?: Transzendentalphilosophische Analyse der Selbstbewußtseinstheorie des Frühen Sartre Aus der Perspektive der Wissenschaftslehre Fichtes* (Amsterdam: Rodopi, 2003); cf. Daniel Breazeale, "How to Make an Existentialist? In Search of a Shortcut from Fichte to Sartre," in Waibel, Breazeale, and Rockmore, *Fichte and the Phenomenological Tradition*, 277–312.

49. Jean-Paul Sartre, "Existentialism is a Humanism" (reprinted as "Existentialism"), trans. Bernard Frechtman, in *Existentialism and Human Emotions* (New York: Citadel Press, 1985), 13; cf. 15f.
50. Martin Heidegger, *Kant and the Problem of Metaphysics*, trans. Richard Taft, 5th enl. ed. (Bloomington: Indiana University Press, 1997), 96–97n.
51. For a sympathetic presentation of Henrich's position vis-à-vis that of Habermas, see Dieter Freundlieb, *Dieter Henrich and Contemporary Philosophy* (Aldershot: Ashgate, 2003).
52. For an overview of Apel's approach, see Matthias Kettner, "Raising Validity Claims for Reasons: Transcendental Reflection in Apel's Argumentative Discourse," in *Transcendental Inquiry: Its History, Methods, and Critiques*, ed. Halla Kim and Steven Hoeltzel (London: Palgrave Macmillan, 2016), 209–32.

Part I

Historical and Conceptual Context



2

Fichte's Life and Philosophical Trajectory

Yolanda Estes

The Early Years (1762–1794)

Johann Gottlieb Fichte was born on May 19, 1762 in Rammenau, Saxony.¹ His parents, Christian and Maria Dorothea, farmed and maintained a cottage garter-weaving industry. Christian's favorite child proved sensitive, excitable, and bright. When he was about nine years old, the Baron von Miltitz sponsored little Fichte's education in the hope that he would become a village parson. The youngster attended the *Stadtschule* in Meißen and then the elite *Schulpforta*. Although his academic performance was exemplary, the boy was sometimes unhappy, at one point running away from *Schulpforta*. After graduating from the *Gymnasien*, Fichte studied in Jena, Leipzig, and Wittenberg, until von Miltitz died and his widow withdrew support for her ward's education.

Between 1785 and 1794, Fichte served as a rootless tutor, eking out a living from prosperous households in Zürich, Krakow, and various Saxon towns. Once, on the eve of his twenty-sixth birthday, he fell into a nearly suicidal depression. The two bright moments during this dismal period of Fichte's life were his discovery of Immanuel Kant's critical philosophy, which released him from the trammels of material determinism and fatalism, and his introduction to Johanne Rahn, who accepted his pledge of affection and marriage. From 1785 until 1793, Fichte struggled to survive. At one point, he broke off

Y. Estes (✉)

Mississippi State University (Retired), Mississippi State, MS, USA

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his engagement to Johanne, asking her to seek a better suitor. He made an arduous trek to Königsberg, where he solicited Kant's moral and economic assistance. Although Kant rebuffed the plea for economic assistance, he helped Fichte secure a publisher for his first book, *Attempt at a Critique of all Revelation*, published in 1792. Finally, in 1793, spirits bolstered, Fichte returned to Zürich and married the long-suffering Johanne. Shortly afterwards, the University of Jena sought him to replace K. L. Reinhold in the prestigious chair in critical philosophy. By 1794, Fichte was ensconced in Jena as a professor of philosophy, specially appointed by the Weimar Court of Duke Karl August.

When he arrived in Jena, Fichte was still working out his own interpretation of Kant's critical philosophy. He shared many philosophical goals and presuppositions with the elder philosopher. Fichte approved of Kant's restriction of knowledge in order to preserve faith in God, freedom, and the kingdom of ends. He regarded Kant as defending morality from material determinism while simultaneously securing natural science from philosophical skepticism. Both philosophers eschewed dogmatism, or the employment of concepts and principles without an adequate investigation of their legitimacy. Like Kant, Fichte believed that philosophy should explain the conditions necessary for the possibility of experience and held that in order to do so, it must rise above the empirical standpoint of morality, natural science, and sensible experience, to the transcendental standpoint of philosophy.

Because of his genuine respect for the "spirit" of Kant's critical philosophy, Fichte soon felt compelled to alter its "letter." Maimon had shown him that Kant's idealism remained vulnerable to skepticism.² Both Schulze and Jacobi pointed to the thing-in-itself as the weak point of Kant's philosophy.³ Following Reinhold, Fichte decided to rebuild the critical philosophy as a science, or a systematic body of knowledge, derived from an unconditional first principle.⁴ Thus, he came to develop his own distinctive form of transcendental idealism, which he called *Wissenschaftslehre*.

Fichte presented his transcendental idealism in many different ways, but despite radical changes in terms, style, and method throughout his philosophical development, he insisted that each version retained the essence of the one and only *Wissenschaftslehre*. Every version of the *Wissenschaftslehre* emphasizes freedom and morality. The principle of determination through opposition, which stipulates that something particular (or determinate) must always be conceived in contrast to something general (or determinable), remains an important methodological device throughout Fichte's philosophy.⁵ Likewise, most presentations of the *Wissenschaftslehre* culminate in a five-fold synthesis of the main elements of human consciousness.

For Fichte, the task of philosophy was always to relate life or human consciousness (that is, sensible experience at the empirical standpoint) to its supersensible ground (that is, pure consciousness at the transcendental standpoint). As an explanation of life, philosophy proves no experiential facts but only demonstrates the relation between those facts within thinking (IWL 8 [GA I/4:186]). Although life and philosophy are opposites, life presumes concepts and principles that can only be justified by philosophy at the transcendental standpoint, and philosophy presupposes feelings, intuitions, and beliefs that can only be discovered at the empirical standpoint.⁶

The *Wissenschaftslehre* shows that awareness of things—objective consciousness—is an aspect of awareness of self—subjective consciousness—or, as Fichte calls it during the Jena period, the “I.” Transcendental idealism must explain the whole of human experience or, at minimum, the universal and necessary aspects of human reason. In experience, the rational subject discovers itself as thinking and willing; thus, philosophy must account for the universal and necessary laws to which every rational subject’s cognition and volition conform (IWL 2–118 [GA I/4:183–281]). The theoretical *Wissenschaftslehre* explains the rational laws of cognition—ways of thinking about the world—whereas the practical *Wissenschaftslehre*, or *Sittenlehre*, explains the rational laws of volition—ways of acting in the world. In experience, the rational subject also discovers that the postulates of theoretical and practical reason require satisfaction through the activities of rational subjects. The system of right, or *Rechtslehre*, addresses the goal that theoretical reason gives to practical reason: free individuals ought to unite in peaceful relations. The philosophy of religion, or *Religionslehre*, addresses the goal that practical reason gives to theoretical reason: sensibility ought to conform to the goal of reason (NM 470–71 [GA IV/2:264–25]).

The Jena *Wissenschaftslehre* (1794–1799)

During Fichte’s tenure at Jena (1794–1800), he enjoyed a period of immense productivity as well as extraordinary popularity amongst the students. At home, his marital contentment was only increased by the birth of his only child, Immanuel H. Fichte. Nonetheless, there was rarely a moment when Fichte was not enmeshed in some bitter literary dispute or subjected to some spurious political accusation. Allegations of his democratic and anti-religious tendencies were more or less constant. These charges were often instigated by the mostly anonymous publications of the reactionary journal *Eudämonia, oder Deutsches Volksglück*. These rumors sometimes led to formal charges, such

as the charge raised by the Jena Consistory that Fichte was violating the Sabbath by holding mid-morning lectures on Sunday. His efforts to mediate between the various student “orders” and the authorities ended in student riots, during which the Fichte family fled to Oßmannstedt.⁷ Despite these difficulties, Fichte was productive, completing many significant philosophical works, and charismatic, lecturing to eager audiences of one hundred, and even four hundred, strong.

During Fichte’s Jena period, he described the move from the empirical standpoint to the transcendental standpoint as an act of intuition initiated by following the simple instruction: Think of the “I” and think about yourself as you do this (NM 110 [GA IV/2:29]). Whether or not we think about ourselves depends entirely on our own free decision. However, if we think about ourselves, then we engage in an act of self-reflection; and if we engage in this self-reverting activity, we think about ourselves. This non-sensible and immediate self-recognition is an *intellectual intuition*.

Fichte’s *Wissenschaftslehre nova methodo* (1796/1799), one of many presentations of his theoretical philosophy, begins with a preliminary definition of subjective consciousness as a philosophical intellectual intuition of the I’s self-reverting activity. The question, “How does the I discover itself as active?” propels the central argument, generating progressively richer concepts of I-hood, which are restricted and focused by the principle of determinability. This examination of the concept of I-hood generates a series of dualities: intellect and will, real (objective) and ideal (subjective) thinking, and ideal (conceptualizing or theoretical) and real (practical) activity.⁸

The I discovers itself as active by willing, but willing presupposes the concept of a goal, which, in turn, presupposes the concept of an object; and the concept of an object presupposes willing.⁹ To escape this circle, Fichte postulates a will that contains its own goal, or a *pure will*. Since any concept must be thought as something determinate, or particular, the concept of pure will must be limited in thinking, or *felt* in *consciousness* as an individual will. Pure willing, which is wholly intelligible, cannot be limited sensibly by *something* but only limited intelligibly by *someone*, that is, by another will.

Pure willing is limited as a particular (determinate) rational will in relation to a general (determinable) world of rational being by means of another will. The particular rational will, which is not wholly intelligible, is limited, or felt, as a determinate sensible object (or body) in relation to a determinable world of material being. Thus, for Fichte, the empirical standpoint can be explained in terms of a synthetic relation between the individual rational will, a world of rational being, the particular sensible body, and a world of material being,

which are united by an intellectual intuition occasioned by a summons from another rational will. At the transcendental standpoint, this five-fold synthesis is simply a philosophical postulate or hypothesis, which cannot provide any explanation of human consciousness unless it occurs as a fact, or real intellectual intuition, in life.

A real intellectual intuition does occur, because, in life, the rational subject encounters other human beings, who sensibly affect its body and thereby, solicit deference to their intelligible wills. When the individual becomes aware of another will like its own, it recognizes that it is obliged to respect that will by acting in a particular manner, or fulfilling a specific duty. This recognition causes the moral subject to reflect on itself as free. Thus, the ideal, abstract concept that grounds the *Wissenschaftslehre* is a real, concrete part of empirical consciousness. It is the familiar form of self-reverting activity encountered in moral consciousness (NM 465 [GA IV/2:260–61]). The moral subject's recognition of this activity is immediate and certain; thus, it is not a conceptual object of knowledge but the intuitive foundation of all belief and, thereby, of all knowledge.

The real intellectual intuition of the moral law, or the feeling of freedom, which is initiated by the summons issued by another free being, provides an extra-philosophical sanction for the philosophical intellectual intuition, or the concept of I-hood, which constitutes the starting point of the theoretical *Wissenschaftslehre*. In the *System of Ethics according to the Principles of the Wissenschaftslehre*—the *Sittenlehre*—Fichte deduces the moral law, or principle of morality, as a transcendental condition for individual self-consciousness.

Consideration of the I in abstraction from external things reveals that a rational subject must be conscious of itself as a willing subject (SE 25–29 [GA I/5:37–42]).¹⁰ The I is essentially its tendency to self-activity as an end-in-itself. The law of self-sufficiency, or principle of morality, is the “necessary thought of the intellect that it ought to determine its freedom in accordance with the concept of self-sufficiency, absolutely and without exception” (SE 60 [GA I/5:69–70]).¹¹

To be sure, individuals will disagree about their practical judgments, but they ought to engage in reciprocal interaction to develop shared convictions within the moral community, because the aim of morality is reason as a whole. Nonetheless, in the sensible world, moral subjects must perform their duties as many individual (and often conflicting) wills rather than as an intelligible whole. Consequently, in order for moral individuals to exercise their freedom, they must be united under a concept of right that secures a sphere of freedom for every member of society.

In the *Foundations of Natural Right*, or *Rechtslehre*, Fichte formulates a principle of right that determines the necessary juridical relations between rational subjects. A rational being cannot become self-conscious without attributing a free efficacy to itself, which requires it to posit an object that opposes its efficacy; but it cannot posit an object if it is not really efficacious. To dispel the apparent circularity here, Fichte introduces the hypothesis that the “already posited” object must be precisely the rational being’s own efficacy. However, the rational being feels the object as a determinate limitation on its activity, so the subject must find itself as constrained and free simultaneously. Fichte argues that the rational being can find itself in this manner only if “we think of the subject’s being-determined as *its being-determined to be self-determining*, i.e. as a summons [*eine Aufforderung*] to the subject, calling upon it to resolve to exercise its efficacy” (FNR 31 [GA I/3:342]).

The summons from another rational subject initiates the rational subject’s self-awareness without undermining its freedom, because the subject chooses freely to act or not to act in deference to other subject. The subject’s self-concept is necessarily connected to the thought of reciprocal interaction between individuals whereby each subject obtains a determinate sphere of possible activity (FNR 31 [GA I/3:342]). This thought yields the principle of right: “I must in all cases recognize the free being outside me as a free being, i.e. I must limit my freedom through the concept of the possibility of his freedom” (FNR 49 [GA I/3:358]).

The summons to free activity, which appears as the categorical imperative in the *Sittenlehre*, appears as a hypothetical imperative in the *Rechtslehre* (see: NM 338, 437 [GA IV/II:168, 240–41]; SE 68–71 [GA I/5:76–79]; FNR 37–39 [GA I/3:347–49]).¹² The principle of morality commands the moral subject to respect freedom in itself and others as an end in itself, whereas the principle of right solicits the juridical subject to respect the freedom of others as a means to recognizing and preserving its own freedom.

The Atheism Dispute (1798–1800)

Although the principle of right mitigates the conflicts that arise between moral individuals in order that they might strive to achieve the goal of reason in the sensible world, the sensible world rarely conforms to reason and, hence, practical reason demands that theoretical reason explain how to reconcile the conflict between the sensible and the intelligible. Philosophy of religion, or *Religionslehre*, provides this account. Fichte articulated his early *Religionslehre* at the end of his tenure in Jena and by chance—or mischance—as it were.

In the fall of 1798, Fichte and F. I. Niethammer published, in the *Philosophisches Journal einer Gesellschaft Teutscher Gelehrten*, which they co-edited,¹³ “Development of the Concept of Religion” by F. K. Forberg, an iconoclastic proponent of the critical philosophy,¹⁴ and “On the Ground of Our Belief in in a Divine World-Governance” by Fichte (AD 21–29 [GA I/5:347–57]). These essays garnered little attention outside the transcendental circle until the widespread distribution of an anonymously authored tract, *A Father's Letter to his Student Son about Fichte's and Forberg's Atheism* (AD 57–75 [GA I/6:121–38]). Soon after this maudlin pamphlet appeared, members of the Dresden High Consistory complained to the Saxon Elector, Friedrich August that the *Philosophisches Journal* contained atheistic statements. This allegation led to the *Atheismustreit*, or atheism dispute.¹⁵

In November of 1798, Friedrich August issued a confiscation rescript and posted a letter to the Ernestine Dukes of Saxony, including Karl August, the Duke of Saxony–Weimar–Eisenach. Friedrich August forbade distribution of the journal and advised the dukes that if Fichte, Forberg, and Niethammer were not investigated and punished, he would bar his subjects from attending institutions of learning in Ducal Saxony and, particularly, in Jena. Karl August, the patron of the University of Jena, sent his own rescript to the university, demanding the investigation and punishment of Fichte and Niethammer for editorial, and possibly academic, negligence.

In January 1799, Fichte published an *Appeal to the Public*, exhorting the learned community to support his denial of the atheism charge (AD 92–125 [GA I/5:363–65]). In March, as instructed by Pro-Rector H. E. G. Paulus, Fichte and Niethammer submitted, to Karl August and the other Ernestine Dukes, a “juridical defense” of their actions as editors—and in Fichte's case as an author—of the condemned essays. Meanwhile, Fichte sent a letter to Karl August's Privy-Councilor, Christian Gottlob Voigt, threatening to resign if censured for atheism. The Ernestine Dukes unanimously condemned Fichte and Niethammer. In April, Karl August, through the University of Jena, sent Fichte and Niethammer a reprimand for negligence, which included a post-script “accepting” Fichte's “resignation.” In the aftermath, both Kant and Jacobi published highly critical repudiations of the *Wissenschaftslehre*. Meanwhile, Fichte's students brought two petitions, signed by nearly three hundred students, before Karl August, to no avail.

It is ironic that Fichte had published “On the Basis of Our Belief in a Divine World-Governance” to counter the mocking, skeptical tone of Forberg's “Development of the Concept of Religion.” In his essay, Fichte assumes the relatively modest task of showing the connection between the concept of God, or an intelligible world order, and the rest of human thinking. In keeping with the parameters of transcendental philosophy, the essay

offers no proof *that* God exists but only explains *how* belief in God arises at the empirical standpoint.¹⁶

In life, the moral subject experiences the real intellectual intuition of the moral law. If the moral subject actually obeys the law, it must presuppose the conditions necessary to fulfill its duty (AD 24–25 [GA I/5:352]). Hence, the moral subject simply believes that it has a free, self-determining will and that it has an articulated body that expresses its will. Likewise, the moral subject believes that its will is efficacious in an intelligible world and that its body is efficacious in a sensible world. It presumes orders—efficient laws or powers—within the intelligible and sensible worlds whereby the will and body become efficacious.

The real intellectual intuition coincides with religious belief in an intelligible world, which includes intelligible individuals and an intelligible world order (AD 23–27 [GA I/5:350–54]). Religious belief that a moral world order governs the moral world begins with dutiful willing without regard for sensible consequences. God is simply the efficient law or power whereby morally right actions achieve rational ends (AD 22–24, 26–27 [GA I/5:348, 351, 354–55]). At the transcendental standpoint, religious belief consists in nothing more than the moral subject's complete confidence in this power; but at the empirical standpoint, the moral subject's concepts of the objects of faith might include other content.

According to Fichte, “genuine unbelief and godlessness” involves basing moral decisions on the anticipated sensible consequences of actions rather than the intelligible voice of conscience (AD 25–27 [GA I/5:354–55]; cf. VM 116 [GA I/6:302]). Ethical consequentialism, particularly eudaemonism, manifests idolatry, atheism, and egoism, because it makes a god of the finite individual will.¹⁷ Conscience, as the only form of divine revelation, provides the ultimate criterion of practical and theoretical truth, which no rational subject can deny without “wishing to destroy” itself (AD 23 [GA I/6:351]).¹⁸ Real intellectual intuition grounds religious belief in a supersensible world, empirical belief in a sensible world, and all natural and philosophical science.

In Fichte's *Appeal to the Public*, he asserts that he was charged with atheism due to a “thoughtful and slowly and deliberately executed plan” by an “idolatrous and atheistic faction” of eudaemonists and obscurantists united by their distaste for freedom in politics, morality, and philosophy (AD 92–99 [GA I/5:416–17, 419–22]).¹⁹ Motivated by political conservatism, moral consequentialism, and philosophical dogmatism rather than any sense of religious piety, they accused Fichte of atheism in order to oust him from public discourse (AD 99–100, 108–109 [GA I/5:423–24, 434]).

Fichte claims that his opponents are philosophical dogmatists, because they are eudaemonists, who lack any consciousness of themselves as free, or as moved by anything other than sensible desire, in life (AD 108–15 [GA I/5:434–40]). They cannot conceive of a spiritual god in relation to the human moral disposition, because they cannot think of the connection between any concept and any feeling except dogmatically and thus, they regard Fichte's denial of a sensible god "in-himself" as atheism (AD 109–11, 123–24 [GA I/5:435–36, 450]). As an idealist with an acute consciousness of himself as free, self-determining, and inspired by a supersensible, moral yearning, Fichte views his opponents' assertion of a sensible god as pure idolatry, Godlessness, and atheism (AD 111–14, 123–24 [GA I/5:437–39, 450]).²⁰ Since their conflict over religion is really a philosophical dispute that arises from a difference between fundamental moral commitments at the empirical standpoint, it cannot be resolved philosophically (AD 124–25 [GA I/5:444–51]).²¹

During the atheism dispute, theologians, philosophers, and other writers queried the ethical presuppositions and implications of transcendental idealism, and particularly, questioned whether the *Wissenschaftslehre* entailed social anarchy and personal despair. The controversy was one among many debates about the compatibility of human belief and knowledge—and indeed, of human welfare and enlightenment—that presaged the ultimate dissolution of the *Aufklärung*.²² Some participants were idealists, such as Forberg and Reinhold.²³ Others, such as Jacobi and Lavater, spoke for fideism or pietism.²⁴ Still others, such as the anonymous author of the *Father's Letter*, represented *Popularphilosophie*.²⁵ The *Wissenschaftslehre*, or the "first philosophy of freedom," challenged the ethos of the century, leading many to ask whether transcendental idealism was a recipe for anarchism, nihilism, and egoism.

Three Transitional Texts (1800)

In the spring of 1800, Fichte emigrated to Berlin. His activities there were characterized by a concern with communication at both the transcendental and the popular level. He became deeply involved in freemasonry, which he regarded as a device for moral, social, and political enlightenment. During this transitional period, Fichte remained concerned with the various criticisms of his Jena *Wissenschaftslehre*. He addressed these objections to his philosophy in "From a Private Letter" (AD 252–67 [GA I/6:369–89]), "Concluding Remark by the Editor" (AD 276–81 [GA I/6:411–16]), and *The Vocation of Man*.

Many of Fichte's opponents accused him of atheism or agnosticism, because they thought he denied traditional proofs of God's existence. The author of the *Father's Letter* claimed that Fichte's rejection of these arguments amounted to the "coarsest atheism" (AD 57 [GA I/6:122]), and the theologian Vogel demanded that Fichte prove God's existence.²⁶ However, in the "Concluding Remark," Fichte asserts that these critics fail to grasp the nature of both objective and transcendental proofs. Fichte offers no empirical or philosophical arguments for God's existence, not because he is an atheist or agnostic, but because he understands the purposes and limitations of such proofs (AD 277–78 [GA I/6:412–14]; see also AD 179–81 [GA I/6:52–54]).

At the empirical standpoint, objective proofs demonstrate knowledge-claims about the relations between particular, contingent features of empirical consciousness, but they establish no unconditional existence or truth. Objective proofs presume fundamental principles, or theoretical assumptions, which can only be demonstrated by transcendental proofs at the transcendental standpoint. Transcendental proofs demonstrate philosophical knowledge-claims about the relations between the universal and necessary features of pure subjective consciousness (see AD 276–81 [GA I/6:411–16]; AD 21–29 [GA I/5:347–57]; AD 263 [GA I/6:386–89]; VM 27, 46, 72 [GA I/6:215, 234, 257–58]). Such arguments establish the philosophical truth that one idea, or mental activity, produces, or conditions, another, but they demonstrate no empirical existence or objective truth, and they establish no unconditional existence or truth (see VM 27, 46 [GA I/6:215, 234]; AD 257–58 [GA I/6:377]; AD 276 [GA I/6:411–12]). Transcendental proofs depend on some fundamental principles, or practical assumptions, which can only be approved by immediate consciousness, or belief (VM 70–72 [GA I/6:256–58]).

Fichte's critics also accused him of irreligion because he seemed to deny various characteristics traditionally considered essential to God (VM 112 [GA I/6:297]; AD 26–27 [GA I/5:355–356]). Eberhard argued that Fichte could not presume to comprehend God's relation to man without acknowledging an innate concept of God.²⁷ The pamphleteering "father" objects to Fichte's failure to acknowledge God as a separate substance, intelligent designer, or personal creator. Jacobi claimed that Fichte posited a mere concept "in lieu of the living God."²⁸ According to Jacobi, Fichte's moral world order could not encompass God as a "*living, self-subsisting*," efficacious force that creates order independent of human activity.²⁹ In "Private Letter," Fichte argues that these criticisms betray a disregard for the crucial difference between the use of language at the empirical and transcendental standpoints (as well as for his unique use of language in his own philosophy).

At the transcendental standpoint, the philosopher employs terminology that signifies intelligible activities and the universal, necessary connections between them (AD 255–58, 265–66 [GA I/6:373–77, 378]).³⁰ The transcendental “concept of God” indicates human thinking about an unlimited efficacious activity without delimiting the characteristics of the divinity. Likewise, the “moral world order” references an active power that creates a dynamic relation between intelligible events (rather than a passive array that consists in the static relations between sensible things) (AD 255–57 [GA I/6:373–77]). At the empirical standpoint, religious believers rely on metaphors to elucidate God’s nature. Fichte has no objection to these figurative expressions in life but only to their appearance in philosophy, so he is not guilty of irreligiously sapping the believer’s concepts of their content.

Many of Fichte’s enemies regarded him as a pantheist or an egoist, who identified God with the moral law, the moral community, or the moral subject. One anonymous author accused Fichte of equating the infinite order of the moral world and the finite community of moral subjects.³¹ Jacobi also argued that Fichte’s moral world order was a limited human construction, which only described the ordered coexistence between men.³² Additionally, he condemned the *Wissenschaftslehre* as egoism, because he equated intellectual intuition with empirical self-consciousness. In “Private Letter,” Fichte claims that these complaints indicate a conflation of several philosophical concepts. In addition, these objections reveal his critics’ failure to distinguish between philosophy and life.

In “Private Letter” and *Vocation of Man*, Fichte emphasizes the difference between the moral law, moral individual, moral community, and moral world order. Moral willing is the only goal of the moral subject’s activity; but because cognition is discursive, the moral subject must think about moral willing as a member of a series, which is connected to a final end by an ordering principle. Moreover, the moral subject must act without impinging on other moral subjects’ freedom; but because cognition is discursive, the moral subject must think about others as fellow members of a moral community, whose activities are related to a highest goal by a unifying principle (AD 258–63 [GA I/6:379–84]); (see also NM 173 [GA IV/2:61]; RL 64). Thus, the moral law, the moral individual, and the moral community are distinct parts of the intelligible world, which is organized by the moral order, rather than expressions of one pantheist principle (VM 79–81, 104–114 [GA I/6:265–66, 290–99]); (AD 258–63 [GA I/6:378–85]).

“Concluding Remark” and *Vocation of Man* stress the relation of the individual to the pure I as well as to the moral and social communities. The pure, self-determining I is the theoretical principle of the *Wissenschaftslehre*.

Individual self-consciousness of the moral subject is the practical sanction of that principle, which occurs at the standpoint of life. The pure I is a theoretical postulate, which the philosopher uses as an abstract hypothesis to explain objective consciousness, and it is a practical end, which the moral agent uses as a regulative concept to guide objective activity (VM 68–9, 98 [GA I/6:254–55, 283]; see also AD 276, 278–79 [GA I/6:411, 414–15]; EPW 148–49, 157 [GA I/3:29–30, 37–38]). The *Wissenschaftslehre* is not an egoism, because the individual I does not establish the order of the moral world, the goal of morality, or the basis of philosophy but rather depends on the social and moral community, defers to the freedom of others, submits to the moral law, and relies on the moral order (VM 90, 98–102, 106–107, 111, 116–18, 121–22 [GA I/6:283–88, 256–57, 291–93, 296, 300, 302–303, 307]).

Many of Fichte's critics considered him to be a fatalist or nihilist, whose philosophy was an empty analysis, arrogant game, or linguistic sophistry that ignored the facts of social, moral, and religious life.³³ Kant described the *Wissenschaftslehre* as a "mere logic" lacking philosophical or religious significance (C 559–61 [Ak 12:370]). Eberhard suggested that the moral world order was an artifact of conceptual analysis.³⁴ Dyck disparaged Fichte's audacity as an *Alleinphilosoph*, whereas Jacobi faulted him for being any kind of *philosopher* at all.³⁵ He indicted Fichte for reducing the infinite divine *true* to a finite human *truth* and, thereby, imprisoning God (who is only intimated by *non-knowing*, or faith) within *knowing*, or conception.³⁶ Heusinger charged Fichte with moral determinism, arguing that human beings were mechanisms of the moral law within the *Wissenschaftslehre*.³⁷ Jacobi, similarly, considered Fichte's philosophy to be an "inverse Spinozism" that compared the personal, creative power of God (and the individual, concrete freedom of the moral subject) to the mechanical, self-reverting activity of the I. He claimed that Fichte's theoretical "egoism" and "fatalism" led to practical amorality and nihilism, which extinguished meaning and order in the present life along with hope and purpose for a future life.³⁸ The author of *Father's Letter*, the Saxon Elector, and the noble sponsors of the University of Jena feared that Fichte's "nihilism" would undermine common morality and popular religion and thus would threaten public welfare, ecclesiastical authority, and state security.³⁹ For Fichte, all of these criticisms resulted from confusing the empirical and transcendental standpoints.⁴⁰

In "Private Letter" (AD 257–58, 263–64 [GA I/6:377–78, 386–89]), "Concluding Remark" (AD 278–80 [GA I/6:414–16]), and *Vocation of Man*, Fichte discusses the reciprocal relationship between life and philosophy (cf. AD 23 [GA I/5:351]). Transcendental knowledge justifies the fundamental principles of empirical knowledge, which is necessary for life; but the purpose

of life, and so the “final purpose of knowledge,” is moral activity, which depends on moral-religious faith (VM 64–68 [GA I/6:251–54]).⁴¹ Theoretical philosophy cannot justify its own fundamental principle, which must be grounded on a practical belief that is not knowledge “but a decision of the will to recognize the validity of knowledge” (VM 70–73, 76, 79, 97 [GA I/6:256–59, 262, 264–65, 283]). Faith establishes both the non-philosopher's relation to the divine and the philosopher's “foundation of all truth,” whereas philosophy relates the objects of faith to the rest of thinking: So the *Wissenschaftslehre* is not a nihilistic, fatalistic system, or a “confusing game” that reduces the world to a “meaningless and mere deceptive image” (VM 71, 74, 75 [GA I/6:257, 260, 261]).⁴²

Vocation of Man clarifies the distinction between philosophy and life, or the transcendental and the empirical standpoints, which so many of Fichte's critics ignored.⁴³ Moreover, it was an experiment in philosophical discourse that contained a unique presentation of Fichte's philosophy. *Vocation of Man* describes a young man's journey from the empirical to the transcendental standpoint, and then his return to life augmented by philosophical knowledge. The protagonist's effort to grasp the relation between life and philosophy clarifies the distinction between the empirical and the transcendental standpoints, which so many of Fichte's critics failed to grasp.⁴⁴

In “Doubt,” the protagonist's endeavor to construct an objective proof of his freedom leads him to conclude that he is a “thoroughly determined link in the chain of nature” (VM 22–26 [GA I/6:210–14]). In “Book Two: Knowledge,” with the assistance of his mentor, he provides a transcendental proof that the sensible world of nature is an aspect of self-consciousness and ultimately, free self-activity. However, this accomplishment, rather than bringing him solace, causes him to lament that “if nothing outside of knowledge corresponds to any of my knowledge then I think I will have been defrauded of my whole life” (VM 59–67 [GA I/6:246–53]). Ultimately, in “Book Three: Belief,” the fledgling philosopher recognizes that knowledge cannot justify itself but rather must be founded on belief, and thus “every supposed truth, which is to be produced by mere thinking without having its roots in faith, will surely be false and fallacious” (VM 71–72 [GA I/6:257–58]).

In “Knowledge,” the protagonist and his mentor create a pastiche of Fichte's idealism: a theoretical *Wissenschaftslehre* without an ethics or a foundation in belief, a transcendental idealism as Fichte's enemies construed it.⁴⁵ In “Belief,” the young philosopher comes to grasp the relations between the pure I, the empirical I, and the different elements of the moral and social world. This allows him to recognize that the “finite individual, who is not the rational world but only one among many of its members, necessarily lives at the same

time in a sensible order,” but “every finite being’s sensible life points to a higher one into which the will may conduct him merely through itself, and in which it may secure him a place” (VM 99 [GA I/6:284–85]). He distinguishes the law governing the spiritual world from the individual human will as well as from the collective social will (VM 95, 104 [GA I/6:280, 290]). Thereby, he quiets any fears that transcendental idealism is egoistic or pantheistic.

Initially, in “Doubt,” the protagonist views “knowledge” of the material world and “love” of spiritual freedom as equally valuable but irreconcilable world-views (VM 24–26 [GA I/6:212–14]). He resolves this opposition philosophically in “Knowledge,” but he then condemns transcendental idealism as a “system of mere images” that reduces life to a “dream of a dream without meaning or purpose” (VM 62–65 [GA I/6:250–52]). Finally, in “Belief,” he realizes that the apparent conflict between philosophy and life comes from treating knowledge and belief as alternative theoretical positions. After discovering that theoretical knowledge depends on practical belief, which is “more and higher than all knowledge,” he understands that the difference between knowledge and belief is “no mere verbal distinction but a true deeply founded distinction of the most important consequence” (VM 68, 71 [GA I/6:254, 257]). Believing involves a free acceptance of knowledge and knowing involves a free acceptance of belief and thus, transcendental idealism is neither nihilistic nor fatalistic (VM 71, 74 [GA I/6:257, 259]; cf. AD 23 [GA I/5:351]).

The *Religionslehre* (1805–1806)

Fichte was appointed professor in Erlangen in 1805, but the French occupation forced him to flee to Königsberg in 1806 and then to Copenhagen in 1807. During this period, Fichte was often separated from his family and funds were short, but he remained active and continued in his endeavors to communicate the *Wissenschaftslehre* in new and different ways. In the winter of 1805–6, he delivered a series of lectures titled *The Way towards the Blessed Life, or The Religionslehre*, wherein he revisits the subjects of God and religion.

The *Religionslehre* expands the rudimentary philosophy of religion that Fichte expounded during the Jena period (RL 3; cf. IWL 157 [GA I/6:369–70]). As a transcendental philosophy of religion, it relates God to human consciousness and thereby to philosophy as a whole. Like the *Vocation of Man*, the *Religionslehre* contains a presentation of the *Wissenschaftslehre*. Likewise, it offers a popular explanation of how conscience (and concomitant belief in God) grounds consciousness rather than providing a strict philosophical derivation of empirical consciousness from pure self-consciousness, or God.⁴⁶

Because philosophical reflection is unlimited, the transcendental philosopher cannot prove that God (or anything else) is the ultimate ground of consciousness. The philosopher simply postulates God, or *Sein*, as a self-sufficient ground. For the philosopher, God is a mere *hypothesis*, like the pure will in the *Nova Methodo*, but the empirical subject, or *Dasein*, becomes conscious of this ground through the desire for unity (both with itself and *Sein*). Actual consciousness always contains an original division between the representing (and desiring) subject and the represented (and desired) object.

The philosopher postulates *Sein* as originally united with *Dasein*, but the principle of reflective opposition requires that *Sein* be conceived as something determinable in reciprocal opposition to determinate consciousness. Cognition is discursive, so when the knowing subject attempts to make itself an object of consciousness, it conceives itself as a series of acts. Were it able to comprehend itself as a whole, it would grasp the unity of *Sein* and *Dasein* as well. In thinking about *Sein*, consciousness posits it as an independent, determinable world.

Dasein discovers itself within the world as a free will, because it feels an obligation to become something determinate. This “ought” appears to the acting subject as a summons from an external will. *Dasein* grasps itself as an actual self-conscious will, so that its “being”—*Sein*—becomes a world for it. This “being of consciousness” (*Sein des Bewußtseins*) conditions the possibility of empirical consciousness. Actual consciousness involves reflection, which divides the world into an infinite multiplicity, a finite part of which enters each individual consciousness as a series. The world and its counterpart, the divine life, cannot be reflected upon as wholes (RL 70). In reflection, *Sein* is originally divided into *Sein* and *Dasein*, which itself is further divided into its appearance as a determinate consciousness and as an infinitely determinable world. *Dasein* perceives the world and itself from five perspectives: (1) as a sensuous subject, (2) as a juridical subject, (3) as a moral subject, (4) as a religious subject, and (5) as a philosophizing subject.

The Last Presentation of the *Wissenschaftslehre* (1807–1812)

In 1807, after the Peace of Tilsit, Fichte returned to Berlin. The coming years were difficult: Fichte was often unwell, suffering a serious illness in the summer of 1808. He secured a position as a professor and the dean of the philosophical faculty—and briefly, as the rector—of the newly founded University of Berlin. In 1812, he presented what would prove to be the final version of his *Wissenschaftslehre*.

The *Wissenschaftslehre* of 1812 included Fichte's lectures on the *Facts of Consciousness*, a metaphysical introduction to the *Wissenschaftslehre* proper, which addresses specifically the appearance of *Sein* as absolute knowledge within *Dasein*.⁴⁷ As in the earlier presentations of the *Wissenschaftslehre*, Fichte describes philosophy as explaining the ground of experience, or "actual knowledge." Since philosophy is the most fundamental type of knowledge, the philosopher abstracts from the empirical standpoint of actual consciousness in order to discover the conditions for its possibility at the transcendental standpoint of "absolute thought."

The philosopher observes consciousness, or the I, which posits itself as the principle, or form of knowledge. The I-form (*Ich-form*) produces representations of the world, which it unites within one consciousness.⁴⁸ However, the I-form is not merely a theoretical principle of thinking but also a practical principle of reality.⁴⁹ Its activity is guided by the concept of a goal, which it constructs as a result of its drive to activity, conceives through its ideal (thinking) activity, and realizes through its real (practical) activity.⁵⁰ Each successive action changes the world and thus, the drive to activity re-emerges as an endless series of impulses compelling the I to construct new goals that satisfy its demands. The resulting endless series of actions on the part of the I reveals absolute being, which appears as an ever-changing image (*Bild*). As in the *Sittenlehre*, the I reflects on its drive and formulates it as an unconditional practical law for itself. This "ought" is a command for the I to express *Sein* through a series of images.⁵¹ Through the interactions between the pure I's real and ideal activities, the sensible world of ordinary consciousness—the object of empirical knowledge—comes to exist for the individual I.

The object of transcendental knowledge is the relation between *Sein*, or God, and consciousness. The *Wissenschaftslehre* begins with the concept of *Sein*, which appears in consciousness as knowledge (*Wissen*) that assumes the form of a self, or I, as principle. The entire *Wissenschaftslehre* is, according to Fichte, an analysis of this I, or freedom.⁵² As in the *Wissenschaftslehre nova methodo* and the *Religionslehre*, the various relations between *Sein* and consciousness are resolved within a central five-fold synthesis. Substance, accident, principle (willing), and principiate (product) are united by the "ought," which is ultimately revealed to be the categorical imperative.⁵³ Consciousness, guided by a concept of a goal that satisfies its fundamental drive to activity (as in the *Sittenlehre*), constructs an image of *Sein*, which appears in the actual world as willing.⁵⁴ Ultimately, the *Wissenschaftslehre* of 1812 describes a reciprocal relationship between the sensible, visible world and the supersensible, invisible world wherein consciousness finds itself as an individual, which is part of a system of other conscious individuals.⁵⁵

Conclusion: Pure Will, Moral Order, God, and Being

Fichte lost both parents in the space of two years, Christian in 1812 and Marie Dorothea in 1813. The Prussian uprising against Napoleon forced him to suspend his lectures. In 1814, Johanne brought home a fever—possibly typhus—that she had contracted while nursing wounded Prussian soldiers. Johanne survived, but Fichte died at five a.m. on January 29, 1814. The greatest part of his life had been devoted to explaining the connection between empirical consciousness and its ground (RL 49). This project and the main features of its execution remained constant despite the many different presentations of the *Wissenschaftslehre*.⁵⁶

Philosophical reflection has no intrinsic limit, so the transcendental philosopher must postulate a foundation of consciousness (RL 49).⁵⁷ In the *Wissenschaftslehre nova methodo*, Fichte calls this foundation the pure will. In “On the Ground of Our Belief in a Divine World-Governance” and *Vocation of Man*, he calls it the moral world order, or God. In the *Religionslehre* and the *Wissenschaftslehre* of 1812 it is God, or *Sein*. The pure will, the moral world order, God, and *Sein* serve the same purpose in Fichte's philosophy.⁵⁸ Moreover, as concepts, each falls under the law of reflective opposition, the *Prinzip der Spaltung* or *Prinzip der Mannigfaltigkeit*. Due to this law, the concept of a ground gives rise to a division within itself (RL 66–67). The philosopher cannot conceive of pure consciousness except as standing in reciprocal determination with empirical consciousness (RL 52).⁵⁹ Consequently, thinking cannot escape the circle of consciousness to comprehend its own ground (RL 52).⁶⁰ Were the philosophizing subject able to comprehend its own consciousness as a whole, it would grasp the pure I, God, *Sein*, or the Absolute, but it must grasp itself as a series of acts, because it thinks discursively (RL 28, 64, 149, 166; cf. NM 173 [GA IV/2:61]; see also GA I/2:275).

The *Wissenschaftslehre nova methodo*, the *Religionslehre* and the *Wissenschaftslehre* of 1812 culminate in a five-fold synthesis or *synthetic periodum* (RL 124; NM 371 [GA IV/2:135]).⁶¹ The pure will, God, or *Sein* has the form of an I that is originally determined as the individual *Dasein* (RL 142). This determination through individuality is the explanatory ground, or central point, of consciousness, which the transcendental philosopher simply postulates as a hypothesis, or *qualitas occulta*, but which can only be justified in actual consciousness (compare RL 120 and NM 293–94 [GA IV/2:135]); (compare also RL 124 and NM 371 [GA IV/2:191]). In the various presentations of the *Wissenschaftslehre*, Fichte's description of how this intelligible

ground appears in empirical consciousness is the same. The reciprocal opposition of *Sein* and *Dasein*, or the pure will and the empirical will, appears as a feeling (compare RL 126 and NM 295 [GA IV/2:136]; see also NM 373 [GA IV/2:192]). A summons, or a feeling of “ought,” initiates the individual’s awareness of itself as a determinate freedom in a determinable realm of other rational beings (compare RL 129 and NM 295 [GA IV/2:136]). In the *Wissenschaftslehre nova methodo*, the pure will remains a theoretical hypothesis, albeit one that appears to empirical consciousness as the ethical law (NM 292, 304 [GA IV/2:134, 143]). In “On the Ground of Our Belief in a Divine World-Governance,” the *Vocation of Man*, the *Religionslehre*, and the *Wissenschaftslehre* of 1812, this hypothesis is called God.

Considered transcendently, the concept of God, or *Sein*, belongs among the “representations accompanied by a sense of necessity” that transcendental philosophy explains (NM 102 [GA IV/2:25]; see also IWL 8 [GA I/4:186]). Considered practically, this idea is the object of the empirical subject’s belief in a will that expresses the moral law (RL 66; on the “ought” as a command issuing from the pure will, see NM 294 [GA IV/2:136]). For the empirical subject, God is a subjectively necessary reality, which also provides the ultimate pre-philosophical justification for the *Wissenschaftslehre* (NM 295–98 [GA IV/2:137–39]). The concept of God, or *Sein*, is the philosophical hypothesis of a pure will, or pure consciousness, which contains its own law and concept of a goal (RL 66). For the philosopher, God is a “transcendentally objective reality” (NM 230–32 [GA IV/2:96–8]; cf. RL 120).⁶²

Notes

1. For biographies of Fichte, see Anthony J. La Vopa, *Fichte: The Self and the Calling of Philosophy (1762–1799)* (Cambridge: Cambridge University Press, 2001); Robert Adamson, *Fichte* (Edinburgh/London: Blackwood, 1881). See also “Introduction,” in AD.
2. For Fichte’s account of the influence of Hume, as well as the critical skeptics Schulze and Maimon, on his development, see EPW 94 (GA I/2:109). See also Fichte’s untitled fragment in GA II/3:389.
3. See EPW 53–77. See also *David Hume on Faith*, in *Jacobi: The Main Philosophical Writings and the Novel Allwill*, trans. George di Giovanni (Montreal: McGill-Queen’s University Press, 1994), 336.
4. For a detailed discussion of Reinhold’s early philosophy, see Daniel Breazeale, “The *Aenesidemus* Review and the Transformation of German Idealism,” in *Thinking Through the Wissenschaftslehre* (Oxford: Oxford University Press, 2013), 23–41.

5. See, for example, NM 126–27 (GA IV/2:36–37). Fichte borrowed this principle from Maimon. See Maimon, *Versuch einer neuen Logik oder Theorie des Denkens* (Berlin: Felisch, 1794), 20, 310–14, 433.
6. See Fichte's April 22, 1799 letter to Reinhold: EPW 428–37 (GA III/3, no. 440). See also Daniel Breazeale, "The Standpoint of Life and the Standpoint of Philosophy," in *Thinking Through the Wissenschaftslehre*, 360–403.
7. For detailed discussion, see La Vopa, *Fichte*, 249–69, 333, 368, 404, 413.
8. For a discussion of the relation between ideal and real thinking and the ideal and real activity of the I, see Günter Zöllner, *Fichte's Transcendental Philosophy: The Original Duplicity of Intelligence and Will* (Cambridge: Cambridge University Press, 1998).
9. For a detailed account of intellectual intuition, the five-fold synthesis (see below), and the pure will, see Yolanda Estes, "Intellectual Intuition, the Pure Will, and the Categorical Imperative," in *New Essays on Fichte's Later Jena Wissenschaftslehre*, ed. Daniel Breazeale and Tom Rockmore (Evanston: Northwestern University Press, 2002), 209–25.
10. This is followed by a proof based on the concept of the I (SE 27–28 [GA I/5:39–41]). This proof also appears in FNR (18–21 [GA I/3:329–332]). See also NM 358–463 (GA IV/2:255–59).
11. For an excellent discussion of these issues in Fichte's practical philosophy, see Owen Ware, "Fichte on Conscience," *Philosophical and Phenomenological Research* 95, no. 2 (2017): 376–94. For differing opinions, see: Daniel Breazeale, "In Defense of Fichte's Account of Ethical Deliberation," *Archiv für Geschichte der Philosophie* 94 (2012): 178–207; Günter Zöllner, "The Choice of the Philosopher," comments on Michelle Kosch, "Agency and Self-Sufficiency in Fichte's Ethics," refereed symposium session, Pacific APA, 2013.
12. For a more detailed discussion of intellectual intuition and the summons in Fichte's philosophy, see: Estes, "Intellectual Intuition," 215–219; Yolanda Estes, "Morality, Right, and Philosophy in the Jena *Wissenschaftslehre*," in *Rights, Bodies, and Recognition: New Essays on Fichte's Foundations of Natural Right*, ed. Tom Rockmore and Daniel Breazeale (Aldershot: Ashgate, 2006), 59–70.
13. Friedrich Immanuel Niethammer was a professor of philosophy at the University of Jena and the founder of the journal, which was devoted to transcendental idealism.
14. AD 37–47 ("Entwicklung des Begriffs der Religion" in *Die Schriften zu J. G. Fichtes Atheismus-Streit, 1798–1800*, ed. Hans Lindau (Munich: Georg Müller, 1913), 37–58).
15. For a detailed discussion of this controversy, see the commentary in AD.
16. It explains what morality requires us to believe. See VM 264–71 (GA I/6:252–57) and AD 258 (GA I/6:377).

17. Fichte often refers to duty-based (or deontological morality) as “moralism” whereas he calls all forms of consequentialism (including virtue ethics and utilitarianism) “eudaemonism.” Moreover, he regards moralism as necessarily connected with spiritualism and philosophical idealism, and he regards eudaemonism as necessarily connected with sensualism and philosophical dogmatism. See, for example, AD 108–16 (GA I/5:434–41).
18. Conscience also serves as the sole form of revelation whereby a conviction in the reality of the natural world—and the sensible world order—is produced. See AD 23n, 24–27 (GA I/5:350n, 351–55); IWL 49–50 (GA I/4:219–20).
19. This “faction” consists of critics of transcendental philosophy, and particularly of the *Wissenschaftslehre*, most notably various dogmatic, obscurantist, and eudaemonistic philosophers, including various anonymous reactionary critics published in the journal *Eudämonia, oder Deutsches Volksglück*. For more details on the role of *Eudämonia* in the politics of the period, see Frederick Beiser, *Enlightenment, Revolution, and Romanticism: The Genesis of Modern German Political Thought 1790–1800* (Cambridge: Harvard University Press, 1992), 326–334. See also Daniel Breazeale’s discussion of *Eudämonia*: IWL 103n–104n.
20. In 1806, Fichte revisits and expands this discussion in his lectures on the *Religionslehre*, wherein he introduces the notion that the scope of human consciousness is determined by human moral development, which is characterized by different types of love or desire, and that the transition from one to another progressively expanded and elevated sphere of consciousness is initiated by despair over the inadequacy of the successive objects of desire. Hence, for the individual at lower levels of moral development, all desire is a *Sehnen nach Genüsse* (yearning for pleasure, or happiness) and thus, all consciousness is awareness of sensible things; whereas, for the individual at higher levels of moral development, desire includes *Sehnen nach Seligkeit* (yearning for blessedness, or beatitude), and thus consciousness includes awareness of spiritual things. See RL 12–13, 151; cf. VM 24–25 (GA I/6:212–14); AD 25–26 (GA I/5:353); NM 294–95 (GA IV/2:136).
21. Cf. IWL 17–20, 94–95 (GA I/4:193–96, 261–62). See also AD 100–106 (GA I/5:424–31); AD 25–26 (GA I/5:353). For Fichte’s account of the conflict between the idealist and the dogmatist, see IWL 15–20 (GA I/4:191–96). For a discussion of this conflict, see Daniel Breazeale, “Idealism vs. Dogmatism,” in *Thinking Through the Wissenschaftslehre*, 301–34.
22. For a discussion of the many facets of enlightenment, including the Spinozism dispute and the pantheism dispute, see Frederick C. Beiser, *The Fate of Reason: German Philosophy from Kant to Fichte* (Cambridge: Harvard University Press, 1987).
23. Forberg, “Development of the Concept of Religion” (AD 37–47 [Lindau, ed., *Schriften zu J. G. Fichtes Atheismus-Streit*, 37–58]); Reinhold, “Letter to Fichte” (AD 134–43 [GA III/3, no. 436.I]).

24. See Yolanda Estes, Commentary on "Letter to Fichte" (AD 125–33); Commentary on "From a Private Letter" (AD 245–51); Commentary on "Concluding Remark by the Editor" (AD 269–75).
25. See AD 57–75 (GA I/6:121–38).
26. Paul Joachim Siegmund Vogel, "Theoretisch-praktischer Beweis des objectiven Daseyns Gottes," *Neuest theologisches Journal*, 1, no. 1 (1799) 109–54.
27. Johann August Eberhard, *Ueber den Gott des Herrn Professor Fichte und den Götzen seiner Gegner* (Halle, 1799), 21.
28. Jacobi, *Main Philosophical Writings*, 523–26 (GA III/3, no. 428.I). Johann Kaspar Lavater agreed that a moral order was no substitute for a living, active and powerful God.
29. Ibid.
30. See Fichte's discussions of philosophical terms, concepts, and arguments in EPW 192–216 and RL 32–33. See also VM 64–71, 111 (GA I/6:252–57, 296); NM 471nH (GA IV/2:265); AD 103–104, 107–108 (GA I/5:428, 433); AD 176–79 (GA I/6:49–52); AD 26 (GA I/5:354).
31. In this anonymous review of *Appeal to the Public*, which was published in columns 401–16 of the *Oberdeutsche allgemeine Literaturzeitung* (March 1, 1799), the author also criticizes Fichte for not accounting for the creation of the moral world order.
32. Jacobi, *Main Philosophical Writings*, 523–24 (GA III/3, no. 428.I).
33. See, for example, Johann Kaspar Lavater's letter to Fichte of February 7–12, 1799 (GA III/3:187–93).
34. *Ueber den Gott des Herrn Professor Fichte und den Götzen seiner Gegner* (Halle, 1799), 21.
35. J. G. Dyck, *Ueber des Herrn Professor Fichte Appellation an das Publikum. Eine Anmerkung aus der deutschen Uebersetzung des Ersten Bandes von Saint-Lamberts Tugendkinst besonders abgedruckt* (Leipzig, 1799), 6. See also Jacobi's discussion of *Alleinphilosophen*—"quintessential" or "one-sole-philosophy" philosophers—in *Main Philosophical Writings*, 503–506 (GA III/3, no. 428.I). According to Jacobi, Fichte wanted to contain the "foundation of all truth" within the *Wissenschaftslehre*, whereas he wanted to keep "this foundation (the true itself)" outside of philosophy and all other knowledge (ibid., 505–506 [GA III/3, no. 428.I]). Jacobi refers to his own mode of thinking as a non-philosophy that produces non-knowledge (ibid., 501, 505 [GA III/3, no. 428.I]). See also Karl Wilhelm Friedrich Schlegel's critique of Jacobi in his review of *Woldemar*, in *Deutschland*, 3, no. 8 (1796): 202, 205, 210–11.
36. Jacobi, *Main Philosophical Writings*, 513 (GA III/3:239).
37. Johann Heinrich Gottlieb Heusinger, *Ueber das idealistisch-atheistische System des Herrn Professor Fichte in Jena* (Dresden/Gotha, 1799).
38. Jacobi, *Main Philosophical Writings*, 517–19 (GA III/3:243–45).
39. *Father's Letter*: AD 58, 66, 72–74 (GA I/6:122, 129, 135–37); "Saxon Letter of Requisition to the Weimar Court": AD 83 (FG 2:25–26); "Weimar

Rescript to the University of Jena”: AD 84 (FG 6.1: 316); “Gotha Rescript to the University of Jena”: AD 213 (FG 6.1: 382).

40. For this reason, his opponents also failed to see the differences between philosophy, religion, theology, and ministry. For Fichte’s discussions of these particular differences, see VM 27, 59–60, 74–75, 101–3, 11–13, 114–15 (GA I/6:215, 247, 260–61, 287–89, 297–99, 300).
41. See also AD 257–58, 279 (GA I/6:377–78, 414–15); EPW 428–37 (GA III/3, no. 440).
42. Fichte also addresses the accusation of nihilism in VM 81–93, 110, 117 (GA I/6:267–78, 295–96, and 303); AD 257–58 (GA I/6:377).
43. I follow Ives Radrizzani’s approach to the *Vocation of Man*. Radrizzani says:

No conversion to Jacobi, no romantic mysticism, no recourse to a ‘transubjective basis,’ no turning from idealism to realism can be found in the *Vocation of Man*; we discover there instead a living and graphic presentation of the main results of the *Wissenschaftslehre*, as they are exposed particularly in the *Wissenschaftslehre nova methodo*.
- Ives Radrizzani, “The Place of the *Vocation of Man* in Fichte’s Work,” in Breazeale and Rockmore, *New Essays on Fichte’s Later Jena Wissenschaftslehre*, 337. For another discussion of the place of the *Vocation of Man* in Fichte’s work, see Alexis Philonenko, *L’Oeuvre de Fichte* (Paris: Vrin, 1984), 87. See also AD 253–54 (GA I/6:371).
44. Note Fichte’s assertion that the development of the principles presumed by “Divine World-Governance” is “most fully carried out” in *Vocation of Man*. See AD 264 (GA I/6:387–89).
45. Radrizzani, “Place of the *Vocation*,” 337.
46. The *Religionslehre* also includes an empirical guide to beatitude, because it teaches how to live a blessed life. Fichte claims that life consists in the original duality of a self-conscious I, which strives to unite its divided, finite consciousness with the eternal—*Sein*, or God. See RL 32–33, 83; cf. VM 1–2, 99 (GA I/6:189–90, 284–85).
47. *Ueber die Tatsachen des Bewußtseyns. Fichte’s Vorlesungen über das Studium der Philosophie; aus dem Gedächtniß nach dem Kollegio niedergeschrieben, und Ueber die Tatsachen des Bewußtseyns und die Wissenschaftslehre bey Fichte*, in *Arthur Schopenhauer: Der handschriftliche Nachlaß in fünf Bänden*, vol. 2, *Kritische Auseinandersetzungen (1809–1818)*, ed. Arthur Hübscher (Munich: Deutscher Taschenbuch, 1985), 16–216. Schopenhauer’s transcripts of Fichte’s lectures can also be found in GA IV/4:59–67, 195–237.
48. Schopenhauer, *Handschriftliche Nachlaß*, 2:45.
49. *Ibid.*, 2:56–7.
50. *Ibid.*, 2:59, 61.
51. *Ibid.*, 2:82–83.
52. *Ibid.*, 2:28, 149, 156.

53. Ibid., 2:185–186, 218, 232.
54. Ibid., 2:188.
55. Ibid., 2:228–229.
56. I. H. Fichte remained convinced of the overall unity of his father's philosophy. For a very early argument for this position, see Anna Boynten Thompson, *The Unity of Fichte's Doctrine of Knowledge* (Boston: Ginn, 1895).
57. Cf. NM 293 (GA IV/2:135); VM 71 (GA I/6:257); AD 29n, 23 (GA I/5:350n, 351).
58. On the moral world order as the absolute starting point of all objective cognition, see AD 25–26 (GA I/5:354–55). On *Sein*, the pure will, and the moral world order, see VM 99 (GA I/6:284–285). On God, as the pure will, or the divine will, and its connection to the *Aufforderung*, see VM 107–11 (GA I/6:292–297).
59. On the law of reflective opposition, see VM 70 (GA I/6:256); NM 125 (GA IV/2:35).
60. Compare: “This is impossible” (NM 413–14 [GA IV/2:223]).
61. See also NM 427–28, 434 ([GA IV/2:216, 219]); Schopenhauer, *Handschriftliche Nachlaß*, 2:185–186, 218, 232.
62. On the difference between a “necessary belief” and a “pious wish,” see AD 21–22 (GA I/5:348). On the necessity of an intelligible world, see IWL 38n (GA I/4:210n).



3

The Precursor as Rival: Fichte in Relation to Kant

Günter Zöllner

May God only save us from our friends; for our enemies, we will watch out ourselves.

—Immanuel Kant, “Declaration Regarding Fichte’s *Wissenschaftslehre*”
(Ak 12:370–71, my translation)

This chapter features Fichte’s philosophical relation to his chief predecessor, Immanuel Kant (1724–1804). The chapter argues that Kant’s work, in addition to being a prime formative influence on the development of Fichte’s philosophy, also represents a genuine alternative to the latter. Rather than being a mere precursor, first to be followed and then to be surpassed, as he is portrayed by Fichte himself, Kant is shown to represent an enduringly viable alternative to the alleged emendations and claimed extensions of his philosophy offered by Fichte. The first section places Fichte’s relation to Kant into the general context of the competitive as well as complementary constellation of the chief representatives of German Idealism. Next, the second section explores the divergent meanings and functions of the twin concepts of critique and system in Kant and Fichte. The third section then compares and contrasts the relation between theoretical and practical reason in Kant and Fichte. Finally, the fourth section tracks the systematic differences between Kant and Fichte in matters of laws and ethics.

G. Zöllner (✉)

Fakultät für Philosophie, Wissenschaftstheorie und Religionswissenschaft, Ludwig-Maximilians-Universität München, Munich, Germany

e-mail: zoeller@lmu.de

Predecessor and Competitor

Customary accounts tend to portray the history of philosophy in general and that of classical German philosophy in particular as a linear sequence involving change under the conditions of growth and development. Moreover, the relation between earlier and later philosophical thinkers, or their schools, is often presented as a progression involving maturation, improvement, and progress. In the case of classical German philosophy, the standard account places Kant, Fichte, Schelling, and Hegel in an ascending array of positions that follow each other logically as well as chronologically. On such a reading, classical German philosophy is a movement, under the guiding conception of the mind making the world intelligible (idealism), that evolves from the critical idealism of Kant through the subjective idealism of Fichte to the objective idealism of Schelling, finally to culminate and terminate in the absolute idealism of Hegel.

Such a standard assessment is shaped by a history of philosophy with an underlying philosophy of history that equates the later with the more matured and the more perfected and that is typically written, or at least inspired, by the successors, who locate their own accomplishments above and beyond those of their individual or collective predecessors. While the linear and progressive account often reflects the actual reception and effective history of one philosopher's work by another one, it risks confusing influence with significance and actual effect with good cause. A striking example of the potential shortcomings of the standard scheme in the historiography of philosophy is the complex constellation of philosophers that constitute the movement of German Idealism.

To be sure, in terms of biographical data, there is no disputing the generational gap between Kant (born 1724) and Fichte (born 1762) and the further leap in time to Hegel (born 1770) and Schelling (born 1775). But a closer look at the lifespans involved also reveals much closer temporal proximity, on the one hand, with Fichte dying less than ten years after Kant (1814 and 1804, respectively), and also greater temporal distance, on the other hand, with Schelling surviving Hegel by more than two decades (1831 and 1854, respectively). The chronological proximity, rather than distance, between the four philosophers is even more apparent with regard to a limited but significant time period in which their work actually overlaps, even coincides, and clearly exhibits forms of reciprocal influence, namely, the 1790s.

During the final decade of the eighteenth century Kant concludes his philosophical work with a number of major late publications (*Religion Within the*

Bounds of Reason Alone, 1793; *Toward Perpetual Peace*, 1795; *The Metaphysics of Morals*, 1797). But the very same decade also sees the publication of Fichte's major early works, on which his initial reputation and first influence rest almost entirely (*On the Concept of the Wissenschaftslehre*, 1794; *Foundation of the Entire Wissenschaftslehre*, 1794/1795; *Foundation of Natural Law*, 1796/1797; *The System of Ethics*, 1798). Moreover, Schelling's entire body of early works dates from the same decade (*Of the I as Principle of Philosophy or on the Unconditional in Human Knowledge*, 1795; *Philosophical Letters on Dogmatism and Criticism*, 1795; *Essays in Explanation of the Idealism of the Doctrine of Science*, 1796/1797; *Ideas for a Philosophy of Nature as Introduction to the Study of this Science*, 1797; *First Plan of a System of the Philosophy of Nature*, 1799). Finally, Hegel's early unpublished writings stem from those very years (Berne Manuscripts and Frankfurt Manuscripts, 1793–1800).

But even after the crucial decade of obvious overlap and manifest interaction between the works of Kant, Fichte, Schelling, and Hegel, there persists a close, if virtual relationship between the philosophical projects pursued by the four chief exponents of German Idealism. To be sure, for contingent reasons this further extent of their interrelation was not visible to the four philosophers themselves. For in each case, a good part of those later works remained unpublished during their lifetime and hence unknown to their contemporaries, including their self-styled successors. Thus Kant's late double project of a summary presentation of transcendental philosophy and a systematic completion of his philosophy of nature (*Opus postumum*) remained the secret of his final years.¹ Similarly, Fichte's substantial further work on the *Wissenschaftslehre* and its application to law and ethics from the years 1800 through 1814, work which he refused to publish as a matter of principle, remained unknown to both Schelling and Hegel. In the same vein, Schelling's vast body of work after 1809, laid down in manuscript form and presented in university lecture courses (*The Ages of the World*; *The Philosophy of Mythology*; *The Philosophy of Revelation*) remained unpublished and therefore effectively unknown until its posthumous publication. Furthermore, Hegel's extensive lecture courses from the final decade of his life—on the philosophy of religion, the philosophy of history, the philosophy of right, the history of philosophy, and the philosophy of art—were published only after his death.

While the philosophers themselves were not aware of their alleged precursors' or perceived competitors' continued work, which often already involved metacritical responses to the critiques they had received from their renegade followers, the comprehensive cognition of their significant posthumous works, rendered possible by the latter's publication during the nineteenth and twentieth centuries, affords a different view of the philosophical landscape of

German Idealism. The image of a temporal sequence that stretches from Kant through Fichte and Schelling to Hegel, is replaced by the alternative aspect of a spatial expanse in which the different philosophers and their bodies of work figure as neighboring massive elevations that share a common geological formation while exhibiting characteristic individual profiles.

The reassessment of the topology of German Idealism afforded by the posthumous publication of Kant's, Fichte's, Schelling's, and Hegel's complete works has so far resulted mainly in alternative attempts to locate the summit in which the monumental mountain range of classical German philosophy culminates. After Hegel first and for a long time was perceived as the movement's pinnacle,² eventually Schelling, with his late work largely dating from after Hegel's death, was promoted, by some, as the highpoint toward which the entire movement had advanced and from which the further course of nineteenth-century philosophy would unfold.³ Still others have viewed Fichte, mainly with regard to his originally unpublished late work, as the apex of German Idealist thought.⁴

Going beyond those individual revisions, the recent reassessments of the relations of sequence and superiority between Fichte, Schelling, and Hegel suggest considering the panorama of German Idealism in a comprehensive and comparative perspective that aims not at preferring one of them over the others, but at viewing them as connected by a common concern addressed in specifically different ways, shapes, and forms by the individual characteristic approaches involved.⁵ Going further yet than those previous perspectives, the hermeneutical move from mutual exclusion to completist inclusion in the contrastive consideration of Fichte, Schelling, and Hegel calls for an analogous re-evaluation of Kant's standing with regard to each of his three successive and alternative followers. For Kant, too, has to be considered an equally valuable member of the movement of German Idealism—not its pioneer precursor but a full-fledged competitor for the satisfactory realization of its philosophical ambition.

Put in most general terms, the root project of German Idealism, as alternatively executed with shifting focus and emphasis by its four chief representatives, is the original and thorough joining of freedom and nature, of mind and matter, of the sensible and the supersensible, of the finite and the infinite, of the conditioned and the unconditioned, but also of knowing and doing and of theory and practice, in a unitary yet complex account of self and world that is at once mindful of human limitations and of human aspirations, respecting the former without neglecting the latter. Moreover, the general project of German Idealism so construed is driven by the common conviction that reason, the I or spirit, while being primary in lending structure, meaning, and

purpose to everything within human reach, does not exhaust the scope and significance of what there is, or might be, to the self and its world—thus adding diversity to unity, difference to identity, and contingency to necessity. German Idealism so comprehensively and consensually conceived serves the contrary but complementary tasks of celebrating and of containing human existence—of seeking to ascertain that it is, or is to become, all that it can be, while not neglecting the fact that it cannot be all.

Critique and System

The bio-bibliographical contiguity and connectedness between the major proponents of German Idealism is especially striking in the case of Kant and Fichte. Schelling and Hegel never met Kant and are related to him philosophically via the mediation of Fichte and other immediate post-Kantian and anti-Kantian philosophers, chiefly among the former Karl Leonhard Reinhold and among the latter Friedrich Heinrich Jacobi.⁶ By contrast, the young Fichte visited Kant in Königsberg seeking his personal support, which eventually he received under the guise of a declaration in which Kant identified Fichte as the author of an anonymously published work in the philosophy of religion (*Attempt at a Critique of All Revelation*, 1793), widely believed to be the long-awaited work of Kant's on the topic. To be sure, it was also Kant who, some seven years later, in the context of accusations of atheism raised against Fichte, issued another public declaration regarding Fichte, in which he characterized the *Wissenschaftslehre* as an empty formalism unfit to fulfill its claim to be carrying on Kant's core project of a foundational philosophical science (transcendental philosophy) (see Ak 12:359, 12:370).

But even beyond their biographical and bibliographical interaction at the beginning and at the end of the 1790s, Fichte repeatedly and consistently claimed the ultimate identity of his philosophy, in essence the *Wissenschaftslehre*, with Kant's.⁷ While not denying methodological and doctrinal differences with Kant, Fichte tended to treat his apparent departures from Kant as a matter of alternative presentation with regard to an essentially identical philosophical outlook, namely, transcendental idealism. Drawing on the hermeneutical distinction between the letter and the spirit of a text, Fichte took himself to have remained faithful throughout to the basic insights and intentions of Kant's philosophy ("spirit," GA I/2:335n), as conveyed in the latter's critical trilogy (*Critique of Pure Reason*, 1781, second, expanded edition 1787; *Critique of Practical Reason*, 1788; *Critique of the Power of Judgment*, 1790).⁸ In an autobiographical regard, Fichte even claimed to have been

awakened from his determinist, even fatalist slumber by Kant's sustained defense of the theoretical possibility and the practical necessity of freedom in the first and second *Critique*, respectively (GA III/1:167).

In logical terms, the identity-*cum*-difference between Kant's and Fichte's philosophy, as claimed by Fichte, can be described as sameness of intension combined with difference in extension. On Fichte's view, the *Wissenschaftslehre* carries out in greater detail and with a wider scope what is already perfectly prepared, even completely planned, but not yet exhaustively executed in Kant. Fichte bases his claim of staying with Kant precisely in going beyond Kant on the latter's own characterization of his primary work in first philosophy, the *Critique of Pure Reason*, as a "propaedeutic" and a "treatise on the method [of transcendental philosophy]" and as standing in an anticipatory relation to the complete "system" eventually to be provided on their basis (Bxxi, A11–14/B24–28). On Fichte's reading, though, the term and concept of critique, employed by Kant for the chief designation of his foundational philosophical project as provided in the three *Critiques*, takes on the much more modest meaning of a mere preparation for the actual accomplishment foreseen by Kant but effectively left for others to be done on his behalf and in his spirit.

The restricted regard in which Fichte holds Kant's contribution to philosophy is evident from the strict distinction he employs in his own philosophical work between the latter's core ("system") and the methodological and metaphilosophical reflections surrounding it by way of introductions and commentaries ("critique").⁹ Once dissociated from the philosophical system, the conception of critique in Fichte changes from of the status of a substantial, specifically critical philosophy, which it had possessed in Kant, to a cursory critique of the way philosophy should (or should not) be done.

By contrast, the term and concept of system in Fichte takes on a meaning and use far more central and extensive than it previously possessed in Kant. To be sure, Kant already employed the technical term "system" in its architectonic meaning for designating a complete whole of well-ordered elements, from the "system of the categories" to the "system of nature" and the "system of freedom" to the "system of transcendental philosophy" and the "system of pure philosophy" (Ak 4:325, 6:218, 4:324 and 5:168, respectively). In addition, he used the term in its older meaning as "doctrinal concept" (*Lehrbegriff*, Latinized Greek *systema*, A491/B851) to designate a basic theoretical approach to a given problem or area of inquiry, the chief instance being the doctrinal system of transcendental idealism with its "critical distinction" (Bxxviii) between appearances and things in themselves, advanced in reply to the core question, "How are synthetic judgments *a priori* possible?" (B19). Under Kant's influence, but departing from Kant's terminological practice, Fichte

joins the architectonic and doctrinal meanings of “system” that are found in Kant, by basing the executed edifice of the complete system of philosophy on the doctrine of transcendental idealism. In the process, the whole of philosophy comes to coincide with the system of transcendental idealism.¹⁰ Moreover, given the foundational function of freedom in Fichte, he terms the all-inclusive transcendental-philosophical system a “system of freedom,” considering it the very first such system ever (GA III/2:298, 300).¹¹

In hindsight Kant certainly came to regret the occasional diminutive designation of his core accomplishments in the first *Critique* and, by extension, in the two further installments of his comprehensive critique of reason, as merely propaedeutical, hence only preparatory and altogether provisional with regard to some future system. On Kant’s understanding, the critique of reason, both under its original guise as the first *Critique* and in its subsequent expansion into the three *Critiques*, already is systematically complete, effectively constituting the core of philosophy systematically conceived and providing the basis for the latter’s further systematic coverage of nature and morals (“metaphysics of nature,” “metaphysics of morals,” A841/B869). Moreover, from Kant’s viewpoint, transcendental idealism, as a conceptual designation specific to the first *Critique*’s account of the *a priori* concepts and principles governing the empirical domain (nature), is ill-suited to cover, much less to characterize, all of philosophy, including moral philosophy, which, according to Kant, is based on the idea of freedom and on laws that exceed the confines of any and all experience. For Kant, the transcendental remains tied to the empirical, which it serves to render possible in a principal manner independent of any particular experience.¹²

In addition to radically revising the Kantian architectonic distinction between critique and system, along with the Kantian understanding of the two key concepts involved, Fichte’s creative reuse of Kant’s crucial concepts also affects the doctrinal content of his critically grounded system of philosophy. In particular, Fichte believes it possible, indeed necessary, to provide a deeper level of foundation for his form of first philosophy (*Wissenschaftslehre*) than Kant undertook in the latter’s precedent prototype (transcendental philosophy). To be sure, the sought-for supplementary layer is not part of the Fichtean propaedeutical critique, which remains largely limited to preparatory matters of a methodological and metaphilosophical nature. Instead it is the philosophical system itself that receives a further foundation in Fichte.

In particular, Fichte takes issue with the irreducible dualisms that permeate Kant’s critical philosophy, from the dualism of sensibility and understanding (intuitions and concepts), through the dualism of theoretical and practical reason (cognition and volition), to the dualism of lower and upper employment

modes (sense and reason) of the three basic faculties or capacities of cognition, of desire, and of feeling. On Fichte's view, Kant failed to trace the manifest dualities of various kinds to their respective predisjunctive unitary ground. More specifically, Fichte seeks to complete Kant's foundational work by identifying the ultimate root of the mind's many modes of engagement with the world of (other) minds and objects. The chief instances of Fichte's vertical completion program with regard to Kant's pluralism of powers are the introduction of the speculative concepts and technical terms of "positing [*setzen*]" (GA I/2:47, 256), "fact-act [*Tathandlung*]" (GA I/2:46, 255), and "intellectual intuition [*intellektuelle Anschauung*]" (GA I/2:48, 57), all designed to convey an essentially and numerically identical item that is supposed to precede distinction and differentiation.

To be sure, in reducing manifest plurality and Kantian ultimate duality to original unitary identity, Fichte is not intent on denying differences and even opposites among the features constitutive of the (human) mind and its world or worlds. On a doctrinal level, he even concedes that the unity of thinking and doing, along with that of knowing and willing, that precedes and prepares the manifest difference of theoretical subjectivity and practical subjectivity and of their object domains (world of sense, world of the understanding) is itself not simple and primitive but complex and plural. In particular, Fichte countenances a core of originary subjectivity that not only prepares any subsequent structuring but already predelineates the eventual dualist disposition of subjectivity ("original duplicity").¹³

On a methodological level, Fichte further concedes the artificial character of the originary conceptuality introduced in the (re-)construction of the principal powers of knowledge and in the latter's extension into willing and doing. While occasionally appealing to warrants from immediate evidence (intuition), Fichte's main methodological devices are of a logical and reconstructive nature and involve the teasing out of real or apparent contradictions (dialectic) and the imaginative, indeed fictional narration of the stadial constitution of consciousness of self and world (the "pragmatic history of the human mind;" GA I/2:365). In a similar vein, Fichte draws on traditional and current philosophical concepts in order to designate the inscrutable ultimate basis of self and world alike ("being," "absolute being," "the absolute," "God"; GA II/8:249, 118, 10 and 414, respectively). In epistemic terms, Fichte further concedes that the indubitable certainty to be obtained about the absolute reality of freedom and the reality of the absolute itself is a matter not of objective knowledge but of personal conviction ("faith," "believing"; GA III/3:225 and GA II/9:8, respectively).

Compared to Kant, then, Fichte's major moves in first philosophy are at once radical and moderate: radical in the external extremes to which they push Kant's innovations, yet moderate due to the modalities under which the innovations are introduced in an altogether Kantian spirit. In particular, Fichte's seemingly novel notions of intellectual intuition and fact-act can reasonably be tracked to Kant's conceptions of pure theoretical self-consciousness ("transcendental apperception," A107/B131–32) and of practical, moral consciousness ("categorical imperative," Ak 4:414, 5:41). Even Fichte's notorious replacement of the Kantian things in themselves with a minimal realist resistance relic ("check," GA I/2:356) could be considered compatible with Kant's global agnosticism about what underlies the world of appearances.

Theoretical and Practical Reason

Fichte's philosophical proximity to Kant, the remaining doctrinal differences between them notwithstanding, is especially apparent in their shared conception of the primacy of practical reason over theoretical reason, a conception maintained in specifically different but essentially identical ways by both of them. To be sure, at the surface level Kant and Fichte seem to disagree about the mode and extent of the primacy that the practical, volition-based employment of reason possesses over reason's theoretical, cognition-gearred use. In particular, Fichte's emphatic assertion that reason could not even be theoretical if it were not in some more primordial sense practical (GA I/2:64, 399) might seem to alienate him from Kant's sustained insistence on the heterogeneity of reason's twofold manner of engagement with self and world by way of theory and practice.

On closer inspection, though, Fichte's seemingly strong claim about practical reason forming a necessary condition of theoretical reason reduces to a number of philosophical points quite compatible with, or even already contained in, Kant's view of the matter. For one, the concept of the practical in Fichte does not have the narrowly moral meaning it tends to take in Kant, who distinguishes the practical in its specifically moral, freedom-enabled sense both from the theoretical, involving nature rather than freedom, and from the merely pragmatic, which, for Kant, draws on natural laws rather than on the exercise of genuine, moral freedom (see Ak 20:195f.). Accordingly, Fichte's wider conception of the practical, along with the associated broader meaning of freedom, encompasses both theoretical freedom in the sense of the spontaneity of the (theoretical) understanding, as already recognized by Kant, and the exercise of extra-moral freedom in volitions and actions of all

kinds, for which Kant provides a naturalist account independent of specifically moral freedom. Considered in that way, the practical, as comprehensively conceived and hence inclusive of the spontaneous (and the pragmatic), could be considered a prerequisite of all cognition, including the narrowly theoretical cognition of what there is, which for both Kant and Fichte involves spontaneous intellectual activity.

A further sense in which practical reason is primary with regard to theoretical reason in Kant as well as in Fichte can be traced to Kant's concern with the unity of theoretical and practical reason, as assessed in the *Critique of Practical Reason*, the site of Kant's original claim of the primacy of practical reason "in the conjunction of purely speculative with purely practical reason" (Ak 5:121). According to Kant, in the case of cognitive claims of a certain kind, for which theoretical reason is insufficient to warrant genuine knowledge, genuinely practical resources may provide supplementary warrants, thus generating a mixed, theoretico-practical claim, with the practical taking the lead in its combination with the theoretical. The paradigmatic case of this mixed mode of cognition in Kant is the sought-after cognition of supersensory objects, especially the soul's immortality and God's existence, which, according to the *Critique of Pure Reason*, cannot be established on theoretical grounds alone, given that those entities fall outside of possible experience. In particular, Kant introduces the immortality of the soul and the existence of God as objects of firm conviction ("purely practical rational faith," Ak 5:146) that are intentionally introduced ("postulates," Ak 5:132) on the grounds of their essential function in lending efficacy to the practical consciousness of unconditional moral obligation ("categorical imperative," Ak 4:414, 5:41).

In Kant, though, the postulatory thinking about otherwise elusive entities based on specifically moral grounds is of limited scope and narrow use, with the primacy of the practical involved governing the unification of the morally practical with the theoretically transcendent. By contrast, Fichte seeks to extend the practical postulation of theoretical entities to other things, including empirical objects and other agents. In the process, Fichte widens the Kantian question-type characteristic of the postulates of pure practical reason from the psychological case (soul) and the theological case (God) to the cosmological case (world). The lead question of extended postulatory reasoning in Fichte asks how a world in which the acting of a genuinely free being is to be possible and effective must be constituted—or rather must be supposed or presupposed to be constituted.¹⁴

In extending the practical or, more precisely, postulatory mode of reasoning to cosmological matters, chiefly to the constitution of an empirical world that is conducive to efficacious moral activity, Fichte builds on the more general

argumentative strategy in his version of transcendental philosophy (*Wissenschaftslehre*), which consists in introducing and legitimizing the essential constituents of self and world as prerequisites (necessary conditions) of self-consciousness in general, even prior to the latter's specification as moral self-consciousness. Among the features so warranted by transcendental argumentation and practical postulation are the very existence of an outside world in space and time, along with the spatial-temporal presence of one's own living body (GA I/3:365, 376), and that of other practically intelligent beings, all of them located in the empirical world and equipped with organs of bodily action fit to transform internal volition into outward action and interaction.¹⁵

From a Kantian perspective, Fichte's extreme extension of postulatory reasoning from the transempirical realm (soul, God) to the world of experience (animate and inanimate bodies in space and time), far from amounting to innovation and enrichment, could be regarded as retrenchment and regression. Kant had kept the operative spheres of theoretical and practical reason systematically separate, though inscrutably related, thereby severing the certain cognition of empirical nature, as epitomized by the first principles of modern natural science (synthetic judgments *a priori*), from skeptical doubt no less than from moral fervor and religious zeal. By contrast, Fichte's inclusion of the empirical world among the objects of postulatory and presuppositional thinking risks reducing empirical cognition, including the latter's refinement into natural science, to a matter of interested belief, thereby subjecting seemingly certain knowledge to instrumental and contingent functionality.

To be sure, the radical integration of the cognitive and volitional aspects of subjectivity provides a considerable degree of unity to Fichte's post-Kantian account of the cognitive as well as volitional self and its world of empirical objects and of other selves to be cognized, acted upon, and interacted with. In particular, Fichte advances an ambitious account of a five-fold self-reverting structure ("synthetic periodus," GA IV/2:247 and GA IV/3:500) that has the self in its core function as the unitary subject of thinking and willing ("the I") unfold, on the one side, into an entire array of theoretical activities ("ideal I," "thinking") along with the latter's object domain ("world of sense") and, on the other side, into a corresponding set of practical activities ("real I," "willing") together with the latter's sphere ("world of the understanding") (GA IV/2:49 and 58). Finally, the five features (I, thinking, willing, natural world, spiritual world) are united by the reciprocal relation between the natural and the spiritual world, by means of which cognition provides the ends to be pursued by volition just as volition brings about altered objects in the world of

sense, objects that are subsequently to be cognized with an eye to further changes to be brought about.

The highly integrated treatment of thinking and willing and of their respective domains in Fichte comprises not only a generically practical understanding of thinking, as inner intellectual doing, and a radically idealist conception of the world of sense, as but a product of transcendental imagination. It also includes the reverse consideration of the genuinely practical activity of willing and acting as but an externalized, objectified manner of thinking. For Fichte thinking and willing, along with the natural world and the moral order, are but two sides or “aspects” (GA IV/3:356) of some same core subjectivity and core objectivity, respectively. Such an account, in addition to rendering thinking practically effective, turns willing and doing themselves into mere modes of thinking. Where Kant countenanced actual, though inscrutable, things (in) themselves, Fichte turns all being involved in willing and doing into practical objects of thought or noumena, thus expanding Kantian idealism from the *a priori* constitution of sensible beings (phenomenalism) to that of the realm of intelligible beings (noumenalism).

Given Fichte’s radical departure from the Kantian restriction of (transcendental) idealism to the world of sense, in favor of an all-encompassing idealism of phenomenal as well as noumenal reality, it comes as no surprise that the later Fichte finds himself in need of a warrant for the ultimate certainty and reality outside of all thinking and willing and their world(s). This move of the later Fichte from the phenomenal and the noumenal, the sensible and the intelligible, to a radically different, even alien and altogether inscrutable absolute is no longer of Kantian inspiration only but can be traced to Fichte’s productive engagement with his own early critics, namely, F. H. Jacobi and Schelling, who had objected to the lack of an ultimate, extrasubjective, and praeterobjective reality behind and beneath the self and its self-made world.¹⁶

Law and Ethics

The competitive and contemporary, rather than successive and supplementary, relation between Kant and Fichte that pertains to the main methodological and doctrinal features of their critical systems also affects the application of the foundational philosophy of each of them to the twin fields of (juridical) law and ethics. Chronologically speaking, Fichte’s early philosophy of law (*Foundation of Natural Law*, 1796/1797) actually antedates the publication of Kant’s late philosophy of law (*The Metaphysics of Morals*, Part One, 1797) just as Fichte’s early ethics (*The System of Ethics*, 1798) was written in advance of

the publication of Kant's late ethics (*The Metaphysics of Morals*, Part Two, 1797). While there is general agreement between Kant and Fichte on the fundamental function of freedom and on the essential role of reason in law and ethics, the two disagree considerably on the nature of legal and ethical obligation and on the systematic relation between law and ethics. Moreover, the divergent assessment of these matters in Kant and Fichte has far-reaching implications for their resulting basic positions in political philosophy.

For Kant practical philosophy narrowly conceived—to the exclusion of technical and pragmatic principles based on skill and prudence, respectively—coincides with moral philosophy broadly conceived, encompassing both juridical law and ethics (see Ak 6:218f.). The common denominator for the two parts of practical philosophy in Kant is the notion of non-natural laws (laws of freedom) that are based on universal reason and not imposed from without but consist in self-legislation or autonomy. In the case of juridical law, the rationality (and universality) requirement consists in the imposition of (universal) laws governing the exercise of outwardly manifest, “external” freedom, in order to ensure everyone's equal enjoyment of such freedom (see Ak 6:230). Accordingly, for Kant, the rational, universality-gearred regulation involved in juridical law-giving (legislation) concerns external actions only, to the exclusion of matters of motivation and without concern for the grounds governing willing (“legality,” Ak 6:219).

By contrast, ethics in Kant involves the legislation of laws that govern the very formation of the will, based on the consideration that a given principle of action (“maxim,” Ak 4:400n), in order to qualify as genuinely moral, should be susceptible to adoption by everyone (“universal legislation,” Ak 5:74). Moreover, on Kant's account, the universalist ethical qualification of a principle of action should furnish a sufficient ground for the latter's adoption (“morality,” Ak 6:219). While the freedom involved in juridically relevant matters concerns actions (or inactions) in their possible impact on everyone else's outward exercise of freedom *qua* free choice, the freedom involved in ethical willing concerns motivational principles with regard to their possible effects under (counterfactual) conditions of universal implementation. Accordingly, Kant distinguishes juridical law and ethics in terms of the outer or inner legislation involved and with regard to the outer or inner employment of freedom, respectively.

The strict separation between juridical and ethical legislation and the resulting two kinds of laws notwithstanding, Kant maintains the unity of practical philosophy *qua* moral philosophy in terms of the common idea of freedom under reason's laws (“autonomy,” Ak 4:447) and the shared notion of unconditional obligation (“duty,” Ak 4:439) imposed on strictly rational grounds

(“categorical imperative,” Ak 4:414 and 5:41). To be sure, there is no one encompassing and contentually specific principle covering both juridical law and ethics in Kant. The unity of the two is formal and functional rather than material and substantial. Moreover, Kant links the two specifically different legislations of freedom through the idea that ethical obligation, in addition to comprising specifically ethical duties, also includes the ethically motivated fulfillment of specifically juridical duties (see Ak 6:219f.).

Unlike Kant, whose practical philosophy, while formally united, remains divided in two specifically different constituent parts under the guise of juridical law and ethics, Fichte pursues his general systematic project of original unification also in the area of moral philosophy. But rather than reducing juridical law and ethics to an alleged common ground, such as basic practical reason, Fichte revises the scope of practical philosophy to include ethics but not juridical law. In particular, Fichte assigns the entire sphere of juridical law to theoretical philosophy, specifically to the latter’s applied or practical part, thereby limiting practical philosophy to ethics (GA I/3:359f.). The reason behind this radical realignment is Fichte’s instrumental understanding of juridical law as a social strategy designed to ensure the equal preservation of everyone’s basic freedom under conditions of natural law. While Fichte argues that the basic legal relation of respect (“recognition,” GA I/3:351, 355) is essential for the first formation of fully functional self-consciousness, he considers the subsequent sustained pursuit of law-abiding conduct (“reciprocal recognition,” GA I/3:417f.) a matter of prudence, both on the part of the individual, who seeks to avoid legal sanctions, and on the part of civil society, which seeks to assure compliance by implementing a system of threats of punishment.

Freed of its juridical part, practical philosophy in Fichte coincides entirely with moral philosophy, the latter narrowly construed as ethics. Accordingly, the type of rationality and the kind of freedom involved in Fichte’s practical philosophy are not geared toward the plural external exercise of freedom, as assured by juridical law, but aim at the ever closer approximation to a condition of complete identity among ethical agents, who are all supposed to act in the same, absolutely rational way (GA I/5:221, 226). By contrast, the sphere of juridical law, severed as it is in Fichte from absolute obligation in favor of merely instrumental and solely prudential considerations, may serve all kinds of functions, including the ultimate orientation of all juridical rules toward the preparation and facilitation of specifically ethical conduct.

The differently realized separation of juridical law from ethics undertaken by Kant and Fichte has significant repercussions for the divergent shape and scope of their political philosophy. In Kant, juridical law in its principal form

as reason-based, *a priori* law (natural law) serves as the arbiter of possible politics by providing unconditionally binding strictures for political action or inaction that are moral, involving outer freedom, but not ethical, not involving inner freedom, in nature. In Fichte, the freedom of juridical law from unconditional principles, while seemingly more liberal in its approach to civic life, goes together with the subordination of the freedom afforded by juridical law (rights) under extrajudicial purposes, including political projects but also ethical ends.

In particular, in legal matters Fichte considers (personal) property not, like Kant, an inherent right valid prior to its civic institution and regulation, but an arrangement that is coeval with political society and therefore subject to the latter's overriding interests, as conveyed in the state's invasive socio-economic measures foreseen by Fichte (*The Closed Commercial State*, 1800).¹⁷ In an analogous move, Fichte takes education entirely out of the hands of the family and society at large, to whom it had been entrusted traditionally, instead assigning it to the state and the latter's core effort to forge its population into a civic populace (*Addresses to the German Nation*, 1808).¹⁸

A similar trumping of juridical law by extraneous exigencies is to be observed in Fichte's subordination of juridical law, aligned with (jurally based) politics, under ethical standards. With regard to the future course of human history, Fichte envisions the compulsory character of law's and politics' rules and regulations as something that should be superseded by freely chosen compliance with the law and its regulations. According to Fichte, such a radical universal change in attitude and obedience is to be achieved by communal civic education and the ensuing insight into the meaning and function of law (*The Doctrine of the State*, 1813).¹⁹ The world-historical advance in the functionality of law and politics envisioned by the late Fichte is in turn to provide the civico-social base structure for everyone's identically ethical conduct. Fichte regards the civico-social world so brought about as an earthly paradise ("realm of heaven on earth," GA II/16:164) characterized by collective ethical self-perfection. In a political perspective, the Fichtean society of the future is marked by an equality that is to be achieved through the abolition of inherited position and private power, and a freedom that is to consist in unforced, "free" obedience to the absolute authority of universal reason, as conveyed by its interpreters and executors, whom Fichte identifies as philosopher-rulers in the tradition of Plato's philosopher-kings (GA II/16:82 and GA II/15:222).²⁰

Conclusion: Idealism, Identity, and Difference

If there is one primary trait that separates Kant's and Fichte's similarly motivated and oriented philosophical work, from its abstract theoretical foundations to its concrete political consequences, it is Fichte's firm focus on identity at the expense of difference, on unity at the expenses of diversity, on oneness at the expense of plurality, which lends Fichte's thinking, in form as well as content, an illiberal, even antiliberal character that is absent from Kant's. Starting from a shared concern for the possibility and actuality of freedom in a world marked by deterministic natural laws and by unfree socio-civic circumstances, Kant and Fichte become exponents and forerunners of such opposed movements as reformism and revolutionism, liberalism and socialism, and cosmopolitanism and nationalism, respectively. The divergent development of Kant and Fichte attests to the considerable openness of the basic idealist conception of freedom as rational self-determination or autonomy, which the two share, to the entirely opposed philosophico-political consequences that are drawn by Kant and Fichte under the formative influence of differentiating personal and political factors. As Fichte himself knew, one's philosophy is "animated through the soul of the human being that owns it" (GA I/4:195).

Notes

1. See Eckart Förster, *Kant's Final Synthesis: An Essay on the Opus Postumum* (Cambridge: Harvard University Press, 2002) and Oliver Thorndike, *Kant's Transition Project and Late Philosophy: Connecting the "Opus postumum" and "Metaphysics of Morals"* (London: Bloomsbury, 2018).
2. See, e.g., Richard Kroner, *Von Kant bis Hegel*, 2 vols., 4th ed. (Tübingen: Mohr Siebeck, 2006).
3. See, e.g., Walter Schulz, *Die Vollendung des deutschen Idealismus in der Spätphilosophie Schellings* (Stuttgart: Kohlhammer, 1955) and Manfred Frank, "Reduplikative Identität." *Der Schlüssel zu Schellings reifer Philosophie* (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 2018).
4. See, e.g., Reinhard Lauth, *Hegel vor der Wissenschaftslehre*, 2nd, improved edition (Munich: Jerentrup, 2007).
5. See, e.g., Wolfgang Janke, *Die dreifache Vollendung des Deutschen Idealismus. Schelling, Hegel und Fichtes ungeschriebene Lehre* (Amsterdam: Rodopi, 2009).
6. See Karl Leonhard Reinhold, *Letters on the Kantian Philosophy*, ed. and trans. Karl Ameriks (Cambridge: Cambridge University Press, 2006) and

George di Giovanni and H. S. Harris, eds., *Between Kant and Hegel. Texts in the Development of Post-Kantian Idealism* (Albany: State University of New York Press, 1985).

7. On the extent of continuity between Kant and Fichte, see Günter Zöller, "From Critique to Metacritique: Fichte's Transformation of Kant's Transcendental Idealism," in *The Reception of Kant's Critical Philosophy: Fichte, Schelling, and Hegel*, ed. Sally Sedgwick (Cambridge: Cambridge University Press, 2000), 129–46, and Zöller, "From Transcendental Philosophy to *Wissenschaftslehre*: Fichte's Modification of Kant's Idealism," *European Journal of Philosophy* 15 (2007): 249–69.
8. For a sustained reading of Fichte as a proto-neo-Kantian, see Günter Zöller, *Fichte lesen* (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 2013).
9. On the prominence of methodological and metaphilosophical considerations in Fichte, see Daniel Breazeale, *Thinking Through the Wissenschaftslehre: Themes from Fichte's Early Philosophy* (Oxford: Oxford University Press, 2013).
10. On Kant's philosophical concept of the system, see Günter Zöller, "'Die Seele des Systems.' Systembegriff und Begriffssystem in Kants Transzendentalphilosophie," in *System der Vernunft. Kant und der deutsche Idealismus I. Architektonik und System in der Philosophie Kants*, ed. Hans Friedrich Fulda and Jürgen Stolzenberg (Hamburg: Meiner, 2001), 53–72.
11. See Günter Zöller, "Das 'erste System der Freiheit.' Fichtes neue Darstellung der *Wissenschaftslehre* (1795–1799)," in *System und Kritik um 1800*, ed. Christian Danz and Jürgen Stolzenberg (Hamburg: Meiner, 2011), 13–28, and Zöller, "Freiheit und System. Kant oder Fichte," in *Kant und die Folgen. Die Herausforderung in Ästhetik, Ethik und Religionsphilosophie*, ed. Rudolf Langthaler and Michael Hofer, *Wiener Jahrbuch für Philosophie* 48 (2016): 140–58.
12. On the transcendental in relation to the empirical and the *a priori* in relation to the *a posteriori* in Kant, see Günter Zöller, "Conditions of Objectivity. Kant's Critical Conception of Transcendental Logic," *Yearbook of German Idealism/Jahrbuch des deutschen Idealismus* 12 (2017): 3–28, and Zöller, "Possibiliser l'expérience. Kant sur la relation entre le transcendantal et l'empirique," in *Kant et les empirismes*, ed. Antoine Grandjean (Paris: Garnier Classiques, 2017), 99–112.
13. On the pervasive presence of dualistic features in Fichte's foundational philosophy, see Günter Zöller, *Fichte's Transcendental Philosophy: The Original Duplicity of Intelligence and Will* (Cambridge: Cambridge University Press, 1998).
14. On the overall primacy of reason-based freedom in Fichte, see Günter Zöller, "A Philosophy of Freedom. Fichte's Philosophical Achievement," in *The Palgrave Handbook of German Idealism*, ed. Matthew C. Altman (London: Palgrave Macmillan, 2014), 286–99.

15. On Fichte's account of action in relation to Kant's, see Günter Zöllner, "Action, Interaction and Inaction: Post-Kantian Accounts of Thinking, Willing and Doing in Fichte and Schopenhauer," in *Philosophical Accounts of Action from Suarez to Davidson*, ed. Constantine Sandis (Oxford: Routledge, 2018), 108–121.
16. On the extent of continuity and the forms of discontinuity between the early and the late Fichte, see Günter Zöllner, "Fichte's Later Presentations of the Wissenschaftslehre," in *The Cambridge Companion to Fichte*, ed. David James and Günter Zöllner (Cambridge: Cambridge University Press, 2016), 139–67.
17. On Fichte's political economics, see Günter Zöllner, "Von der Nationalökonomie zum ökonomischen Nationalismus. Fichtes Politikkonzeption im Geschlossenen Handelsstaat," in *J. G. Fichtes "Der geschlossene Handelsstaat." Eine kooperative Kommentierung*, ed. Thomas S. Hoffmann (Berlin: Duncker & Humblot, 2018), 153–69.
18. On Fichte's political pedagogy, see Günter Zöllner, "Politische Hermeneutik. Die philosophische Auslegung der Geschichte in Fichtes Reden an die deutsche Nation," *Internationales Jahrbuch für Hermeneutik* 7 (2008): 219–43.
19. On Fichte's late theologico-political philosophy, see Günter Zöllner, "Freedom, Right and Law. Fichte's Late Political Philosophy," in *The Bloomsbury Companion to Fichte*, ed. Marina Bykova (London: Bloomsbury, forthcoming).
20. On the Platonic affinities of Fichte's late political philosophy in the context of the political Plato-reception of Kant and Hegel, see Günter Zöllner, *Res Publica. Plato's "Republic" in Classical German Philosophy* (Hong Kong: The Chinese University Press, 2015; Albany: State University of New York Press, 2015).



4

Fichte, German Idealism, and the Parameters of Systematic Philosophy

Andreas Schmidt

Fichte's accession to Reinhold's chair at the University of Jena was received enthusiastically by many. Schelling writes to Hegel on January 6, 1795: "I would be abundantly happy were I one of the first to welcome the new hero, Fichte, to the land of truth!—Blessed be the great man! he will complete the task!"¹ After the loss of his chair, however, Fichte was quickly confined to the sidelines while German Idealism followed its own paths. It is therefore reasonable to ask what role Fichte played in the development of German Idealism. The answer, I argue, lies less in specific theses or arguments—although some of these were certainly influential: one need only think of the mutual interdependence of freedom and recognition—than in his introduction into classical German philosophy of a number of problem-complexes, to which particularly Schelling and Hegel responded in their respective ways. On the one hand, this led to the three philosophers operating within a set of shared parameters introduced by Fichte. On the other hand, however, the moves they made within these parameters were so disparate that they can hardly be said to be pursuing the same philosophical project. The four sets of problems that I want to examine in this chapter concern questions of the architecture of the system, the object of philosophy, the certainty of the system, and the method of generating the system. I will confine myself to the systems developed between 1794 and 1807, paying particular attention to Fichte's

A. Schmidt (✉)

Institut für Philosophie, Friedrich-Schiller-Universität, Jena, Germany
e-mail: andreas.as.schmidt@uni-jena.de

Foundation of the Entire Wissenschaftslehre (1794/1795), Schelling's *System of Transcendental Idealism* (1800), and Hegel's *Phenomenology of Spirit* (1807).

Fichte and the Idea of a System

According to Fichte, philosophy must have the form of a system. In his 1794 treatise on philosophical method, *Concerning the Concept of the Wissenschaftslehre*, he writes, "Philosophy is a science.... A science possesses systematic form. All the propositions of a science are joined together in a single first principle, in which they unite to form a whole" (EPW 101 [GA I/2:112]). Such a system exists, according to Fichte, if the elements of the theory stand in necessary relation to one another and together form a totality. There are, however, two system-architectures that fulfill these conditions, both of which can be found in Fichte's work. On the one hand, Fichte stipulates a system with a first principle, on which all other elements of the theory depend, but which itself does not depend on any other element. There is, however, a second possibility. A system can be composed of a complex of interdependent elements. In that case there is no "first" principle.² Both system-architectures have their advantages and disadvantages. The advantage of a system developing from a first principle that does not depend on anything is that it is possible to have secure knowledge of that principle while the rest of the system still remains obscure. The disadvantage: if the principle is independent of the rest of the system, then the rest of the system cannot be derived from it by simply following its dependence relations. In that case, the system lacks necessity. A holistic conception of the system solves this problem: if everything is interdependent, then everything is necessary. Definite knowledge of the system and its parts can then, of course, only be gained when the entire system has been established.

Fichte, however, wants to have the best of both worlds. He thus writes, for example:

The essence of philosophy would consist in this: *to trace all multiplicity ... back to absolute oneness...* "To trace back"—precisely in the continuing insight of the philosopher himself as follows: that he reciprocally conceives multiplicity through oneness and oneness through multiplicity. That is, that, as a principle, Oneness = A illuminates such multiplicity for him; and conversely, that multiplicity in its ontological ground can be grasped only as proceeding from A. (WL₁₈₀₄ 23–4 [GA II/8:8])

That, however, appears to be contradictory. The system must contain an element that is at once dependent on and independent of the rest of the system.

There appear to be only three solutions to this problem. Either one commits oneself to a hierarchical system-architecture, or to an egalitarian one, or one introduces a distinction of aspects: in one respect the first principle is dependent; in another respect it is independent. This last approach is Fichte's solution. More on that later.

What now is the *object* of the theory? What is it that is to be represented in the form of a system? According to Fichte this object is consciousness: all the mental acts of a finite rational being. "The system of the idealist is called immanent philosophy because he finds his principle in consciousness and remains in consciousness" (GA IV/2:22). In his classification of the forms of consciousness, Fichte more or less follows Kant's doctrine of the faculties. The central problem for Fichte's project of systematization is thus Kant's distinction between theoretical and practical reason—what is missing in Kant is a principle that unites these 'reasons.' Fichte seeks to show that there is but one reason and that this reason must necessarily differentiate itself into theoretical and practical reason. Fichte's solution consists in making practical reason, under the label of the "absolute I," his first principle. In the *System of Ethics* of 1798 he writes, "We are therefore once again and in a still higher sense claiming the primacy of reason insofar as it is practical. Everything proceeds from acting and from the acting of the I" (SE 90 [GA I/5:95]). Here Fichte can demonstrate his closeness to Kant, who, by writing that "because all interest is ultimately practical and even the interest of speculative reason is only conditional and is complete in practical use alone" (CPtR 5:121), argues for the primacy of practical reason, without, of course, attempting to derive theoretical reason directly from it. The identification of practical reason with the 'I' also has Kantian roots (see G 4:451). Practical reason is, for Kant, characterized by its self-legislation (*Selbstgesetzgebung*). This notion is reinforced by Fichte, who develops from it the idea that the absolute I posits itself (*Selbstsetzung*)—practical reason only *exists* insofar as it gives itself its own law.³ Fichte furthermore understands this self-legislation, in the form of self-positing, to be the *essence* of the I, and thus *every* mental state must be understood as the product of a self-positing of the I—every mental state must, in other words, be understood as the product of free self-determination. With regard to the capacity Kant calls sensibility, however, this poses a theoretical problem, which Fichte confronts in the *Foundation of the Entire Wissenschaftslehre*.

How then does Fichte regard the certainty of this first principle? Since the object of the theory is mental states, and since, according to Fichte, we are conscious of all mental states (Fichte speaks of an "intellectual intuition"), these mental states can be made explicit through philosophical reflection

(confusingly, this too is called “intellectual intuition” by Fichte). This reflection on one’s own mental states, however, does not provide infallible certainty: “The question is precisely whether and to what extent our portrayal is accurate, and this is something which we can never show by strict proofs, but only by probable ones” (EPW 130 [GA I/2:146–7]). The first principle is, however, a different case. Since the first principle that reigns over the system of consciousness is reason, Fichte can play with the idea of a ‘retorsive’ argument: the first principle—reason itself—is presupposed by all claims of knowledge and therefore cannot be negated without running headlong into a performative self-contradiction.⁴ He thus writes that the first principle

provides the foundation for all knowledge; that is, if one has any knowledge at all then one knows what this principle asserts. One knows it immediately as soon as one knows anything at all. It accompanies all knowledge. It is contained within all knowledge. It is presupposed by all knowledge. (EPW 109 [GA I/2:121])⁵

Since, moreover, the first principle is practical reason, and practical reason is, in turn, the basis for morality, there are also moral grounds for believing the first principle to be true:

I can go no further from this standpoint, because I may not go any further; and transcendental idealism thus appears at the same time as the only dutiful mode of thought in philosophy, as that mode wherein speculation and the moral law are most intimately united. I ought in my thinking to set out from the pure self, and to think of the latter as absolutely self-active.... (WL 41 [GA I/4:219f.])

There is, of course, no cure for the hardline skeptic, however convincing the retorsive and moral argument may be, and there thus remains an element of the arbitrary in the question of whether the first principle is adopted or not:

What sort of philosophy one chooses depends, therefore, on what sort of man one is; for a philosophical system is not a dead piece of furniture that we can reject or accept as we wish; it is rather a thing animated by the soul of the person who holds it. (WL 16 [GA I/4:195])

I now proceed to the question of the *method* by which Fichte constructs his system. As has already been mentioned, the *essence* of the I lies in its self-positing. It thus posits *only* itself. The I, however, also posits something other than itself: a not-I. In only its second step the theory has thus contradicted itself. In the *Foundation of the Entire Wissenschaftslehre* Fichte reacts to this

problem by introducing an *analytic-synthetic method*: two elements that are (*prima facie*) contradictory but that must be thought together are given. The philosopher must then attempt to resolve this problem by reformulating the description of one or both of the elements so that the contradiction disappears; in doing so, however, the reformulated version must retain those properties for the sake of which the element in question was introduced (*synthetic step*). It is then shown that the contradiction reappears in slightly altered form in the reformulated version, thus requiring a further synthesis (*analytic or antithetical step*). In the *Foundation of the Entire Wissenschaftslehre*, the contradiction between the self-positing of the I and the positing of the not-I thus becomes ever more refined, moving towards an insoluble basic contradiction, which, however, is no longer understood as a defect of the theory, but rather as a contradiction *in reality*, and which is identified by Fichte with the “wavering of imagination” (WL 194 [GA I/2:360]). If we loosely term this analytic-synthetic method ‘dialectics,’ then we might say that here a dialectic of thought transforms into a dialectic of being. This analytic-synthetic method is, of course, not strictly deductive: the reformulation of the elements, by which the ever-reoccurring contradiction is to be made to disappear, is itself not contained within these elements but rather requires the creative intervention of the philosopher. The steps do not follow each other with necessity; the analytic-synthetic method is more heuristic than deductive.⁶

Fichte follows up on this analytic-synthetic method with another argument which again has its own method. This new method has as its premise that there is no I without self-consciousness (or, as Fichte puts it, “reflection”). Everything that is entailed by the I must, therefore, be an object of the reflection of the I. This reflection as a whole is divided by Fichte into a series of partial reflections, each of which is concerned with different structural properties of the I. Fichte depicts these partial reflections as a sequence of stages of a reflection that is itself evolving, a “pragmatic history of the human mind” (WL 198f. [GA I/2:365]). The temporal dimension of this “pragmatic history” is, however, a fiction. In reality it is only the various steps in the *development of the theory* that form a temporal sequence. The immanent reflection of the I, as it is composed of its partial reflections, and as it is described by the theory, does not itself evolve but is rather always given as a whole. The *starting point* of this fictitious “history” of the mind is identical to the end point of the preceding analytic-synthetic argument, that is, to the “wavering of the imagination.” Its *end point* is the absolute I, with which the theory started and which must, in turn, appear in the reflection. Fichte arranges the acts of reflection that connect starting point (wavering of the imagination) and end point (absolute I) in such a way that they proceed from minimal to maximal self-

activity of the I. The history of the mind can thus be read as a history of emancipation: the I initially reflects itself as a state in which activity and passivity are not yet distinct from one another, and then, in a series of acts of reflection, it discovers its own self-activity, before finally re-finding itself in the absolute I. It is through this “history of the mind” that Fichte seeks to show that the various syntheses merely asserted by us—the philosophers—in the analytic-synthetic argument were not, indeed, arbitrary but are actually phenomenologically demonstrable. The distinctions in the analytic-synthetic description of the I are owed entirely to the constructive activity of the philosopher; they are artefacts of the theory. Now, in the “history of the mind,” we are confronted by data of the mind that occur in experience and that show themselves to be real: “It follows at once that from now on we shall no longer be concerned with mere hypotheses, in which the modicum of true content must first be separated from the empty dross; but that everything established henceforward is fully entitled to be credited with reality” (WL 198 [GA I/2:365]).

At this point it only remains to revise our depiction of the *architecture of the system* with which we began. For Fichte, as has been mentioned, there is no I without self-consciousness. Self-consciousness, however, depends on a multitude of conditions. There is no self-consciousness of the I without a “check” (*Anstoß*), without intersubjective relations of recognition (*Anerkennung*), and so forth. The individual subdisciplines of the Science of Knowledge have the task of developing these conditions of self-consciousness. It should be noted that it is the conditions of self-consciousness that are thus developed, not those of the I itself. We are thus able to resolve the open question of the way in which the first principle depends on the other parts of the system. There can be no absolute I without self-consciousness and no self-consciousness without the entirety of the system—as to its existence the absolute I is dependent. But as to its justification it is not dependent on anything: everything is justified in relation to it, not vice versa.

Let us now examine how Schelling and Hegel incorporate these four elements—system architecture, object, certainty, method—into their own systems and how, in part, they transformed them profoundly.

Schellingian Transformations

I will now turn to Schelling’s *System of Transcendental Idealism* (1800). With regard to the *method*, we see that the “history of the mind,” which was only of peripheral significance to Fichte, takes on a central role as the “history of self-

consciousness”⁷; the entire *System of Transcendental Idealism* is of this form. We do, however, find in Schelling a slight modification of this method, which is of little significance for Schelling himself, but which will become immensely important when we turn to Hegel.⁸ Schelling makes a great deal of the *necessity* of the succession of the individual steps—everything hinges on “presenting them in a sequence, whereby one can be certain, thanks to the very method employed in its discovery, that no necessary intervening step has been omitted; the result being to confer upon the whole an internal coherence which time cannot touch.”⁹ To this end Schelling integrates the analytic-synthetic method into the “historical” method. Schelling concisely describes his method as follows:

Two opposites a and b (subject and object) are united by the act x, but x contains a new opposition, c and d ..., and so the act x itself again becomes an object; it is itself explicable only through a new act = z, which perhaps again contains an opposition, and so on.¹⁰

Thus integrated into a “history of self-consciousness,” the analytic-synthetic method gains a new significance: whereas for Fichte the syntheses and antitheses were constructs of the philosopher, they are now understood as acts of reflection of the mind, through which the mind becomes transparent to itself and which the philosopher only has to replicate. There is, however, no change to the merely heuristic character of the method. Schelling himself concedes as much in the *History of Modern Philosophy*, where he characterizes his method in the *System of Transcendental Idealism* as follows:

Between the objective I and the philosophising I there was roughly the same relationship as between the pupil and the master in the Socratic dialogues. In the objective I *more* was always posited in a developed way than it itself knew; the activity of the subjective, of the philosophising I now consisted in helping the objective I itself to knowledge and consciousness of what is posited in it, and of finally bringing it in this way to complete knowledge of itself.¹¹

In view of the idiosyncrasy of Schelling’s characterizations of the I, one may pose the question of whether the master might not impart to the pupil thoughts which the pupil might never have had of his own accord. There is, indeed, a further problem: because Fichte establishes his first principle in his very first paragraph, he can resort to that principle in his “history of the human mind” and can thus bring the acts of reflection into alignment with it. Schelling, however, because he makes the method of the “history of self-consciousness” absolute, cannot do the same: the first principle can only be

found at the end of his history. His method, however, is incapable of achieving this discovery without help. Schelling is thus also forced to fall back on an “intellectual intuition” that precedes the “history of self-consciousness” and to which, in turn, this history must do justice. I return to this issue below.

But what of the *object* of this history of self-consciousness? What is it that is intellectually intuited and whose history is being told? In order to answer these questions it is necessary to examine more closely the development of Schelling’s relationship to Fichte. At the beginning of his philosophical career Schelling was an ardent admirer of Fichte. His early work *On the I as the Principle of Philosophy or on the Unconditional in Human Knowledge* (1795) lies—at least on the surface—entirely within the tradition of Fichtean philosophy.¹² Beginning in 1797, however, Schelling begins to develop an independent philosophy of nature. His fundamental idea is that nature, *in analogy* to the self-positing of the absolute I, can be understood as a self-organizing productive power: “Nature has its reality by virtue of itself—it is its own product—a whole, self-organizing, and organized by itself”¹³; nature is “her own (self-) legislator.”¹⁴ This is in itself not necessarily a deviation from the Fichtean tradition and was, indeed, initially not understood as such by Fichte. Philosophy of nature is an integral part of Fichte’s system, and Schelling’s exposition of it is compatible with Fichte’s premises, but only insofar as nature—read: nature as appearance—is understood to be constructed by the I through a projection of properties that the I finds within itself and then goes on to project onto the not-I. Fichte’s reaction to Schelling’s texts on the philosophy of nature is, therefore, perhaps somewhat cautious, but by no means negative.¹⁵ This all changes with the publication of Schelling’s *System of Transcendental Idealism*. In the introduction to that text, Schelling proposes that philosophy of nature should be coordinate to and coequal with transcendental philosophy:

To make the *objective* primary, and to derive the subjective from that, is, as has just been shown, the problem of *nature-philosophy*. If, then, there is a *transcendental philosophy*, there remains to it only the opposite direction, that of *proceeding from the subjective, as primary and absolute, and having the objective arise from this*. Thus nature-philosophy and transcendental philosophy have divided into the two directions possible to philosophy, and if *all* philosophy must go about *either* to make an intelligence out of nature, *or* a nature out of intelligence, then transcendental philosophy, which has the latter task, is thus *the other necessary basic science of philosophy*.¹⁶

This, of course, is unacceptable to Fichte: to him, nature appears in consciousness “not according to her *own* laws, but according to the *immanent* laws of

intelligence” (GA III/4:360). The contrast can, perhaps, be better put as follows: for Fichte, nature remains a not-I *at its core*, however many aspects of its activity the I projects onto it—that is, nature remains an impediment to the only *real* activity, the activity of the I. If we understand life as a metaphor for activity, then nature is always concealing death behind its veneer of life.¹⁷ In contrast, Schelling, for whom nature, just like the I, is purely autonomous activity, understands nature *to be* life. Schelling can thus claim that to Fichte “nature is an empty objectivity, a mere world of the senses; it consists of affections of the self, rests upon inconceivable limits, in which it feels itself enclosed, it is in its essence nonrational, unholy, not divine; in every respect dead.”¹⁸ He, however, maintains “that it is impossible for us not to grasp any given part of matter as a life.”¹⁹

Schelling, moreover, does not leave it at that. On a closer reading of the *System of Transcendental Idealism* it becomes apparent that he does not merely coordinate philosophy of nature and transcendental philosophy; in fact he superordinates the former over the latter. This becomes clear when we compare the end of Schelling’s “history of self-consciousness” with that of Fichte’s “pragmatic history of the human mind.” Fichte ends with the categorical imperative (GA I/2:450)—in it the mind has an *experience* of its own essence as self-legislative practical reason. Schelling, in contrast, ends his history with aesthetics, or, more precisely, with the productivity of the artistic genius. In the activity of the genius we experience the unity of conscious and free activity with unconscious and natural activity that eludes all control. In the genius we thus have a living experience of the unity of freedom and nature,²⁰ and it is here, at the ‘point of indifference’ between freedom and nature, that the truth of the mind lies. Herein the final synthesis is reached. At the end of its evolution the mind learns that free activity is, at the same time, the expression of nature. It thus becomes clear that Fichte and Schelling are pursuing entirely different projects: whereas Fichte, as a transcendental philosopher, is concerned mainly with *normative presuppositions* that every finite rational being must make in its truth claims, Schelling is concerned more with developing an *ontology* of the various layers of reality and deriving their *metaphysical explanation* from first principles. Looking back, we can find this difference *in nuce* in Schelling’s earlier writings. Whereas Fichte orients himself via Kant’s self-legislating practical reason in his conception of the absolute I (which, to be fair, is anything but obvious in the *Foundation of the Entire Wissenschaftslehre*), it is notable that Schelling, in *On the I as the Principle of Philosophy or on the Unconditional in Human Knowledge*, explicitly attempts to *exclude* the normative dimension of the absolute I from his discussion: “For the nonfinite I there is no moral law, and in respect to its causality it is determined only as absolute power, equal to itself.”²¹

With the publication of his *Presentation of My System of Philosophy* (1801), Schelling finally breaks with Fichte. Aligning himself more closely with Spinoza, he introduces “reason” or “absolute identity” as the first principle, whose modes of appearance are mind and nature. The parallelism between the two, discussed above, now finds its resolution in a theory of identity—much like Spinoza’s parallelism between thought and extension is resolved through their identity as attributes of one and the same substance. It would go beyond the scope of this chapter to further explore Schelling’s new system. It is, however, worth examining Fichte’s reaction to it, as it illustrates the fundamental differences between Schelling’s and Fichte’s system architecture. It is, indeed, rather surprising that Fichte *does not* criticize the fact that Schelling no longer posits the absolute I as the first principle. Rather, his criticism centers on the fact that Schelling conceives of the first principle in such a way that nothing can be *derived* from it—a problem which we identified above as that of a hierarchical system-architecture:

Finally, by means of this definition reason is perfectly determined and closed, that is to say, it is dead; and the author can indeed now repeat and reformulate his proposition as much as he likes, but he will never find a means in a just and consistent way to get out of it and move on to his remote determinations. If he now really begins to awaken the dead in his own manner, and in the following §§ attaches the predicates of nothing and totality, unity and equality to this concept of reason and tries to demonstrate with them, one should inquire as to how he himself has arrived at these predicates. Because if the essence of reason is really exhausted by this first definition, then this predicate has to be derived from an analysis of this definition as necessarily grounded in the essence of reason. (PR 122–3 [GA II/5:487–8])

In his absolute identity Schelling may have found a principle of unity, but this cannot at the same time be the principle of difference. It is not without irony that this is the same objection that Hegel levels against Fichte: “Here, then, we have no more to do with derivation,”²² Hegel jibes in reference to the unmediated introduction of the second principle in the *Foundation of the Entire Wissenschaftslehre*. Why then does Fichte believe himself to be immune to the objection he raises against Schelling? The answer, in my opinion, lies in a second objection that Fichte raises against Schelling: “So then he says: reason exists; in this way he externalizes reason from the start and sets himself apart from it; thus one must congratulate him that with his definition he has not hit the right reason. This objectification of reason is completely the wrong path” (WL₁₈₀₄ 110 [GA II/8:210]). As was mentioned above, the absolute, for

Fichte, is always given within finite self-consciousness and cannot exist in any other way; whosoever removes it from this context commits, according to Fichte, the sin of dogmatism. In the *Foundation of the Entire Wissenschaftslehre* this was already his objection to Spinoza:

He separates pure and empirical consciousness. The first he attributes to God, who is never conscious of himself, since pure consciousness never attains to consciousness; the second he locates in the specific modifications of the Deity. So established, his system is perfectly consistent and irrefutable, since he takes his stand in a territory where reason can no longer follow him; but it is also groundless; for what right did he have to go beyond the pure consciousness given in empirical consciousness? (WL 101 [GA I/2:263])

Fichte now levels the same objection against Schelling: Schelling forgets that it is he himself that grasps the absolute and that the absolute cannot simply be removed from this epistemic relationship. If this necessary connection between the absolute and finite self-consciousness is understood, then the problem reflected in the first of Fichte's objections above—the problem of transition from the first principle to the rest of the system—is also resolved. The absolute is the principle of unity, self-consciousness the principle of difference (for *it* is subject to an array of conditions, which, as a consequence, *can* be derived from it); but the one cannot exist without the other and whoever speaks of the absolute must implicitly think of it as appearing in self-consciousness. The transition from the first principle to the system has therefore, for Fichte, always already occurred, whereas for Schelling—according to Fichte—it must remain arbitrary.

What then is the epistemic status of Schelling's system? What can we say of its certainty? As has already been mentioned, in his *System of Transcendental Idealism* Schelling invokes an intellectual intuition of the first principle, which the history of self-consciousness must then do justice to. For his expansion into the philosophy of nature, however, he cannot fall back upon an intellectual intuition, insofar as this is understood as a form of introspection. He nonetheless does so, by introducing a different form of intellectual intuition, a form he calls "objective" intellectual intuition:

For the purpose of the philosophy of nature I stipulate an intellectual intuition, as it is stipulated in the science of knowledge; I, however, also stipulate the abstraction from the intuiting subject in this intuition, an abstraction that leaves me with the purely objective of this act, which is in itself merely subject-object, but in no way = I.²³

Certainly, if the structures of the mind are isomorphic with the structures of nature, then it is possible to understand the essence of nature through introspective intellectual intuition. But it is difficult to understand how it could thus be shown *that* this isomorphism exists. Aesthetic intuition, as Schelling discusses it at the end of the *System of Transcendental Idealism*, might afford a hint of this isomorphism—but no more than a hint. It might therefore be better to read Schelling’s philosophy of nature, in spite of its ambition, as a speculative hermeneutics of natural phenomena.

Hegel, the System, and the Challenge of Skepticism

In turning to Hegel and his *Phenomenology of Spirit*, it is to be noted from the outset that the question of the right method of constructing the system and the question of the system’s certainty cannot be separated; that is precisely Hegel’s point. For compared to Fichte and Schelling, Hegel is far more conscious of the skeptical challenges regarding the question of what the first principle of philosophy is. When debating the relative merits of the foundations of rival philosophical systems, we find ourselves in a “he-said/she-said” situation. Falling back upon an “intellectual intuition” is no solution, as this move is open to all parties: “*one* arid assurance is just as valid as another.”²⁴ Is there a rational selection method that makes a decision possible? Such a method cannot consist of appealing to shared premises and seeing if these premises are incompatible with one system or the other, for we are examining systems that diverge in their very premises. It is also impossible to critique philosophical theories by applying external criteria that are not accepted by them, as such criteria would themselves require justification. It must therefore be shown that the competing theories destroy themselves from the inside by embroiling themselves in contradictions. That is what Hegel understands his technique of immanent critique to be. According to Hegel, the rival and successively critiqued theories can be ordered in such a way that each successive theory avoids the contradictions of its predecessor before, in turn, lapsing into its own contradictions. The new theory is thus—as Hegel puts it—the “*determinate* Negation”²⁵ of its predecessor: it is a negation because it recognizes its predecessor’s falsehood and takes its predecessor’s place; it is determinate because it does not merely reject the predecessor, but rather learns from its mistakes and seeks to avoid said mistakes (with the least possible effort on its own part). The result of this ordering is a history of cultivation: “The series of the figura-

tions of consciousness which consciousness traverses on this path is the full history of the cultivation of consciousness itself into science.”²⁶ A final point would be reached either if we reached a theory which avoids all internal contradictions, or if, in the end, we encountered a contradiction that could not be resolved by any subsequent theory.

Hegel thus integrates the analytic-synthetic method into the history of self-consciousness in an entirely different way than Schelling. The pivotal step in the development of the method of immanent critique is that it is no longer the actions of the mind, which must, as such, first be conceptualized, that are the object of investigation, but rather the philosophical theories themselves—a decisive difference, since theories are already sets of propositions and can, as such, harbor contradictions; thus the philosopher no longer needs to intervene through interpretation by reading ever new syntheses and analyses into his object but instead can confine himself to uncovering the contradictions already present in the theories. All that remains for the philosopher to do is to put the theories in such an order that they form an ascending sequence of problem solving capacities. Hegel is of the opinion that the transitions from one theory to the next are sufficiently motivated by “determinate negation” that the course of the sequence and its end result are fully justified. He can thus do without an intellectual intuition, which remained necessary for Schelling in order to anticipate the results. The method itself generates the certainty of the system.

With regard to the *system architecture*, Hegel emphasizes that the theories critiqued in the course of the *Phenomenology of Spirit* together form “the whole realm of the truth of spirit.”²⁷ That is, the examined theories are not arbitrary philosophical constructs that are eliminated from the sequence as soon as they are shown to be self-contradictory, but rather are based on the actual structure of the mind or spirit. As such the course of the *Phenomenology*, its treatment of the various theories, is also a successive self-enlightenment of the mind with regard to its own constitution; what was always already implicit in the mind is progressively made explicit until, in the end, the mind becomes entirely self-transparent. What is essential, however, to an understanding of the system architecture is that all of these elements are merely “moments” of the whole, that none of them is in itself the “absolute” or a “first principle.” The critiqued theories are thus not abandoned in their entirety—their falsity lies in the singling out and isolation of one moment of the whole, which is then mistakenly taken to be that whole. It is here—in the question of the architecture of the system—that Hegel’s main critique of Fichte lies. Fichte singles out one *moment* of the whole—the absolute I, practical reason, whatever one wants to call it—and treats it as something independent, something

un-conditioned. This not only leads to this moment, considered in isolation, becoming dysfunctional (or “empty,” as Hegel puts it), but also means that the rest of the system cannot be developed by simply introducing into it that which is as yet unaccounted for. Fichte, according to Hegel, thus cannot do justice to his claims of systematicity.²⁸ This contrast can also be put as follows: Fichte, as mentioned above, distinguishes between the principle of unity and the principle of difference: the principle of unity is practical reason; that of difference is (finite) self-consciousness. Plurality enters the system through the manifold conditions of self-consciousness—practical reason itself remains an unaffected unity wholly outside of this plurality and only indirectly connected to it by the fact that without its manifestation in self-consciousness, there would *be* no practical reason. For Hegel, in contrast, there exists no such distinction between the principle of unity and the principle of difference: “The true is the whole”²⁹ and thus necessarily accommodates a plurality within itself.

What then is the object of the system for Hegel? If we keep to the *Phenomenology of Spirit*, the object of the theory is, unsurprisingly, “spirit.” Spirit is, as evidenced by the table of contents, in turn placed under the heading of “reason.” We are thus dealing with a theory of reason—just like in Fichte, just like in Schelling. But with a view to the revised idea of the architecture of the system, we can no longer expect reason to be understood as something unconditioned. Rather, its manifold relations and interdependencies must be uncovered: there is no reason without experience (and vice versa); there is no reason without intersubjective relations of recognition (and vice versa); and so forth. Hegel is particularly concerned with showing that elements that are not usually attributed to reason, or that are even thought of as opposed to it, in fact are necessary conditions for reason and can thus be understood as necessary constituents of it. It is in this sense that reason is only “at home with [itself] in [its] other”³⁰ That these various conditions exist remains, of course, to be shown in each particular case: the mere reference to the idea of the architecture of the system proves nothing. It is here that philosophical argument must rise to the challenge.

Is reason for Hegel then a principle of transcendental philosophy, as it is for Fichte, or is it rather a metaphysical principle, as it is for Schelling? It seems to me that Hegel wants to avoid deciding this question. I have shown that Hegel does not make practical reason absolute. Since making practical reason absolute is the main motive for Fichte’s idealism, Hegel does not necessarily have to adopt an idealistic position. In fact, in the introduction to the *Phenomenology of Spirit*, Hegel argues for realism: he criticizes modern representationalism, which leads to skeptical positions, and writes:

This fear [of erring] presupposes representations of cognizing as an instrument and as a medium, and it also presupposes a difference between our own selves and this cognition; but above all it presupposes that the absolute stands on one side and that cognition stands on the other for itself, and separated from the absolute, though cognition is nevertheless something real; that is, it presupposes that cognition, which, by being outside of the absolute, is indeed also outside of the truth, is nevertheless truthful; an assumption through which that which calls itself the fear of error gives itself away to be known rather as the fear of truth.³¹

Furthermore, he is not prepared to equate reason with the absolute I; Fichte's formula "I = I," which is meant to express the self-positing of the I, is, for him, a mere "motionless tautology."³²

Hegel, however, also warns of the reification of the I that occurs when we conceive of it as distinct from us. That is the error of religion, which remains in the medium of mere "picture thinking" and must first be rectified by the "concept" of philosophy: "What in religion was content, or the form of representing an other, is here *the self's own doing*. The concept makes it binding that the content is that of *the self's own doing*."³³ Insofar as reason cannot exist without the "self's own doing," Hegel thus appears in his conception of reason to be closer to Fichte than to Schelling, for whom reason is the original ground of nature.

Conclusion: Fichte and the Parameters of German Idealism

These reflections on these parameters introduced into philosophy by Fichte are, admittedly, very brief and cursory. It does, however, appear to me to be useful to distinguish these four axes: through them it is possible to construct a logical space of philosophical positions within the paradigm of German Idealism and thus to identify the choices made by the various philosophers of that paradigm in order to position themselves within it. Certainly, these parameters are not entirely independent of one another: whether, for example, the architecture of the system is holistic or hierarchical is a question that depends on the conception of the *object* of the theory. It is nonetheless useful to initially distinguish these four parameters, in order to then further investigate their interdependence.

The question of whether the history of German Idealism is one of success (Kroner) or of decline (Lauth), or whether, in fact, it is a threefold completion

(Janke),³⁴ must thus be considered in a more nuanced light. Wherever one stands on Fichte's own theory, one must hold it to his credit that he established this entire supple paradigm of German Idealism.

Translated by Moritz Hellmich

Notes

1. Friedrich Wilhelm Joseph Schelling, *Historisch-kritische Ausgabe*, ed. by Hans-Michael Baumgartner, Wilhelm G. Jacobs, Hermann Krings, and Hermann Zeltner (Stuttgart: Frommann-Holzboog, 1976ff.), III/1:17.
2. In *CCR* (1801), Fichte compares the philosophical system to a clock, in which each part is functionally related to all other parts.
3. Translator's note: The German words *Gesetz* and *setzen* share a common root. "That which has been posited" (*das Gesetzte*) is thus very close to "the law" (*das Gesetz*).
4. For the notion of "performative self-contradiction," see e.g. Matthias Kettner, "Ansatz zu einer Taxonomie performativer Selbstwidersprüche," in *Transzendentalpragmatik*, ed. Andreas Dorschel, Matthias Kettner, Wolfgang Kuhlmann, and Marcel Niquet (Frankfurt: Suhrkamp, 1993), 187–211; or Adrian Bardon, "Performative Transcendental Arguments," *Philosophia* 33, no. 1–4 (2005), 69–95.
5. In *FNR* (1796), Fichte writes:

It is contradictory to ask about a reality that supposedly remains after one has abstracted from all reason; for the questioner himself (we may presume) has reason, is driven by reason to question, and wants a rational answer; he therefore, has not abstracted from reason. We cannot go outside the sphere of our reason; the case against the thing in itself [*die Sache selbst*] has already been made, and philosophy aims only to inform us of it and keep us from believing that we have gone beyond the sphere of our reason, when in fact we are obviously still caught within it. (*FNR* 39 [GA I/3:348])

6. Cf. Werner Hartkopf, "Die Dialektik Fichtes als Vorstufe zu Hegels Dialektik," in *Zeitschrift für philosophische Forschung* 21, no. 2 (1967): 173–207, especially 189.
7. Friedrich Wilhelm Joseph Schelling, *System of Transcendental Idealism* (1800), trans. Peter Heath (Charlottesville: University Press of Virginia, 1978), 2; *Historisch-kritische Ausgabe* I/9.1:25.
8. In his Munich lectures *On the History of Modern Philosophy* (1836/1837), Schelling implicitly claims to have anticipated Hegel's dialectic in his *System*

of *Transcendental Idealism*. See Friedrich Wilhelm Joseph Schelling, *Sämmtliche Werke*, ed. Karl F. August Schelling (Stuttgart, Augsburg: Cotta, 1856–61), X:96.

9. Schelling, *System*, 2 (*Historisch-kritische Ausgabe* I/9.1:25).
10. Schelling, *System*, 61 (*Historisch-kritische Ausgabe* I/9.1:106).
11. Friedrich Wilhelm Joseph Schelling, *On the History of Modern Philosophy*, trans. Andrew Bowie (Cambridge: Cambridge University Press, 1994), 112–13 (*Sämmtliche Werke* X:98).
12. In a letter to Hegel dated February 1795, Schelling characterizes his position as follows:

For Spinoza the world (the object in simple contrast to the subject) was everything, for me it is the I. It seems to me that the essential difference between critical and dogmatic philosophy lies in this, that the critical starts from the absolute I (not yet conditioned by any object) and the dogmatic from the absolute object or not-I. (In its highest consistency, the latter leads to the system of Spinoza, the former to that of Kant.) Philosophy must take its start from the unconditional. The question is simply where this unconditional lies, in the I or in the not-I. If this question is answered, everything is decided. For me the highest principle of all philosophy is the pure, absolute I, that is, the I insofar as it is nothing but I, not yet conditioned by any objects, but posited by freedom.

Friedrich Wilhelm Joseph Schelling, *The Unconditional in Human Knowledge: Four Early Essays (1794–1796)*, trans. Fritz Marti (Cranbury, NJ: Associated University Presses, 1980), 139, 133 (*Historisch-kritische Ausgabe* III/1:22).

13. Friedrich Wilhelm Joseph Schelling, *First Outline of a System of the Philosophy of Nature*, trans. Keith R. Peterson (Albany: State University of New York Press, 2004), 17 (*Historisch-kritische Ausgabe* I/7:276).
14. Schelling, *Historisch-kritische Ausgabe* I/10:100.
15. Fichte to Schelling:

I have not had the chance to study your thoroughly original writings on the philosophy of nature, so I am not in a position to offer an opinion, be it praise or criticism. However, because I am well aware of your talents I am confident in advance that they are good. This is what I think and I am sure that I would not have said anything else.—It almost costs me more effort to work my way into a foreign system than to construct my own. Hence, with regard to the philosophy of nature it has always been and still is my intention to somehow or other work through it myself. I will then be able to correctly understand and pass judgment on your work. (PR 31 [GA III/4:322])

16. Schelling, *System*, 7 (*Historisch-kritische Ausgabe* I/9.1:32).

17. Fichte, for example, writes: “The I is not to be derived from the Not-I, life is not to be derived from death; but rather, conversely, the Not-I is to be derived from the I. That is why all philosophy has to start from the latter” (SE 56 [GA I/5:65]).
18. Friedrich Wilhelm Joseph Schelling, *Statement on the True Relationship of the Philosophy of Nature to the Revised Fichtean Doctrine. An Elucidation of the Former* (1806), trans. Dale E. Snow (Albany: State University of New York Press, 2018), 21 (*Sämtliche Werke* VII:21).
19. *Ibid.*, 85 (*Sämtliche Werke* VII:96).
20. Cf. Schelling, *System*, 225 (*Historisch-kritische Ausgabe* I/9.1:329).
21. Schelling, *The Unconditional*, 97, translation corrected (*Historisch-kritische Ausgabe* I/2:126). This formulation is an allusion to Spinoza:

The absolute *power* of the one substance was the ultimate for him—in fact, the only reality. In it, according to Spinoza, there is no wisdom, for its action itself is law; no will, for it acts by the intrinsic power of its essence [*Wesen*], by the necessity of its being [*Sein*].... Its very nature [*Wesen*] is only this power. (*Ibid.*, 95–6 [*Historisch-kritische Ausgabe* I/2:122])

22. Georg Wilhelm Friedrich Hegel, *Lectures on the History of Philosophy*, trans. Elizabeth Haldane and Frances H. Simson, vol. 3 (London: Kegan Paul, Trench, Trübner & Co., 1896), 488; Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer and Karl Markus Michel (Frankfurt: Suhrkamp, 1986), XX:396.
23. Schelling, *Historisch-kritische Ausgabe* I/10:92.
24. Georg Wilhelm Friedrich Hegel, *The Phenomenology of Spirit*, trans. and ed. Terry Pinkard, (Cambridge: Cambridge University Press, 2018), 52, §76 (*Werke* III:70); see also §234.
25. *Ibid.*, 53, §79 (*Werke* III:73).
26. *Ibid.*, 52, §78 (*Werke* III:72).
27. *Ibid.*, 58, §89 (*Werke* III:79).
28. Cf. e.g. Ludwig Siep, *Hegels Fichtekritik und die Wissenschaftslehre von 1804* (Freiburg & Munich: Alber, 1970), 19–47.
29. Hegel, *Phenomenology*, 13, §20 (*Werke* III:24).
30. Georg Wilhelm Friedrich Hegel, *Encyclopedia of the Philosophical Sciences in Basic Outline. Part I: Science of Logic*, trans. Klaus Brinkmann and Daniel O. Dahlstrom (Cambridge: Cambridge University Press, 2010), 60, §24, Addition 2 (*Werke* VIII:84); cf. Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, trans. H.B. Nisbet (Cambridge: Cambridge University Press, 1991), 42, §7, Addition (*Werke* VII:57).
31. Hegel, *Phenomenology*, 50, §74 (*Werke* III:69).
32. *Ibid.*, 103, §167 (*Werke* III:137).
33. *Ibid.*, 460, §797 (*Werke* III:581), emphasis added.

34. Richard Kroner, *Von Kant bis Hegel*, 2 vols. (Tübingen: Mohr (Siebeck), 1921–1924); Reinhard Lauth, *Die Entstehung von Schellings Identitätsphilosophie in der Auseinandersetzung mit Fichtes Wissenschaftslehre (1795–1801)* (Freiburg: Alber, 1975); Reinhard Lauth, *Hegel vor der Wissenschaftslehre* (Stuttgart: Steiner Verlag Wiesbaden, 1987); Wolfgang Janke, *Die dreifache Vollendung des deutschen Idealismus: Schelling, Hegel und Fichtes ungeschriebene Lehre* (Amsterdam: Rodopi, 2009).

Part II

Metaphilosophy and Method



5

Fichte on the Standpoint of Philosophy and the Standpoint of Ordinary Life

Halla Kim

Fichte is well known for having radically transformed Kant's transcendental idealism and for having discovered the root of this system in the dynamic activities of the pure I, which are known as "fact-acts" (*Tathandlungen*).¹ Nevertheless, it is not well known that, in the process, Fichte makes a pivotal distinction between the standpoint of philosophy and the standpoint of life. Despite its far-reaching consequences, this distinction has received scant attention—which is unfortunate, because, since Fichte's own time, neglect of the distinction has resulted in numerous unfounded attacks upon, and gross misunderstandings of, Fichte's idealism. Indeed, this distinction enables his system of philosophy (the so-called *Wissenschaftslehre*) to be self-consistent and materially resourceful without losing its substantial relevance for the actual reality of life. It thus deserves our most close scrutiny, given the way in which it frames Fichte's whole philosophical project.

In what follows, I show (1) how, exactly, Fichte distinguishes between these two standpoints and (2) why he accords special authority or priority to the standpoint of philosophy over the standpoint of life. I then provide a general assessment of the distinction in its historical and philosophical context. Next, I argue that, with the distinction between the two standpoints, Fichte radicalizes the nature of philosophy, and in offering a synoptic vision of the two standpoints, his transcendental idealism achieves a harmony between them, ensuring the unity of speculation and life as well as the unity of knowledge and action.

H. Kim (✉)

Department of Philosophy, Sogang University, Seoul, South Korea

The Aim of Fichte's System

There is no question that Fichte's first truly systematic work, *Foundation of the Entire Wissenschaftslehre* (1794/1795), was greatly influenced by Kant's transcendental idealism. In this work and others following it, he structured the presentation of his system around the highest principle of original self-consciousness,² on the basis of which he undertook to account for the experience of putatively mind-independent objects. In his Jena period (1794–1799), starting with the basic insights of the most dominant view at the time, namely Kant's transcendental idealism, Fichte moved on to give a systematic construction of the most important activities of our consciousness (such as the original and derivative activities of the pure I) together with the ensuing derivation of the embodied beings (including our own bodies) in space and time, as well as other rational beings.

Nevertheless, no matter how "Kantian" in spirit Fichte's enterprise might be, he was at the same time unmistakably of the view that Kant's own project contained serious lacunas. It was in fact the incisive objections of such critics as F. H. Jacobi and G. E. Schulze that prompted Fichte to propound a radically revised version of Kantian transcendental idealism: one that would offer adequate responses to the challenges of nihilism and skepticism induced by the Spinozistic dogmatism and the Kantian-style idealism, respectively. As the bastion of the system of freedom, Fichte felt greatly threatened by the onset of this Spinozistic dogmatism, which held that everything in nature is completely and causally determined by the laws of nature. But this left no room whatsoever for value and morality, thus ending with nihilism.³ At the same time, despite his allegiance to the basic spirit of Kantianism, he was equally wary of the skeptical consequences implied by the dogmatic legacy of the "thing in itself" in Kant's view. Against this background, Fichte made it abundantly clear that one of the central aims of his ambitious project just was to show that we are active beings freely exercising our power in the natural world that is, however, composed of embodied objects in space and time that are necessarily determined.⁴

To Fichte's disappointment, however, the reception of the *Foundation* was far from enthusiastic. Fichte felt that he had not been understood at all. First, there was the prevailing misinterpretation of his idealism, according to which, for Fichte, the whole empirical world is somehow created by the "I" when the latter posits it.⁵ Furthermore, his genetic construction of our consciousness and its objects in the world immediately invited the suspicion that he revived the transcendent metaphysics, which Kant had tried so hard to prevent

in his transcendental dialectic of the First *Critique*. For example, in his open letter of August 7, 1799, Kant vitriolically accused Fichte of failing to make the all-important distinction between analytic and synthetic judgments.⁶ For Fichte was presumably trying to deduce experience on the meager basis of the concepts of identity and negation.⁷ Thus, to Kant's eyes, Fichte's system was no different from the monadic fancy of the Leibniz-Wolffian kind.

The Distinction of the Two Standpoints

In order to deflect the charge of skepticism and nihilism, both of which can cast doubt on the value of any of our activities, Fichte had to make a concerted effort to clarify the task of transcendental philosophy.⁸ Above all, Fichte made it clear that philosophy is intrinsically a reflective activity. While we ordinarily see and think directly about the objects of representations, philosophers “reflect upon the activity of representing” itself (EPW 201 [GA II/3:329]). In other words, philosophy begins by turning our attention inward, by means of reflection upon the human mind. Philosophy is the “systematic history of the human mind's universal modes of acting” (EPW 208 [GA II/3:334]).⁹ “Philosophy” therefore “teaches us to seek for everything within the I” (EPW 83 [GA I/2:87]). Indeed, as Fichte puts it: “the material of all philosophy is itself the human mind or spirit, considered in all its affairs, activities, and modes of acting. Only after it has made an exhaustive inventory of all of these modes of acting is philosophy *Wissenschaftslehre*” (EPW 200 [GA II/3:328]). But the philosopher's life is not exhausted by the life of the mind. She not only has philosophical moments, but she also must live a life in the daily context. How are these two aspects or moments related to each other in the course of the world? Fichte suggests that we make a sharp distinction between the “standpoint” of ordinary life and that of transcendental reflection, which is the standpoint required of the philosopher.

He was, however, not the first to make such a distinction. Kant, for example, already made a similar distinction between two standpoints when he distinguished transcendental idealism from empirical realism and went on to argue for their identity. He also tacitly appealed to the standpoint of common sense, versus the standpoint of philosophy as a metaphysics of morals, in *Groundwork I* and *Groundwork II*, respectively. It was, however, Fichte who, whenever he faced serious challenges to his system, responded by a consistent recourse to the two-standpoints distinction.

Without doubt, Fichte is widely remembered as the philosopher who emphasizes life and practice, and it is no wonder that he accords a special

importance to the standpoint of ordinary life.¹⁰ To begin with, the standpoint of ordinary human life is the one with which we are all familiar. Obviously, it is concerned with the common transactions we daily engage in as simple, naïve, and busily occupied individuals. Thus, it deals with the familiar objects and states of affairs in our natural, physical, social and political, and even religious environments, as well as our typical responses and reactions to them. In this sense, it is naturally and primarily concerned with our commonplace construal of our sensations (which Fichte sometimes calls “feelings”) as representations of physical objects (EPW 199 [GA II/3:327]). Here we believe ourselves to be aware both of mind-independent objects and of our own representations of them. Following Fichte, we can perhaps say that there is an awareness of a double series: the series of objects and the series of representations of them (NM 78 [GA IV/3:314]).

It then appears that at the level of ordinary life, we are primarily “realists,” in the sense that our activities are believed to be determined by the being of things. Indeed, we clearly believe that there are objects out there and that our representations of them are involuntarily imposed upon us, in what Fichte calls “representations accompanied by a feeling of necessity” (IWL 8 [GA I/4:186]). The I is thus regarded as the natural product of the not-I.¹¹ In the process, we easily fall victim to the fallacy of taking sensible objects as things in themselves.

Additionally, in the ordinary life, we are not only aware of objects and of our representations of them; we are also conscious of our own activity of representing, no matter how dimly we may be aware of it. This then leads to our belief that we are able to make a difference to the world through our free agency, in “the representations accompanied by a feeling of freedom” (IWL 8 [GA I/4:186]), and that this can be achieved by way of our obedience to, and practice of our moral duties. In other words, we are aware of ourselves as independent and free. Thus our ordinary life is not only concerned with the common cognition of material objects and other persons but also with our “practical awareness of freedom of action and thought.”¹² Therefore, in ordinary life, there is definitely an awareness of our moral ideals and ends.¹³

Because we naively believe both that we are determined by objects and that we also are capable of freely determining them, this naturally gives rise to a tension in our outlook. The standpoint of life inextricably intertwines two commitments that create a contradiction: one between freedom and determinism. If the things that we do in life are completely causally determined in a way that is beyond our control, then how can we be morally and socially responsible for them? This is a serious problem that can preclude any consistent conception of human life. We routinely shrug off the problem and go on

with life, pretending that this matters little, but there is no denying that ordinary life's outlook on things presents a big challenge to impartial observers and gives rise to a conceptual crisis in its midst.

According to Fichte, a successful resolution of this dilemma requires raising one's consciousness to the standpoint of philosophy. Philosophy is needed to resolve such quandaries, because only philosophy can provide a reflective activity. The only way one can answer the philosophical questions regarding the nature and limits of our default view and its underlying assumptions is by turning our attention inward, by means of a reflection upon the human mind. In this way philosophy dissolves the realist deception inherent in our ordinary viewpoint, the error of mistaking sensible objects for things in themselves.¹⁴

At this point, in order to introduce the philosophical perspective properly, we stand in need of freedom fully engaged. This is because philosophy begins with an abstraction, an operation by which we freely detach ourselves from everything that is not directly concerned with the I in our experience. Also, instead of looking outside, we need to look inside when we take up philosophy—that is, we need to reflect on the I. This is the reason why abstraction, as the operation of separating the I from the facts of experience, is required. Further, abstraction demands a free exercise of the will at its full capacity.¹⁵ Without freedom, and without abstraction as well as reflection, philosophy would be an impossibility.

Turning inward and reflecting on the I marks the first beginning of philosophy. But the ability to reflect on the I helps us to reflect on the necessary conditions of the possibility of ordinary experience (EPW 203 [GA II/3:331]). Accordingly, philosophy has the task of “deriving,” and hence of “explaining,” our ordinary experience. So, even though philosophy must abstract from experience, and although this abstraction paves the way for an exposition of the patterns of the human mind in its operations, philosophy must bear in mind that the reflection goes nowhere unless it comes back to experience and explicates the latter in terms of the resources inherent in the mind. As Fichte puts it, “within human reason,” we can find “the task of explaining the foundations of experience” (IWL 33 [GA I/4:206]).

But not just any philosophy will do. We need to make a choice between two possibilities: dogmatism and idealism.¹⁶ Dogmatism holds that the I is determined by the thing, that is, the not-I. So, we may say that the dogmatism is an “object”-centered theory. On the other hand, idealism holds that the I determines the thing. In this respect, the idealism is a “subject”-oriented philosophy. Fichte's view is that fundamentally idealism and dogmatism are the only available systems of philosophy. How then do we choose between the two? Fichte here famously suggests that “the kind of philosophy one chooses

thus depends upon what kind of person one is” (IWL 20 [GA I/4:195]). This seems to show that, if we ever have to choose between them, our choice would be necessarily guided by our own subjective preference. However, note that we do not make the choice here as ordinary individuals. In ordinary life, we don’t have to make this choice. The standpoint of ordinary life allows the possibility of the non-cacophonous coexistence of these two radically different viewpoints. Only when we consciously abstract from ordinary life and reflect on it, are we then faced with the choice between the two. In other words, the choice in question is a philosophical one: it is a choice we make as philosophers. And this requires our active agency, as “the decision between these two systems is determined by free choice” (IWL 18 [GA I/4:194]).

Our ordinary life is a web of succeeding moments of freedom and determination. In it, we sometimes face the dilemma of free choice and determinism. When you choose dogmatism in your philosophical moment, you hold on to one horn of the dilemma and discard the other. In this case, you hold that our freedom must be an illusion. We are then immediately challenged by the threat that the whole world might turn out to be without value and meaning. Thus, it seems necessary that dogmatism leads to nihilism. But, since the choice of dogmatism itself is an outcome of an exercise of free choice, dogmatism seems to be practically inconsistent. All in all, even though Fichte may sound as though he is suggesting that the opposition between dogmatism and idealism cannot be rationally resolved—that is, that the decision between them is a matter of a philosopher’s subjective temperament—his ultimate verdict is that idealism has an edge over dogmatism.

Although there is no denying that the possibility of seeing things from the point of view of philosophy depends partly on the conception of things from the ordinary point of view, the former is by no means completely determined by the latter.¹⁷ To be sure, it must be acknowledged that the standpoint of philosophy is adopted by persons who live their lives as ordinary individuals. Thus the standpoint of philosophy must always have ordinary experience for its background. If the standpoint of philosophy is perceived as being in conflict with the standpoint of life, then this is only because both standpoints are treated as two equally valid theoretical positions. Instead, we must acknowledge, as we will see shortly, firstly, that we should consider both standpoints to be inexorably practical, and secondly, that knowledge claims made in ordinary life depend crucially on practical beliefs, which are higher than knowledge.

Transcendental Philosophy and the Practical Stance

It is the job of the philosopher to explain the experience that is viewed in ordinary life. In order to do this, the philosopher must abstract from ordinary experience and reflect on it. She must be able to elevate herself to a higher standpoint by freely analyzing it and observing what follows from it. However, as we have observed, idealism is not the only way to reflect on the experience in question philosophically. There are two ways to do it: in the right way and in the wrong way. One elevates oneself in the wrong way if one abstracts from the ordinary experience but tries to explain it from the side of things. In other words, one might end up assuming the “dogmatic” philosophical standpoint and trying to derive the subject’s experience from that standpoint. This wrongheaded philosophy then attempts to explain ordinary experience by postulating the world of things in themselves, which are thought to cause the experience. It is interesting to note that dogmatism as a philosophy resembles the ordinary standpoint in being “realist” about things out there, but it also radically distorts experience as it is encountered in the ordinary standpoint. For dogmatism reduces the dual series of objects and representations present (no matter how dimly) in the ordinary standpoint to a single series of objects by focusing on only the “representations with a feeling of necessity.” Thus, dogmatism as a philosophy does not do justice to our ordinary experience.

On the other hand, if you adopt the idealist standpoint, then you take the double series of things seriously and attempt to explain experience on that basis. Idealism thus holds that, within consciousness itself, there is a dual series of “objects” and “representations.” It then appears that taking an idealist position would fulfill the task of accounting for our experience more consistently. However, the matter is not so simple.

Above all, adopting an idealism is only the first step in identifying the proper philosophical system for the task at hand, because idealism can be divided into two sorts: dogmatic idealism and critical idealism. Dogmatic idealism holds that reality is exhausted by the infinite I—in other words, that the subject completely determines the object, such that the latter completely depends on the former.¹⁸ On the other hand, critical idealism holds that the I determines the not-I, but in a way that allows limitedness and finitude in the former. Characteristic of critical idealism is the claim that it recognizes the interdependence of the subject and the object. “No subject, no object; no object, no subject” (WL 168 [GA I/2:332–33]).

Fichte thus invokes a critical idealism which is the same as transcendental idealism. But here again, there are two versions of transcendental idealism, so it appears that, even if we make an ascent to transcendental idealism, we still need to face competing alternatives: the Kantian version of transcendental idealism or the Fichtean version of the same. Kantian transcendental idealism, which involves starting from subjectivist knowledge and thus is merely theoretically oriented in its underlying outlook, will fail to ground our knowledge of the world, for it leads to skepticism with its commitment to the existence of the thing in itself. As we will see shortly, we may say, in the language of the *Vocation of Man*, that this view represents the standpoint of “knowledge” (*Wissen*). On the other hand, Fichte’s idealism represents the standpoint of “belief” (*Glaube*).

Fichte contends that the root problem of the Kantian transcendental idealism is the central role it accords to “representations” in critical philosophy, which reflects its emphasis on knowledge. On this Kantian view, if the subject cannot relate itself to the object by way of representations, then there is no knowledge. Fichte, however, questions the separation of the theoretical and the practical that this emphasis on representation entails. According to Fichte, representing the world depends on an act of a special kind: the original self-consciousness which Fichte sometimes calls “*Tathandlung*.” Indeed, for him, philosophy must begin with an act, not a fact. The faculty of desire—in other words, will—is the fundamental organizing principle of the mind that lies at the heart of our relation to the world. Descartes once claimed, “I think, therefore I am.” Fichte could not have accepted this claim as it stands, and instead must have said, “I will, therefore I am.” Since what I am is determined by what I will, “I will, therefore I am” can be abridged as “I am I.” This is in fact the very starting point of the *Foundation of the Entire Wissenschaftslehre*.

As I pointed out earlier, in ordinary life, we are naturally conscious of our freedom (EPW 421 [GA, III/3:73]). But this is not a full-fledged awareness, because here our practical obedience to the moral law takes place without a heightened awareness. Only in transcendental idealism can the latter be fully achieved. Such a transcendental idealism alone would present the philosophy of freedom in the strictest sense. As we have seen above, the transcendental philosopher carefully observes the way in which the human mind works. He freezes this process, “holding still for examination that which is changeable and transient within the mind” (EPW 200 [GA II/3:328]). In focusing on the act of representing instead of the objects of representing, the philosopher’s standpoint propels us to the position of reflection and we thereby gain “a new and higher insight into the origins and overall significance” of the whole way of representing reality.¹⁹ Fichte then affirms that, from the standpoint of

transcendental philosophy, the interaction of freedom and nature could be explained by attributing sovereignty to practical reason. We can then deduce how the world is from how it ought to be.²⁰ From this, we can go on to explain how free moral actions take place in the world. The standpoint of transcendental philosophy thus achieves a harmony between freedom and the sensible world—that is, between the self-determination of the free I and the determined nature of the finite I. The latter is possible only because of the former. In other words, our free agency is the necessary condition of the possibility of the determined order of the sensible world. For philosophers, accordingly, there is no conflict between transcendental idealism and the commonsense realism of everyday life. For Fichte, “the standpoint of life is comprehensible only from the standpoint of speculation” (IWL 38n [GA I/4:210n]).²¹ One can be a philosopher and continue to live one’s life.

In this sense, Fichtean transcendental idealism is “the only kind of philosophical thinking that is in accord with duty” (IWL 50 [GA I/4:219]). Any rational being who takes the command of duty seriously—as reason absolutely requires of us—must also, on that basis, take seriously the reality (not to say the material reality) of the beings with which she must interact in service to that commitment.²² As Fichte himself puts it, “I certainly and truly have these determinate duties . . . which I cannot conceive nor carry out other than in a world such as I experience. The world of the senses and belief in the reality of that world is produced in no other way” (VM 78 [GA I/6:264]). This also means that the standpoint of the *Wissenschaftslehre* is available only to those who are already committed to the existence of rational beings in their interactions with each other. Fichte’s practical version of transcendental idealism is therefore the only philosophy capable of explaining the relationship between moral freedom and the sense of compulsion and restraint that is prominent in ordinary life.²³ In doing so, it resolves the contradiction between freedom and necessity.

This view of Fichte’s, namely, the view that practical reason (i.e., will) takes precedence over theoretical reason (i.e., intelligence), is widely known as the doctrine of the primacy of practical reason.²⁴ This entails, among other things, that knowledge is the result of action rather than theoretical contemplation. This doctrine also entails that the existence of the external world is demonstrable only through my striving to change the world. As Fichte puts it, “our world is the material of our duty made sensible. This is the truly real element in things, the true, basic stuff of all appearance” (IWL 150 [GA I/4:353]). For Fichte, however, practical reason, instead of giving us the warrant to hold certain moral and religious beliefs that we cannot demonstrate or refute through theoretical reason (as in Kant), gives us a warrant to uphold the moral ideals of God, immortality, and providence only as goals for action. Thus, in practical reasoning, we

are justified, not in believing in transcendent objects, but only in ascribing to ourselves the right to act for the sake of these ideals.

Indeed, Kant himself famously suggests that the mind knows objects only to the extent that it creates them, apparently on the grounds that “we can know *a priori* of things only what we ourselves put into them” (Bxii). But Fichte counters that the only extent to which we ever know about objects is set by the will itself. Thus, what we will takes precedence over what we know. This is why, in Fichte’s practical idealism, knowledge is always arrived at *en route* toward a task or an end (which, however, is never fully attainable).

Now, for Fichte, the standpoint of the practically-oriented transcendental philosophy is further integrated into the standpoint of belief, which is presented in Book III of the *Vocation of Man*, as his letter to Schlegel attests (GA III/4:283). As is well known, two different perspectives are laid out in the *Vocation*: that of knowledge (Book II) and that of belief (Book III). But the former is a theoretical position that is never “integrated into life,” while the latter represents an inexorably and irreducibly practical standpoint.

According to Fichte, belief (or faith) as an expression of a pure act of will, rather than knowledge (as an expression of representation), is capable of securing his system against the threat of nihilism and skepticism.²⁵ But this by no means entails a reintroduction of transcendent metaphysics. Rather, it expresses a commitment whose content is in keeping with Fichte’s transcendental deduction of the conditions of experience. Thus, the Fichtean standpoint of “belief” goes hand in hand with the transcendental explanation of experience (and in particular with the *Wissenschaftslehre*’s “first principles,” which articulate the ultimate conditions of the possibility of experience). While there is no denying that the Kantian standpoint of (theoretical) transcendental philosophy goes beyond the mechanistic impasse entailed by Spinozistic dogmatism (as amply suggested in Book I of the *Vocation of Man*), it nonetheless cannot face up to the challenge of skepticism about the external world and other minds. Belief then must take the place of knowledge as the foundation of the philosophical standpoint. Suggesting that practical transcendental idealism is appropriate to the human “dignity and vocation,” Fichte emphatically claims that his view assures the clear and effective antidote to the poison of nihilism. Finally, because he recognizes that belief involves a free acceptance of knowledge (and that knowing involves a free acceptance of belief), which he chooses not because he “must” but because he “wants” to, he apprehends that transcendental idealism is not fatalistic.²⁶ The choice of idealism over dogmatism then is an expression of our fundamental act of will, that is, of freedom.

Accordingly, it seems only natural on the part of Fichte to suggest in the *Vocation of Man* that the practical standpoint grounds knowledge (*Wissen*) on belief (*Glaube*). This is not the theoretical philosophical standpoint of the Kantian type, which ends up with dogmatic implications, but the “standpoint of natural thought” (VM 71 [GA I/6:193]). Of course, the latter is not the naturalistic-deterministic standpoint of Spinozism but must be one that involves a “voluntary acquiescence in the view which is naturally presented to us” (VM 71 [GA I/6:193]). This is naturally presented, not because it is fixed by the deterministic causal laws in the natural world, but because that is the only way in which our vocation can be fulfilled (VM 71 [GA I/6:193]). It is clear that this requires a standpoint that we can adopt through conscious free decision. This then is the standpoint of moral belief in human freedom. We may say that this indeed is the foundation of the entire *Wissenschaftslehre*. Only in this elevation can the true system of freedom be achieved. This also attests to Fichte’s allegiance to the primacy of the practical over the theoretical. Belief then turns out to be the principle uniting thinking and willing, knowing and acting, as well as theory and practice.

Note that, in the *Vocation of Man*, “knowledge” is limited to subjective theoretical knowledge, and it is belief (or faith) that grounds knowledge morally or practically. It is Fichte’s view that we experience the binding force of the moral law as commands. But this involves our prior decision to affirm the validity of the practical laws. Belief, in Fichte’s technical sense, involves the “decision of the will to recognize the validity of knowledge” (VM 71 [GA I/6:257]). Belief is phenomenologically encountered in the form of certainty bound up with conscience (*Gewissen*). This then is the consciousness that the I experiences vis-à-vis the practical laws of morality. From this belief, knowledge of objects in the world can be transcendently accounted for as the indispensably necessary condition of its possibility. Thus, the whole standpoint of practical philosophy shows the cognitive-conative unity. Theoretical knowledge alone fails to achieve this unity. Only the practical standpoint that is grounded in belief makes such unity possible. Our belief then entails that there must be a lofty order of being, the supersensible world, which makes the moral demands and our fulfillments of them possible. As Fichte puts it:

If it really is to be reason which forms my being ... then this obedience [to the imperative of autonomous activity] must have some outcome or serve some purpose. Evidently it does not serve the purpose of the natural earthly world. There must, therefore, be a supernatural world whose purpose it serves. (VM 93 [GA I/6:278])

Now, in the essay “On the Basis of Our Belief in a Divine Governance of the World,” (IWL 147 [GA I/4:351]), Fichte makes sure to introduce the transcendental-philosophical standpoint as the only possible kind that can satisfactorily explain facts accepted by the ordinary standpoint. Thus, Fichte reassures us that the standpoint of philosophy forces a rationally mandated ascent from our everyday perspective to the one true view of things.²⁷ Indeed, he goes so far as to say that “our moral vocation is itself the outcome of a moral attitude or disposition and is identical with our belief” (IWL 147 [GA I/5:351], translation modified).²⁸ All of our knowing in ordinary life presupposes a free acceptance of belief. As he puts it, “belief is the basis of all certainty” (IWL 147 [GA I/5:351], translation modified). Fichte also has this to say: “Nor can I refuse to believe in the reality which [my concepts, infused by conscience] bring along without likewise renouncing my vocation. It is simply true, without further testing and justification, it is the first truth and the ground of all other truth and certainty...” (VM 76 [GA I/6:265]). Again, the adopted standpoint of belief does not entail a return to a pre-critical dogmatism. It is not an integral part of Fichte’s transcendental project.

The Aftermath of the Distinction

Fichte thus insists that there is no conflict between the standpoint of transcendental idealism and the standpoint of commonsense realism of everyday life. On the contrary, the whole point of the former is to demonstrate the necessity and accessibility of the latter (cf. IWL 33 [GA I/4:206]). The standpoint of transcendental philosophy thus comprehends and oversees the standpoint of life, achieving a harmony between freedom and the sensible world—that is, between “the demands of the pure I and the original limits of the finite I.”²⁹

Indeed, the standpoint of transcendental philosophy presents a clear view of the nature of supersensible reality and of “the ‘spiritual realm’ in general.”³⁰ This is the standpoint that pivots on the fundamental belief. And this belief involves a metaphysical commitment to the reality of a supersensible world with rational beings as its inhabitants. Above all, the standpoint of belief involves a metaphysical commitment to the self-activity of such beings. Belief then must simply express a reaffirmation of our nature as pure activity, and, in this respect, it presents our agency in its most pertinent dimension. In particular, it manifests the nature of the will as the latter is articulated in the three fundamental principles that Fichte introduces and discusses at the outset of the *Foundation*. “We do not act because we know, but we know because we are meant to act” (VM 79 [GA I/6:265]), as Fichte puts it. This is because

belief is the “resolution of the will,” or “a decision of the will to recognize the validity of knowledge” (VM 71 [GA I/6:257]).

Fichte’s transcendental account of experience by way of his critical philosophy shows that the end of the infinite activities of will and intelligence is articulated by, and integral to, such active intelligences.³¹ In a word, the standpoint of philosophy provides the only access and passage to a non-material reality: the intelligible world.³² In this sense, Fichte’s practical transcendental idealism goes well beyond the Kantian transcendental scheme of “knowledge,” which ends up with the unknowability of the thing in itself. Against Kantian idealism, Fichte argues that the very concept of a “thing in itself,” understood as a mind-independent, external cause of sensations, is indefensible on Kantian grounds. After all, for Kant, causality is one of the categories of the mind that can be applied only to appearances but not to things in themselves.

In his early popular writings, Fichte speaks of the *Denkart* or “way of thinking,” which he associates with the practical standpoint of “life” (e.g., see EPW 83–89 [GA I/2:412–16]).³³ But this philosophical *Denkart* is also presented in 1794 and 1800 as

a stoic elevation of the soul above earthly disappointments and failures, accompanied by a firm resolve to do one’s duty no matter what, undismayed by hardships and fears, including the fear of death, and accompanied by a firm, indeed joyous, confidence in the ultimate triumph of morality, the final victory of spirit over nature.³⁴

The distinction between the standpoint of philosophy and that of life is prominently present in the *System of Ethics* as well. The concept of will, as this is extensively discussed in the *System of Ethics*, is also treated in a different manner according to the two standpoints. For, in the standpoint of ordinary consciousness, our will’s tendency to self-activity is recognized as moral obligation. But from the point of view of transcendental philosophy, the same tendency to self-activity in the will is expressed as an original drive toward the entire I, the absolute subject-object. Here the will is viewed as always making itself anew. The “will exists in advance of its nature,” so, strictly speaking, it cannot have a fixed character. But it still has a “true essence” (SE 30 [GA I/5:24]), not as a state of being but rather as a “tendency to self-activity for self-activity’s sake.” (SE 34 [GA I/5:27]). In its form, this drive is not a feeling (i.e., a passivity in relation to the not-I) but only an unconditioned thought or concept. In its content, this drive is a norm or command, namely, the categorical imperative.

Above, I pointed out that the standpoint of ordinary life typically commits itself to the existence of things in themselves. This is its realist-dogmatist picture of the world. It also commits the fallacy of taking sensible objects as things in themselves. The Kantian transcendental idealism ends up being dogmatic, because it is committed to the existence of the thing in itself, even though it does not confuse the sensible object with the thing in itself. Can the standpoint of transcendental philosophy dissolve the concept of the thing in itself?

It has to be remembered that Fichte's transcendental philosophy tries to account for experience by deducing its properties from the immanent laws of the intellect and thereby establishing its objective validity.³⁵ This suggests that Fichte cannot completely do without a suitable ersatz for the Kantian concept of the thing in itself, namely, something that goes beyond the power of the finite I. In particular, simply empowering the I as such by optimizing it would quickly lead to dogmatic (subjective) idealism. Further, doing so contradicts the standpoint of ordinary life as well. The philosophical standpoint should explain—but not replace—the thing in itself affirmed in ordinary life.

Now, if you construe the thing in itself as the cause of appearances, then, Fichte suggests, this must be due to a confusion between different levels of discourse: the standpoint of philosophy and the standpoint of ordinary life. The latter is dualistic and holds that ordinary phenomenal objects appear to us to be things in themselves. From the ordinary standpoint, objects are always prior to and independent of our perceptions of them. But transcendental philosophy is idealistic and holds that consciousness plays a key role in synthesizing the objects. It is consciousness that simply constitutes and constructs the objects. Thus, objects are nothing more than mere appearances. This is why Fichte requires a radical practical turn. He thus postulates the existence of the not-I from within practical reason. According to Fichte, the way in which the I represents things depends on the I, but the fact that the I represents things depends on the not-I (e.g., see WL 219 [GA I/2:299]).³⁶

Thus, the mistaken dualistic picture prominent in the standpoint of ordinary life presupposes two distinct worlds and holds that one of them is the cause of the other. This view applies the category of causality beyond the realm of appearances. Fichte therefore identifies the philosophical standpoint with (practical) idealism and the ordinary standpoint with realism, in order to resolve the inconsistency inherent in both the standpoint of ordinary life and in the Kantian theoretical standpoint.

In the *Foundation*, Fichte suggests that the thing itself cannot be what Kant calls a "noumenon," a being completely independent of the I (WL 250 [GA I/2:328]). If so, then we may ask: how can the thing in itself be contributed

by the I and yet account for the objectivity of our representations? To solve this seeming problem, Fichte introduces the *Anstoß* or “check” (or “obstacle”), to explain why the I posits the world as it does. Although the *Anstoß* plays a similar role to the thing in itself in the Kantian philosophy, Fichte’s *Anstoß*, unlike the Kantian thing in itself, is not something foreign to the I. This condition of the limitation within the I, namely, the *Anstoß*, is then presented (in the *Foundation*) as the “feeling” of the I’s *own* original limitation or determinacy. This is a condition that is not explained by any activity on the part of the I, so we can say that it shows a “realist” moment on the part of Fichte, albeit a weak one at that. The external objects present an *Anstoß* on the activities of the I, so to speak. Note that this view is far from the Kantian claim that the I is causally affected by the thing in itself. There is no sensibility (in the Kantian sense), because there is no givenness in Fichte’s scheme of things. The pure I thus encompasses an element that is opposed to itself and that forever evades the finite I. In this respect, whatever is not yet known in the object for the determinate, finite I, Fichte designates as the *Anstoß*, which is not due to the activity of the (finite) I but to an infinite striving of the pure I, and which acts upon the determinate, finite I, to bring about representations in it. This explains why the power of human cognition is limited. Thus, for Fichte, the infinite striving of the pure I turns out to be an interplay between the I and the not-I. The thing in itself in Kant undergoes a radical transformation under the concept of the *Anstoß* for Fichte. There is then little doubt that in order to be self-conscious, the I must post itself as limited originally. This condition of the limitation within the I (namely, the *Anstoß* in the *Foundation*) is then presented as the “feeling” of the I’s original limitation in the *Foundations of Transcendental Philosophy nova methodo*.

In the second 1797 Introduction to the *Wissenschaftslehre*, Fichte is nevertheless willing to accept the concept of the thing in itself *insofar as* it is understood as the noumenon—that is, the unknown aspect of the not-I (IWL 67 [GA I/4: 235]; cf. WL 219 [GA I/2:299]). Thus understood, the noumenon turns out to be an object created by the necessary laws of reason, and, accordingly, it is within the jurisdiction of the pure I. Appearances are objective because of the noumenon, which explains how an object is more than a representation and yet not a transcendent entity. The thing in itself, understood as the noumenon, is not wholly beyond cognition and its conditions, and in this respect it is clearly within the purview of reason, granted that it goes well beyond our sensibility. For Fichte, then, the noumenon in question here is not a transcendent entity (completely beyond nature) but the object which is imperceptible but thinkable as the object of pure reason.³⁷

So, what becomes of the Kantian thing in itself in Fichte's system? Fichte seems to send mixed messages, wavering between subjective idealism and dogmatic realism. If at least a modified version of the concept of the thing in itself is required in a stable system of idealism, then how do we connect with the thing in itself, understood in this new light? In order to resolve this problem Fichte distinguishes, in the *Foundation*, between a representation and a feeling (*Gefühl*)—a subjective state of consciousness (WL 246ff. [GA I/2:319ff.]). We represent things as appearances but we feel them as things in themselves (EPW 95n [GA I/2:109n]). As Fichte puts it, “no representation at all would be possible without feeling” (EPW 95n [GA I/2:109n]). The connection of cognition to things in themselves (a connection not denied by Fichte) is achieved not indirectly through representation but directly through our feeling. Things in themselves are apprehended only subjectively, insofar as they affect our feeling. Thus, feeling, for Fichte, is closely related to practical reason, whereas sensation is closely related to theoretical reason. This means that, for Fichte, the thing in itself is not a mere Idea of pure reason whose reality depends on the I, and it is not a mysterious entity completely independent of the I. But since, for Fichte, there are only two modes of existence (a representation immanent to the mind, and the thing in itself that transcends the mind), he steers the middle path by holding that the thing in itself is both a noumenon (the product of the I) and an unknowable entity at the same time. Dogmatic idealism recognizes only the I, so that the thing in itself turns out to be the product of the I. Dogmatic realism holds that the I is opposed to the not-I, which is beyond the I. Fichte thus concludes that what distinguishes his critical idealism from dogmatic idealism is his own recognition of the reality of a non-I which, independent of the I, acts upon the I and moves the I into activity.³⁸

But despite the distinction between representing and feeling, the *Anstoß* is still required to limit the activity of the pure I. It is a force that can be felt, even though it cannot be represented. It thus plays a constructive role in that, without it, Fichte cannot account for the limited and finite character of human cognition.

The Two Standpoints and Fichte's Radical Conception of Philosophy

I close with a brief conclusion on the radical conception of philosophy that Fichte proposes via his distinction between the two standpoints. For Fichte, philosophy is not an “idle mental occupation” but an all-too-important

systematic standpoint that provides the answer to the question, “What is the vocation of man?” by means of contributions “toward advancing culture and elevating humanity in you and all those with whom you come into contact” (EPW 152 [GA I/3:32]). In this respect, philosophy should essentially exhibit the unity of its own self-conception and life, the unity of thought and action, and the unity of the two standpoints.³⁹

In its elevated status as the project that reconciles oppositions, the standpoint of philosophy unites the practical power and intelligence and makes them inseparable. Neither can be thought of apart from the other. The true character of the I lies in this identity (NM 153 [GA IV/3:366]). Within the confines of the ordinary standpoint, one is entangled in a series of contradictions. One can then resolve these contradictions by adopting a philosophical standpoint. However, the philosophical standpoint does not annul the ordinary standpoint. When you adopt the philosophical standpoint, you also retain the ordinary standpoint as well, but you give priority to the philosophical over the ordinary standpoint. As Fichte puts it, “everything is one and the same, only always under different aspects” (NM 420 [GA IV/3:618]). The opposites arise in natural thinking, but their identification as alternative but complementary aspects of one and the same is the work of philosophical thinking.⁴⁰ In a nutshell, the ordinary standpoint is entangled in oppositions, but the philosophical standpoint achieves their reconciliation.

In “Some Lectures Concerning the Scholar’s Vocation,” Fichte suggests that philosophy is beneficial, not only because it helps an individual person pursue her own particular vocation in life, but also because it promotes her more basic vocation as a human being. A decisive insight about the nature of this vocation is provided by “philosophy in its entirety—and moreover a well-grounded and exhaustive philosophy” (EPW 147 [GA I/3:28]). Accordingly, philosophy is beneficial not only to the philosopher herself but to the whole of humankind, through its clear-headed identification of the vocation of man.

In the scheme of transcendental philosophy, the vocation of man is to transform nature, the external world, by subordinating our sensible nature to our ends as the pure I. In this way, nature can be brought into harmony with our necessary practical concepts and the ends set by the pure I. To be sure, in order to fulfill this vocation, we depend on science, but the progress of science itself depends on the progress of philosophy. Because philosophy alone can provide insight into its ultimate vocation, it can make the greater contribution to the well-being of humanity. Philosophers have a particular vocation to be teachers of the human race. As Fichte puts it:

Philosophy consists in just this [practical] attitude, and this alone is philosophy. Philosophy is not something that floats in our memory or is printed in books for us to read; instead, philosophy is what has stirred and transformed our spirit and has ushered it into a higher, spiritual order of things. Philosophy is something which has to exist within us. It must be our entire being; it must be the whole education of our spirit and heart. (EPW 207 [GA II/3:334])⁴¹

Notes

1. See Halla Kim, “Fichte on Fact-act (*Tathandlung*)” in *The Bloomsbury Companion to Fichte*, ed. Marina Bykova (London: Bloomsbury, forthcoming).
2. The first principle: “The I originally and absolutely posits its own being [*Das Ich setze ursprünglich schlechthin sein eigenes Sein*]” (WL 98–99 [GA I/2:181], translation modified). The second: “Against the I the non-I posits itself [*so gewiss wird dem Ich schlechthin entgegengesetzt ein Nicht-Ich*]” (WL 104 [GA I/2:185], translation modified). And the third: “In the I, the I opposes a divisible not-I to the divisible I [*Ich setze im Ich dem teilbaren Ich ein teilbares Nicht-Ich entgegen*]” (WL 110 [GA I/2:189], translation modified).
3. See Frederick Beiser, *German Idealism: The Struggle against Subjectivism* (Cambridge: Harvard University Press, 2008), 240f.
4. Cf. Daniel Breazeale, “J. G. Fichte,” *Stanford Encyclopedia of Philosophy*. <https://plato.stanford.edu/entries/johann-fichte/> accessed May 1, 2018.
5. See, e.g., Bertrand Russell’s bleak appraisal of Fichte’s idealism in *The History of Western Philosophy* (New York: Simon & Schuster, 1963), 718.
6. Erich Fuchs, ed., *J. G. Fichte im Gespräch* (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1980), 2:217.
7. Terry Pinkard, *German Philosophy 1760–1860: The Legacy of Idealism* (New York: Cambridge University Press, 2002), 118.
8. For Kant, the word “transcendental” is referred to cognition, which is occupied not so much with objects but rather with our *a priori* concepts of objects in general. The system of such concepts would be called “transcendental philosophy” (A11–12/B25). By “transcendental” Kant also means the conditions of the possibility of synthetic *a priori* cognition (B40–41).
9. Fichte sometimes calls this history “pragmatic,” because it describes the activities in which the mind constructs itself and the world. As he puts it, “We are not the legislators of the human mind, but rather its historians. We are not, of course, journalists, but rather writers of pragmatic history” (EPW 131 [GA I/2:147]).

10. For this view, see Daniel Breazeale, "The Standpoint of Life and the Standpoint of Philosophy," in *Thinking Through the Wissenschaftslehre* (Oxford: Oxford University Press, 2013), 360–403.
11. *Ibid.*, 372.
12. *Ibid.*, 361.
13. *Ibid.*
14. *Ibid.*, 366.
15. For more on this, see Halla Kim, "Abstraction in Fichte," in *Fichte and Transcendental Philosophy*, ed. Tom Rockmore and Daniel Breazeale (London: Palgrave Macmillan, 2014), 143–62.
16. For Fichte, all philosophy is either dogmatism or criticism but never skepticism. See Daniel Breazeale, "Editor's Introduction," in *IWL*, xxiv.
17. *Pace* Breazeale, *Thinking through the Wissenschaftslehre*, 373.
18. Daniel Breazeale, "The *Wissenschaftslehre* of 1796–99 (*nova methodo*)," in *The Cambridge Companion to Fichte*, ed. David James and Günter Zöllner (Cambridge: Cambridge University Press, 2016), 99–101.
19. Steven Hoeltzel, "Fichte, Transcendental Ontology, and the Ethics of Belief," in *Transcendental Inquiry: Its History, Methods and Critiques*, ed. Halla Kim and Steven Hoeltzel (London: Palgrave Macmillan, 2016), 64.
20. For such a deduction, see Christian Klotz, "Fichte's Explanation of the Dynamic Structure of Consciousness in the 1794–95 *Wissenschaftslehre*," in *The Cambridge Companion to Fichte*, ed. David James and Günter Zöllner (Cambridge: Cambridge University Press, 2016), 65–93.
21. For more on this claim, see Steven Hoeltzel, "Nonepistemic Justification and Practical Postulation in Fichte" in *Fichte and Transcendental Philosophy*, ed. Tom Rockmore and Daniel Breazeale (London: Palgrave Macmillan, 2014), 296.
22. Steven Hoeltzel, "Fichte on Faith," Lecture given at University of Nebraska at Omaha, March 31, 2016.
23. Breazeale, *Thinking through the Wissenschaftslehre*, 376.
24. For more on this, see Frederick Beiser's discussion of this doctrine in *German Idealism* (Cambridge: Harvard University Press, 2002), 232–35.
25. Not all of our subjective opinions count as "belief" as Fichte uses the term here. For him, belief signifies a fundamental attitude of ours that lies at the foundation of our sweeping outlook on the world. In this respect, it resembles the notion of a 'hinge proposition' found in later Wittgenstein. Belief is also far from expressing discursive knowledge, for it is not "about knowing but about acting" (VM 67 [GA I/6:253]). Nor is it a privately felt sensation.
26. Yolanda Estes, "J. G. Fichte's *Vocation of Man*: An Effort to Communicate," in *Fichte's Vocation of Man: New Interpretive and Critical Essays*, ed. Tom Rockmore and Daniel Breazeale (Albany: State University of New York Press, 2013), 79–102.

27. See Hoeltzel, “Transcendental Ontology,” 60; Hoeltzel, “Nonepistemic Justification,” 295.
28. Fichte’s belief, however, is not a loose cannon which generates commitment to any entities whatsoever at will. Instead it is clearly subject to critical control by the transcendental explanation of experience. The rule: posit nothing of a kind not proven to exist by the aforementioned explanation—so that, as Fichte puts it, “free spirits alone are real ... an independent, sensible world through which they might act upon each other is quite unthinkable” (VM 108 [GA I/6:293]). For this point, I am indebted to Steven Hoeltzel.
29. Breazeale, *Thinking Through the Wissenschaftslehre*, 367.
30. *Ibid.*, 366.
31. Hoeltzel, “Nonepistemic Justification,” 300.
32. *Ibid.*
33. For Fichte’s criticism of dogmatic idealism as well as the indirect idealism of J. S. Beck, see Halla Kim, “Imagism and Fichte’s Criticisms of J.S. Beck’s Phenomenalism,” a paper presented at the Xth International Fichte Congress in Madrid (2017).
34. Daniel Breazeale, “Jumping the Transcendental Shark,” in *Fichte’s Vocation of Man: New Interpretive and Critical Essays*, ed. Tom Rockmore and Daniel Breazeale (Albany: State University of New York Press, 2013), 200–201.
35. Lior Nitzan, *Jacob Sigismund Beck’s Standpunctlehre and the Kantian Thing-in-itself* (Dordrecht: Springer, 2014), 208.
36. Cf. *ibid.*, 207.
37. Nitzan also criticizes Fichte for his unstable system, arguing that the thing in itself as a mere noumenon, if it is understood as the product of the I, leads to a dogmatic idealism, which Fichte tried to shun. See *ibid.*, 204.
38. *Ibid.*
39. For a detailed study of Fichte’s conception of philosophy, see Daniel Breazeale, “The Divided Self and the Tasks of Philosophy,” in *Thinking Through the Wissenschaftslehre*, 124–55.
40. Günter Zöllner, *Fichte’s Transcendental Philosophy* (Cambridge: Cambridge University Press, 1998), 117.
41. I thank Steven Hoeltzel and Kienhow Goh for extensive comments on an earlier draft.



6

Reflection, Metaphilosophy, and Logic of Action in the *Science of Knowledge*

Isabelle Thomas-Fogiel

At the very beginning of his *System of Liberty*, Luigi Pareyson observes, not without irony, that the problem of the evolution of Fichte's thought has become such an essential issue in Fichtean studies that "a serious understanding of Fichte's thought can basically be reduced to having an opinion on this problem."¹ Indeed, although multiple and various interpretations of Fichte exist, and although the periodization of his work differs from one commentator to another, it remains true that a number of interpretations share the same presupposition: first of all, that a significant change of philosophy did take place, and second, that this change can be expressed as a transition from a doctrine of the finite (consciousness, the subject, the "I") to a doctrine of the nonfinite or infinite (the absolute, God, Being). In an attempt to overcome this problem inherent to Fichtean studies, let us carry out a simple thought-experiment and put ourselves for a moment in the position of a philosophically novice reader and a neophyte who, to borrow an expression from Pareyson, "does not possess any thorough knowledge of Fichte's thought" and who naively consults a catalogue of titles of philosophical works. What would this brave novice learn from such a reading? Under the headings "Descartes," "Leibniz," "Heidegger," a wide variety of titles, each more different than the last. Under the heading "Fichte," broadly this: *Foundation of the Entire Science of Knowledge*; *The Concept of the Science of Knowledge*; *The Science of Knowledge nova methodo*; *The Science of Knowledge of 1801, 1804, 1805*, and so on—but

I. Thomas-Fogiel (✉)

Department of Philosophy, University of Ottawa, Ottawa, ON, Canada

e-mail: ithomasf@uOttawa.ca

also *The System of Ethics According to the Science of Knowledge*; *The Foundations of Natural Right According to the Science of Knowledge*. In this case, it is a safe bet that our fortunate stranger to Fichtean studies would hardly think to define Fichte's theory as a theory of the finite subject or a system of liberty, and even less as a doctrine of God or of the absolute, but would simply describe it as a *Science of Knowledge* (*Wissenschaftlehre*, literally: Doctrine of Science). It is even more likely that, lacking sufficient knowledge to understand the subtlety of the multiple ruptures introduced by the leading specialists, our novice reader would stick with her initial stupefaction, brought about by the repetition, if not to say the hammering in, of an expression that remains unchanged from one end of Fichte's work to the other.

This thought-experiment thus urges us to ask the question: What if the expression "Science of Knowledge" were the unifying principle of Fichte's philosophy? Isn't this comparable to Edgar Allen Poe's *Purloined Letter*, which we search for everywhere while it lies before our very eyes? Why should we assign to the different presentations of Fichte's doctrines such distinct topics as "doctrine of freedom" or "doctrine of the finite subject" (for 1794), "doctrine of the infinite" (for the 1796/1799 *Nova Methodo*), or "doctrine of the absolute" (for 1804), when in thus renaming what initially had but a single name, we not only suggest changes and evolution where what strikes us first should rather be the permanence of an expression, but we also surreptitiously confer upon the term "science" (*Lehre*: doctrine) a transitive dimension (so that the "science" is a doctrine of something: freedom, the finite subject, God, or the absolute). Against this imposed transitivity, Fichte constantly tells us that the expression "Science of Knowledge" (*Wissenschaftlehre*) can only be taken reflectively and understood precisely as "the science of science."²

Now let us suppose that our novice reader goes beyond the mere titles of Fichte's works and actually ventures into reading the first few pages of each different version of the *Wissenschaftslehre*. What would he discover? In 1794, the expression "I = I"; in 1798, the phrase "identity of the thinking and the thought"; in 1801, the expression "knowledge of knowledge," which is later specified in 1804 as "pure knowledge in and for itself"; and finally, in 1813, the phrase "the identity of the knowing and the known," which is immediately defined as the "understanding of understanding." As we see, each *Wissenschaftslehre* starts with a proposition that reiterates itself. As such, what should be noticed first and foremost, more than the transition from a certain term to another, is the recurrence of the formulation through which these terms are put forward. This recurrence, and the consistency between the expressions throughout the *Wissenschaftslehre*, is revealed not so much by the repetition of a certain term, but by the repeated reiterative structure of the

formulation itself. Regardless of this reiteration of the first proposition, which echoes with the repetitive nature of a “science of science,” the reader should also note that the very notion of reflection immediately follows the enunciation of the first proposition. The beginning of the presentation of 1794 requires an “abstracting reflection” (WL 93 [GA I/2:255]). In the *Wissenschaftslehre* of 1801, we find, just a few lines below the position of the “knowledge of knowledge,” the apposition of “the universal knowledge coming to itself in self-knowledge, in reflection” (GA II/6:141). Similarly, in 1804, the first proposition concerning “pure knowledge in and for itself” is said to be obtained “by reflection” (WL₁₈₀₄ 28 [GA II/8:20–21]). And finally, the *Wissenschaftslehre* of 1812 and of 1813 insist on “reflectivity.” Considering only the beginning of each *Wissenschaftslehre*, we can thereupon rightfully conclude that the *Wissenschaftslehre* in general is characterized by the following two features: first, it begins with a proposition whose structure is always reiterative and which is invariably thought as an absolute starting point precisely because of this reiteration; and second, it immediately puts forward the term “reflection,” or derivative expressions of the term such as “reflectivity” or “reflexibility.” To understand this consistency therefore is to figure out the central core of Fichte’s philosophy. Accordingly, the question as to what exactly reflection is for Fichte is of tremendous importance. This chapter aims to answer this question by showing, first, how Fichte’s conception of reflection marks a difference with the traditional views on the subject by identifying reflection with the status of the philosopher’s discourse. This issue led Fichte to conceive of philosophy as metaphilosophy. And in the end, this metaphilosophy rests on a single principle, found in every version of the *Wissenschaftslehre*, which induces a new and unprecedented method of argumentation that Fichte is the first to develop.

The Critique of Kantian Representation

Considering the repeated use of the term “reflection” in Fichte’s work, it is hard not to be surprised, especially in light of the fact that Fichte, from the start, claimed to be Kant’s follower. Indeed, the most frequent term used by Kant is in no way “reflection,” but rather the term “representation.” Kant’s whole philosophy thus can be thought of as an elucidation of representation, understood as the theory of the possible relations occurring between subject and object.³ Knowledge (*Erkenntnis*) is thus defined as a certain kind of bond between representations. This knowledge, understood as a relation settled between two estates, is described exclusively as object-knowledge—that is, in

the Kantian context, as knowledge of the phenomenon. Kant's *Critique of Pure Reason* definitely aimed to provide an account of valid representation (knowledge) in terms of object-relation. Even his *Critique of Judgment*, despite the fact that it establishes a philosophical use for the term "reflection," is to be thought of as an elucidation of our relation to objects: the organized object of nature and the beautiful object of art. In a nutshell, what distinguishes representation from reflection in Kant's philosophy is in no way the fact that the former could be described as a relation to another, whereas the latter would be a relation to oneself. Both representation and reflection are, for Kant, and contrary to the whole philosophical tradition, merely two distinct ways to relate to an object.

Yet this is precisely what Fichte will hold against him in his very first speculative text, the *Private Meditations on Elementary Philosophy*,⁴ in which Fichte states that the question which should concern philosophy is no longer how representations can relate to an object, even if such an object is thought of in a Kantian fashion as a phenomenon. The question is rather, "How are thoughts able to relate to the action of our mind?" (GA II/3:23). In other words, how can the mind agree with itself? It is such an agreement of the mind with itself that Fichte, from the outset in his text, will name "reflection." Likewise, when the controversy with Kant is publicly exposed for the first time in 1799, Fichte sums up the dissent between Kant's critical project and his own doctrine of science by saying, "It is not about the object of judgment, but about the judging subject" (GA III/4:75).

The difference with Kant is thus clear: where the latter was absorbed by the relation (*Verhältnis*) between two heterogeneous terms, Fichte focuses his attention on the relation (*Beziehung*) to oneself, as grasped by the term "reflection." Hence the question arises: In rejecting the Kantian terminology, is Fichte merely returning to the classical meaning of reflection, as it was established by Descartes, Leibniz, or Locke?

The Refusal of the Classical Notion of Reflection

The commonality between the definitions of the concept of "reflection" among philosophers as different as Locke, Descartes, or Leibniz is this: every reflection is thought of as reflecting back to a pre-existing fact. Yet Fichte specifically and explicitly rejects such a definition, for example when he writes, in the *Wissenschaftslehre* of 1794/1795, "One certainly hears the question proposed: *What* was I, then, before I came to self-consciousness? The natural reply is: *I* did not exist at all" (WL 98 [GA I/2:260]). Similarly, at the

beginning of his *Attempt at a New Presentation of the Wissenschaftslehre* (1797–1798), Fichte warns his readership:

You probably harbor in some small corner of your soul the following objection to this claim: Either, “I am supposed *to think*, but before I can think I have *to exist*”; or, “I am supposed to think *of myself*, to direct my thinking back upon to myself, but whatever I am supposed to think or to turn my attention back upon must first exist before it can be thought of or become the object of an act of reverting.” ... In the former case, you postulate the independent existence of yourself *as the thinking subject*; in the latter, the independent existence of yourself *as what is to be thought of*. (IWL 109 [GA I/4:273])

This sentence negates with extreme precision both the Cartesian model of reflection and the empiricist or psychological model found in Locke. Indeed, Fichte’s “former case” clearly refers to the objectification of the *cogito*, its substantializing and reification. As we see in his *Metaphysical Meditations*, Descartes is led to think the reflective movement in terms of a relation between subject and object following a model where x reflects upon y . At the very moment when—abandoning the simple enunciation of the performative: “I am, I exist, whenever it is uttered by me, or conceived in the mind, is necessarily true”⁵—Descartes asks: “But what am I?” he makes of the I an object upon which a questioning subject reflects, thus unavoidably duplicating the I into subject and object. Such a duplication is clearly expressed in the proposition: “I am conscious of myself,” in which an I-subject (“I am conscious”) opposes an I-object (“of myself”). Such a pattern is also clearly expressed in our daily use of language, where the use of reflective pronouns seems to refer to a pre-existing being. It is precisely this process of objectification, going from a subjective act to an objective *res*, which is criticized by Fichte in his text. On the other hand, the “latter” case described in the passage above refers, broadly speaking, to any attempt to understand reflection from a psychological standpoint. In such a framework, reflection is commonly understood as the ability to take notice of a psychological fact or of a mental state identified as a kind of immediate presence to oneself. We find such a framework exemplified in Locke’s examples: “I feel” and “I know that I feel.” Nonetheless, Fichte explains on several occasions that reflection, on his account, is neither the return to a pre-existing fact,⁶ nor a mere presence to oneself.

With Descartes as with Locke, the subject reflects upon or targets something which will be described as a *res* for one, and as a psychological “fact” for the other. Since the grip of the I is depicted as aiming toward a pre-existing x , classical reflection reproduces the bipolarity and ambivalence of representation by making of the relation of thought to itself inexorably a relation between

two distinct elements. This is precisely what Fichte relentlessly denounces, for instance in his unambiguous remarks in the *Wissenschaftslehre* of 1801, where he writes: “The issue is not to conceive what you know regarding the object and to grasp your consciousness (i.e., precisely your consciousness of the object) as something subjective, and the object as something objective” (GA II/6:149). In a nutshell, it is out of the question, within the *Wissenschaftslehre*, to reproduce the bipolarity of subject and object, or to consider reflection as a relation (*Verhältnis*) between two previously separated terms. Fichte states that it is by no means necessary to seek out an internal eye that would see the object (namely, consciousness, as it becomes objectified in an I-object) in a fashion analogous to the way in which empirical consciousness perceives and, on the ground of such perception, assumes to know. We have further proof of this in the important distinction that Fichte makes, and which literally structures the *Wissenschaftslehre* of 1794/1795, between the “observer’s perspective,” which consists in considering the relation between two observed objects (e.g., “the magnet and iron” objectified in knowledge), and the philosopher’s perspective, which is introduced as the “reflection upon this reflection” (WL 152 [GA I/2:315]).

But what exactly is the positive meaning of the word “reflection” if, along with the *Science of Knowledge*, we remove any remnants of a return to a pre-existing x , and if we remove any remaining relation to psychological introspection?

The Issue of the Status of the Philosopher’s Discourse

The development of reflection, from the *Private Meditations on Elementary Philosophy* onwards, has taken an unprecedented turn, insofar as the initial question, “How and by what means can we access our mind’s components?” fails to coincide with the nonetheless expected question, “How can the subject turn toward itself?” The whole argument of the *Private Meditations* seeks to avoid the construal of reflection in terms of a return to a pre-existing x . In fact, the gradual elaboration of this question leads, by a series of successive shifts, to its connection with the examination of the philosophical discourse’s claim to validity. How, asks Fichte, can this or that philosopher (particularly Kant or Reinhold) assert what he asserts? How can he “satisfy himself without demonstrations?” (GA II/3:41) Connecting the issue of the specific modalities enabling our access to our minds to the issue of the scientificity of this or that philosopher’s demonstrations: that is the result of the *Meditations’s* progres-

sion. Accordingly, at the end of his investigation, and voicing a criticism—to which he will return over and over again in his later work—whereby Kant’s categories are not logically deduced but outright and arbitrarily asserted, Fichte will understand this criticism as the strict expression of his initial inquiry. The issue of reflection as an inquiry on the possibility of accessing the mind’s components thus transforms in an unprecedented way into an inquiry on the status of the philosopher’s discourse. To engage in a profound reflection and abstraction no longer consists, as it did with Descartes, in operating a return to a pre-existing self. Henceforth, the task of reflection is to clarify the conditions that allow a philosopher to state a certain number of propositions. The topic of reflection thus abandons the sphere of self-observation, of inner experience, to become an inquiry on the legitimacy of philosophical propositions’ claim to validity.

This strict connection of reflection to the status of philosophical discourse will not cease to be asserted, worked, reworked, and deepened in Fichte’s later works. A true breadcrumbs trail, it makes visible their profound continuity. In his *Attempt at a New Presentation of the Wissenschaftslehre*, discussing the superiority of the *Wissenschaftslehre* over Kantian criticism, Fichte writes:

Critical Idealism can set to work in two different ways. On the one hand, it may actually derive from the fundamental laws of the intellect the system of the intellect’s necessary modes of acting and, along with this, the objective representations that come into being thereby. . . . On the other hand, it may attempt to grasp these same laws in the form in which they are already immediately applied to objects in any particular case; i.e., it may attempt to grasp them at their lowest level (in which case they are called “categories”). (IWL 27 [GA I/4:201])

Fichte’s objection to Kant consists here in asking: “How did you obtain any material acquaintance with these laws?” (IWL 27 [GA I/4:201]). The question, “How could he know?” as a true mantra,⁷ punctuates this decisive text. “How did you become aware that the laws of the intellect are precisely these laws of substantiality and causality?” Fichte asks a few lines later (IWL 27 [GA I/4:201]). In other words, how could Kant know that we have only twelve categories and not thirty? How could he know that these twelve are the only proper ones? Such questions immediately make way for the following: “For I do not yet wish to trouble such an idealist by asking him how he knows that these [categories] are really nothing but immanent laws of the intellect” (IWL 27 [GA I/4:201]).

The progression of the whole *Meditations* of 1793–1794 is concentrated, condensed, and intensified in these few lines of the *Attempt at a New Presentation*. Both of the central theses of the *Meditations* are further devel-

oped here. First of all, to the Kantian focus on the relation between subject and object, Fichte opposes what he calls “the intellect’s necessary modes of acting” (IWL 26 [GA I/4:200]). Accordingly, we move once again from an issue of representation to the problem of reflection. Secondly, the need for a better understanding of the mind’s necessary modalities is not interpreted as a classical demand for introspection. It is not a question of provisionally suspending our belief in the existence of the world in order to observe our own mental activity. The question, “How can we understand these necessary modes of action?” should not be understood as a simple variation of the ancient injunction, “Know thyself.” As in the *Meditations* of 1793–1794, the question concerning the mind’s components or modes of action is transformed within the *Attempt* into an inquiry on the status of the philosopher’s discourse. How do we know what we know? Or better yet: How do we know what we claim to know (e.g., that there are twelve categories, that form is necessarily attached to matter, and so on)? The difference between Kant’s “incomplete criticism” and Fichte’s own “well-rounded criticism” is simple: only the latter can provide an answer to the question, “How can you know?” Only Fichte is able to show the conditions of production of his own assertions. Reflection, for Fichte, is thus the philosopher’s ability to justify what he says by showing how he can say it.

As a result, extending the argumentation already in place in the *Meditations*, the *Attempt* of 1797–1798 conceives reflection as the process by which a philosopher becomes able to show the conditions of her own knowledge, that is, to conceive the status of her own thought. We thus are far from the traditional notion of a return upon oneself by which the subject, taking herself as the object of knowledge, claims to be able to understand her own logical and mental activity.

This conception of reflection, as it appears in the *Attempt at a New Presentation of the Wissenschaftslehre*, needs to be further examined, as it clearly summarizes the progression of Fichte’s thought in both his *Meditations* of 1793–1794 and his *Wissenschaftslehre* of 1794/1795.

Reflection and Metaphilosophy: How Can We Know that We Know?

Aware of his definition’s novelty, Fichte anticipates a possible rebuttal from “orthodox” Kantians: Wouldn’t they be inclined to suspect dogmatism underneath the question, “How can he know?”—a question which, at first glance,

seems to convey the need for a metaphysical foundation, an ultimate authority from which the totality of experience could be deduced. So construed, Fichte's question would be a prelude to what has been called the "dogmatic turn" in post-Kantian philosophy, which is often perceived as returning, against Kant, to the traditional inquiry into the metaphysical origins and sources of our categories. The *Attempt at a New Presentation*, however, contains every element necessary to counter such an erroneous objection.

First of all, Fichte clearly states the specific focus of his inquiry: "The Critical idealist ... can do no more than assure us that it is the case. Indeed, it is something of a mystery how he himself knows this — if, indeed, he knows it at all" (IWL 28 [GA I/4:202]). The inquiry thus explicitly concerns the nature of Kant's knowledge, not the metaphysical origins of the categories. It is not an issue of demanding the rational explanation of some fact (e.g., finding the source of the categories or of intuition), but rather of requiring a proper justification of the discourse that claims to reveal a certain fact (e.g., that we have twelve categories and not thirty). The problem therefore is in no way ontological but, etymologically speaking, merely epistemological.⁸ From 1793 to 1813, Fichte never stopped emphasizing this epistemological character of his doctrine, warning the reader against any attempt to interpret it ontologically: "The *Wissenschaftslehre* is not a doctrine of being" (GA II/15:133). Far from questioning the things themselves, their origins or foundations, Fichte inquires as to the justification of a certain claim to knowledge. The issue is really to *know* how the philosopher *knows* what he claims to *know*.

Fichte, furthermore, clarifies the level to which this inquiry belongs. Indeed, within an inquiry concerning knowledge itself, two levels must be distinguished. The first seeks to settle the very nature of our knowledge: Is it *a priori* or *a posteriori*, unrelated to or entirely dependent on experience? To say that our knowledge is grounded only in and on experience amounts to sustaining empiricism, whereas the claim that there exists knowledge that is entirely independent of experience amounts to subscribing to rationalism. However different these stances may be, they nevertheless remain part of the same problematic: the attempt to provide a proper definition of the very nature of our knowledge. Yet the important thing to notice is that Fichte's main issue does not consist in taking a stance in this debate. His inquiry does not pertain to the existence or nonexistence of *a priori* knowledge. It pertains to the possibility itself of having a scientific knowledge (*Wissen*) of the very nature of knowledge (*Erkenntnis*). This second level of inquiry, which relates to the knowledge of knowledge, must be distinguished from the first by its metaphilosophical dimension. The goal is no longer to question the very structure of our cognitive apparatus (e.g., our intuitions and concepts), but to reflect upon

the possibility itself of a knowledge capable of figuring out such a structure. It therefore seems legitimate to assert that the Fichtean inquiry is to the classical epistemological inquiry (on the nature of our knowledge) as the possibility of metalanguage is to the question of language. To ask what language is, how it works (e.g., how it expresses an object), is not the same thing as reflecting upon the possibility of a language capable of figuring out the structure of language itself.

Undoubtedly, the fact that many of Fichte's contemporaries—and even subsequent commentators—have considered his project as a revival of pre-Critical dogmatism is explained by the fact that they have failed to acknowledge such a distinction. They have taken for a language what was really meant to be an inquiry on the possibility of a metalanguage. The haunting repetition of the injunction, “How can he know?” is aimed to show the difference between these two questions: “How can we know?” and “How can we know that we know?” If, as Kant claims, certain elements of our knowledge are *a priori*, then the issue, for Fichte, is to know what kind of knowledge is capable of determining the nature of such knowledge.

Thus, for Fichte, the claim to knowledge implied by such assertions as the ones stating that there are twelve categories, two forms of intuition, and so on, needs to be justified. As such, far from being a commanding and transcendent position, the perspective of reflection, as a metaphilosophical inquiry, becomes synonymous with the justification processes of knowledge. But one might ask, nonetheless: Exactly how can we account for our own knowledge? If this does not entail an impossible, external, and transcendent posture, then how can Fichte adequately answer the question, “How can we know that we know?”

Reflection and Self-Referentiality: The Application of a Proposition to Itself

As a summation of the notion of reflection's very transformation, the question directed to Kant, “How could he know?” is a formal demand concerning every philosopher which requires that they account for their own discourse. The philosopher, in this case Kant, must show “*how* he knows what he knows.” This is not a matter of exposing the origins of his knowledge, so that, in order to provide an answer, Kant would have to refer to something external to the enunciation of that knowledge. The aim is to force a return to the enunciation itself. This is what the reiteration of the word “knowledge” marks unambiguously in the expression: “The issue is to *know* how he *knows*, if and when he

knows.” As such, what is required is not a reference *ad extra*, but a reference to the proposition itself. For Fichte, to say that we have twelve categories is, at the same time and in the same respect, to be able to take into account the conditions of validity of that proposition and to exhibit such conditions conjointly with the enunciation of the proposition itself. Thus the question “how?” implies a reference of the proposition to itself and not an inquiry on its external conditions of emergence. The kinship between this inquiry and the skeptical critique of Kant by Schulze and Maimon is obvious. Indeed, as we know, for these modern skeptics, the definition of validity given by Kant could not apply to itself and therefore nullified itself as soon as it was produced. Kant thinks that there is truth only in a concept applied to an intuition, but this proposition itself is not the application of a concept to an intuition. As such, the proposition becomes self-contradictory. Fichte takes notice of this self-contradiction within the Kantian system as criticized by Schulze and Maimon, and he bases his own thought on the need to avoid such contradictions, which will later be known as pragmatic or performative contradictions.

Accordingly, the question, “How can he know?” requires the calling into question of the proposition’s status itself. In this context, “to return to” the proposition in reflection simply means to show that the proposition does not nullify itself simply through its being stated, as was the case for Kant’s definition of validity. To reflect upon the knowledge of knowledge thus requires that we tackle head-on this unprecedented question regarding the tradition: “How do we know that we know?” Or, to say it otherwise: “How can the philosopher say what he says?” This latter formulation of the question is favored by the *Wissenschaftslehre* of 1804. As Fichte writes, we have to study Kant “not as the Kantians without exception have studied him (holding on to the literal text...), but rather on the basis of what he actually says, raising oneself to what he does not say but which he must assume in order to be able to say what he does” (WL₁₈₀₄ 31 [GA II/8:26–27]). The exclamation of 1797: “If he knows, how can he know?” is thus further specified in 1804 as a demand for the clarification of the presuppositions implicitly granted by the philosopher in order “to allow him to say what he says.” In the above sentences, Fichte clearly states that reflection is an inquiry into a proposition’s claim to validity and aims to spell out the necessary presuppositions enabling the enunciation of such a claim. More to the point, Fichte here reaches the peak of the upheaval initiated in his earlier works: not only is reflection not a return to a pre-existing *x*, but an inquiry on the status of the philosopher’s discourse; not only is reflection not an observation, but an application of the proposition

to itself; but reflection now is also considered as the execution of a certain unprecedented kind of argumentation. Such is the final feature marking the accomplishment of the Fichtean revolution.

From Reflection as Description to Reflection as Argumentation

The argumentative process by which we must move from what the philosopher says to what he does not say but must presuppose in order to say what he says, consists in uncovering the conditions by which a proposition—or a series of propositions—gains meaning, cohesiveness, consistency. Indeed, in any proposition, including within ordinary language, it is possible to go back to the prerequisites which make the proposition intelligible. Accordingly, when joining two notions together and putting them in relation, we are presupposing conditions which are not explicitly stated but remain nonetheless intrinsically tied to our assertion. Such conditions would include, for example, the fact that sufficient reason can be provided to justify the relation of the two notions. For instance, it would not come to anyone's mind to draw (without explanation) a connection between expressions of the type "the square root of two" and "Pegasus," since everyone tacitly concurs that these terms are completely irrelevant to each other. It is such conditions, tacitly presupposed "to be able to say what we say," that Fichte seeks to reveal methodically in every philosophical system, his own as well as those of his adversaries. The process established by Fichte consists quite simply in revealing the undisclosed presuppositions necessarily tied to this or that proposition or series of propositions. Reflection thus implies the disentanglement of the assumptions intrinsically and implicitly attached to a proposition. This method, or argumentative practice, is conceived, in other words, as a disentanglement of the content of what we say. Since reflection disentangles the presuppositions of a proposition in order to reveal its consistency, reflection can be seen as a form of demonstration and justification.

As such, reflection—this central core, unified pattern, and fundamental structure of every *Wissenschaftslehre*—can be defined positively as an inquiry into the status of the philosopher's discourse, in opposition to the classical notion of reflection as psychological introspection. As such, it does not belong to the realm of ontology but rather to the field of epistemology—an epistemology, which, in Fichte's case, would be better described as a meta-epistemology or a metaphilosophical inquiry. Furthermore, if the notion of

reflection retains a certain aspect of a “return on,” it is as an application of a proposition to itself, or of the principles of a system to themselves, not as a return to a substantial x (be it the I or a thing). It is not, therefore, through self-observation or self-description that a philosopher can answer the question, “How do we know that we know?” but by means of a certain kind of argumentation consisting in the disentanglement of the presuppositions attached to a philosophical proposition.

This operation of reflection (as argumentation and demonstration) will lead to the unveiling of the principles, concepts, and laws inherent to the knowledge of knowledge. As in any logical demonstration, reflectivity will have a first principle from which the more specific laws of reasoning will be progressively derived. Just as Aristotle’s *Prior* and *Posterior Analytics* ultimately rest on the law of non-contradiction and discover progressively, from this principle, the multiple rules of argumentation, Fichte’s *Wissenschaftslehre* will likewise build a “logic” or an argumentative method whose foundation will subsequently allow the deployment of an array of complementary truths. The principle in question, which the *Wissenschaftslehre* of 1813 qualifies as the “permanent” condition of the *Wissenschaftslehre* (GA II/15:133),⁹ will now serve as the focal point of our analysis.

The Consistency Between Speech and Action

Looking back at the self-contradicting character of the Kantian system, which forced Fichte, under the influence of the skeptics’ critique, to abandon the Kantian position which he had made his own at the beginning of 1793, we can see in this self-contradicting character the initial impetus that engaged Fichte, to rebuild everything, first in his *Private Meditations*, then in the various presentations of his *Wissenschaftslehre*. Kant provides a definition of truth (namely, as the bond between a concept and an intuition) that fails to encompass its own philosophical statement and, on the contrary, leaves such a statement out. In other words, the Kantian discourse seeks to say something about truth, but fails to say anything about its own truth. Worse yet, by defining truth as the bond between a concept and an intuition, it expresses, at the same time and in the same respect, its own falseness as a discourse, since its definition is not itself the combination of a concept with an intuition. Kantian criticism, like so many other philosophies, makes the mistake of establishing a foundation that ends up excluding itself, a foundation which leaves itself out of the realm of truths that it sought to establish. In contrast, the first proposi-

tion of each *Wissenschaftslehre* seeks precisely to point out the necessity for any knowledge to be able to establish its own truth as knowledge, for any founding proposition to be able to encompass itself and apply to itself. In fact, Fichte describes under the label of “reflection” or “reflectivity” what will later be known as self-referential judgments. Insofar as certain propositions must include themselves in their own extension, the philosopher who asserts the truthfulness or scientificity of what he says must think it according to a particular mode of relationality: the relation of oneself to itself, the relation of a proposition to itself, of a class to itself, of a system to itself, and so on. In a word, the philosopher must not only and exclusively reflect upon the reference, but also think the self-referentiality.

Fichte will always express this self-referentiality in the same fashion as a congruence, a non-contradiction, or an identity between speech and action. But what exactly is meant by this congruence—which Fichte raised to the level of the highest law of reason—between what we say and what we do? A somewhat trivial example can be helpful in order to understand such a congruence. Indeed, the classical refutation of the skeptical proposition that “there is no truth” rests on such a contradiction between what the skeptic says and what he does. The content of the proposition according to which “there is no truth,” once enunciated, implies that there is at least one true proposition, namely that there is no truth. This enunciation, however, or “what he does” (*Tun*) (namely, to apparently say something true, by saying that nothing is true) immediately nullifies the content of his proposition, or “what he says” (*Sagen*).

Fichte will make the need to avoid such contradictions the central core of his system, and at the same time, he will use it as a lever for the discovery of new philosophical propositions. Indeed, the expression “what we say” refers to the content of a philosophical system, namely, the sum of all the propositions by which a philosopher makes claims about truth, knowledge, man, God, nature, existence, and so forth. The expression “what we do,” on the other hand, covers the totality of processes that philosophers implement, as philosophers, in order to be able to articulate a certain content. For example, in the *Critique of Pure Reason*, what is “said” is the definition of truth as the bond between a concept and an intuition. However, Kant’s action, what is “done,” consists in surreptitiously implying another definition of truth—since his own definition of truth does not connect a concept and an intuition together—which nullifies the content of his proposition. What he says (*Sagen*) does not as such correspond to what he does (*Tun*).

The first principle of reflectivity thus amounts to guaranteeing the congruence between the content of what is said and the act of saying itself. It is, as

such, a matter of simultaneously taking into account the actual content of a proposition and inquiring into the underlying procedures which enables the enunciation of the proposition. Or, as we see at the beginning of the *Wissenschaftslehre* of 1804, it is a matter of showing what we must presuppose in order to be able to say what we say (cf. WL₁₈₀₄ 31 [GA II/8:26–27]). Fichte never ceased, all throughout his work, to express, in different fashion and forms, this unprecedented principle of reflectivity. His definition of reflection undoubtedly confers unity and consistency upon the different versions of the *Wissenschaftslehre*, which, for twenty years, Fichte successively exposed, improved, and modified. He describes it as the congruence between what we say (*Sagen*) and what we do (*Tun*) in both the *Wissenschaftslehre* of 1804 and the *Attempt at a New Presentation of the Wissenschaftslehre*. He describes it still, in his *Foundation of the Entire Wissenschaftslehre*, as the congruence between the “occurring [*geschehend*]” and the “occurrence [*Geschehen*]” (WL 151 [GA I/2:314–15]). In this context, the purpose is to express the identity between (1) the reciprocal relation of an *x* and a *y* as *occurring* (in which case, for Fichte, “the reflection is confined merely to the possibility of the components involved in the reciprocity” (WL 151 [GA I/2:314])) and (2) the “occurrence of the relation itself.” In this latter case, namely the “occurrence of the relation,” “there is,” for Fichte, “reflection upon this reflection, that of the philosopher upon the nature [*die Art*] of the observation” (WL 152 [GA I/2:315]). We must, in other words, take into account the action of the philosopher in joining two terms together. Fichte further articulates the principle of reflection through the expression, found at the very end of the theoretical section of the *Foundation*, of an identity between “what was to be explained” and the “ground of explanation” (WL 190 [GA I/2:356]). It is also very often described by Fichte as the identity between the form and the matter of a proposition. It is expressed at last, in the less technical works such as *Some Lectures concerning the Scholar’s Vocation*, as the “non-contradiction with oneself” (EPW 149 [GA I/3:15]). Simply put, despite the wide range of formulations, the idea remains the same: the foundation must be this congruence between the enunciation and what is enunciated, the content of a proposition and the act of saying it, the “speech” itself and the “act” of speaking.

A New Identity, a New Logic

This identity that the *Wissenschaftslehre* seeks to promote is one that Fichte discovers and is the first to posit as the founding principle of his whole system, if not the first to describe.¹⁰ This kind of non-contradiction or identity is

innovative in that it neither relates to a merely formal or logical contradiction, nor to a physical contradiction between two counteracting forces which Kant, following Newton, called “opposition.” It relates even less to the contradiction between a proposition and the given it seeks to convey, as was the case, according to Kant, with dialectical propositions. The contradiction to which Fichte refers is a contradiction between the act of saying x and what is said by x , which we would now call a performative contradiction, in the sense that, for example, the act (*Tun*, or the “actualizing,” the speech’s form) of enunciating the proposition “I do not speak” contradicts the enunciation’s content (its *Sagen* or “the actualized,” “the matter of what is said”).

By making this principle the foundation of his system and the model to which every proposition to come will have to conform,¹¹ Fichte in fact discovers a new form of logical rationality, which belongs neither to the mathematical reasoning favored by Spinoza (i.e., the deducibility of all propositions from a single principle), nor to the logicism and formal calculus dear to Leibniz, nor even to Cartesian evidence or to the Kantian typology of judgments. In a word, this new figure of rationality does not fall into any of the previous modes of referring to an object by means of a proposition that have existed throughout the history of philosophy.

This utterly innovative character of the *Wissenschaftslehre* is constantly highlighted by Fichte. In 1797, in his *Attempt at a New Presentation of the Wissenschaftslehre*, he stresses this:

To state my own position as plainly as possible: I am not concerned to rectify nor to bring to completion any set of philosophical concepts that may already be in circulation—be they “anti-Kantian” or “Kantian.” Instead, I desire to uproot current conceptions completely and to accomplish a complete revolution in the way we think about these issues. (IWL 5 [GA I/4:184])

And just in case his readership would have failed to notice this opening sentence, in which Fichte claims that his project is neither a tributary to nor an attempt to clarify any previous philosophy, including Kantian criticism, he goes further, by saying: “The entire structure and meaning of the *Wissenschaftslehre* is completely different from that of any of the philosophical systems that have preceded it” (IWL 36 [GA I/4:209]). We find a similar claim for a radical break with prior philosophy in the *Wissenschaftslehre* of 1804, which “transposed us into an entirely new world” (WL₁₈₀₄ 73 [GA II/8:126–27]). This novelty and remoteness from traditional knowledge will be further asserted in the very first lecture of the *Wissenschaftslehre* of 1813:

In every knowledge other than the *Wissenschaftslehre*, we usually settle for simple knowledge: this knowledge is consumed by the very being in front of it. In the *Wissenschaftslehre*, on the contrary, a new knowledge must go beyond this knowledge stuck into itself; in the *Wissenschaftslehre*, knowledge is itself what a new knowledge is aware of. (GA II/15:133)

The idea of the *Wissenschaftslehre* is the idea of a new knowledge. But in what way does this somewhat simple principle—formulated as the congruence between the philosopher’s action and speech—upset the meaning of the philosophical concepts actually in use? In what way is he capable of making a new kind of knowledge, a new form of rationality, emerge?

A New Definition of Rationality

First of all, Fichte’s principle of reflectivity produces a clear realignment of truth’s very definition. Truth is no longer the correspondence between propositions and things, but becomes the congruence between the form and content of a proposition, which is the only way to establish the adequacy of reason to itself. With this first principle, Fichte possesses an operating criterion capable of distinguishing between truth and falsehood in philosophy. Any proposition or system contravening this necessary congruence between the speech and the act, between the content of a philosophical system and the act of enunciating it, will be false. We thus grasp the extent of the difference between Kant’s definition of truth and Fichte’s. If, for Kant, reason is doomed to go astray in endless antinomies, it is because it uses concepts when no intuition whatsoever is given. On the contrary, for Fichte, the greatest contradiction of reason is the performative contradiction: the question is not whether or not our concepts apply to an intuited given, but in the end, whether we can, as philosophers, articulate properly the content and status of our propositions. Accordingly, if I assert the following proposition: “The source of self-consciousness is being” (or God, nature, language, or the will to power), then the philosopher’s task will be to show how such a proposition is also a product of being (or God, or nature, and so forth). Otherwise, there cannot be congruence between what the philosopher says and what he does. There would be, as Fichte writes in his *Wissenschaftslehre* of 1804: “a contradiction between what they assert in their principles and what they actually do” (WL₁₈₀₄ 141 [GA II/8:288]).

The law of reflection thus promotes philosophy to the level of a science and meets the requirement, often expressed by Fichte, to make of philosophy a

science that would equal geometry in terms of evidence. This requirement still has to be properly understood: the issue is not for philosophy to mimic the procedures of mathematics, because the kind of rationality at work in both fields is not the same. Geometry builds up figures, and once this construction is made, analyzes them. Philosophy, on the other hand, does not aim for an external object which would circumscribe the limits of representation. Its truth arises from the conformity between the content of a speech and the act of saying it. It is a logic of action, rather than of being.

Going beyond the traditional definition of truth, this law of reflection also upsets the traditional philosophical notion of identity. The identity produced by Fichte's philosophy is not logical identity, the highest law of formal logic. It is an accordance between "what we say" and "what is presupposed in order to say what we say," between the speech and what it says, or between what John Searle or Karl-Otto Apel will later call the propositional content and the illocutionary force, speech and act, *Sagen and Tun*. It is this kind of identity which, as the highest law of reflectivity, constitutes the permanent foundation of the *Wissenschaftslehre*.

The whole system, the totality of allowed propositions will have to conform to this principle of reflection. To retain this or that particular proposition within the system will imply a previous demonstration that it was bereft of any performative contradiction. It is this type of "action" that Fichte wishes to rethink; it is by means of this sort of "act" that he wants to show the contradiction that can arise between what we say and the act of saying it. In other words, if a philosophy, in its content (be it an account of self-consciousness, science, truth, knowledge, morals, or what have you), cannot account for the act of saying such a content, it condemns itself to fall into serious contradictions. Accordingly, if Fichte rejects Spinoza's philosophy, this is not, as some imply, because it would negate the very possibility of freedom or morality, but because this philosophy is intrinsically false, insofar as its propositions' content is negated by their enunciation. As the *Wissenschaftslehre* of 1813 recalls:

The *Wissenschaftslehre* is not a doctrine of being. It would be one only by misunderstanding. The most famous doctrine of being is Spinoza's. But precisely, he didn't return to the formation, to the thinking. ... On the contrary, with the *Wissenschaftslehre*, the return on knowledge, the self-consciousness, is a permanent condition, and the return on ourselves is the instrument of a method that is confirmed by rules. The *Wissenschaftslehre*: a pure setting apart of being. (GA II/15:133)

From the *Private Meditations* of 1793 to the final presentation of the *Wissenschaftslehre*, Fichte thus never ceased to follow the same track: the model of reflection as a knowledge of knowledge, with everything this implies: the principle of pragmatic non-contradiction, a logic of action rather than of being, and a revolution in the very way we philosophize.

Conclusion: Fichte and the Dawn of Reflectivity

From the *Private Meditations* (1793) to the *Wissenschaftslehre* of 1794/1795, from the *Attempt at a New Presentation* (1797–1798) to the *Wissenschaftslehre* of 1804, and from the latter to the 1813 exposition, the *Wissenschaftslehre* presents itself as what one might call an analytic of reflectivity: an analytic, in that it breaks down to the constitutive elements and principles without which reflection cannot be understood; an analytic of reflectivity, in that what must be understood from the outset is not the object (as in the Kantian analytic) but the “understanding of understanding,” the “knowledge of knowledge.” This reiteration of notions, this recurrence, is conveyed in 1794 by the expression “reflection of reflection” itself, and later by “reflectivity,” which is favored by Fichte in the *Wissenschaftslehre* of 1812 and 1813. It reveals a possibility—the highest possibility—of human reason. This reflectivity is defined by a series of original characteristics. First, it is opposed to the notion of Kantian representation, but this does not mean that it is merely a revival of the concept of reflection found in Descartes, Locke, or Leibniz. Fichte’s notion of reflection can be positively determined as a questioning of the status of the philosopher’s discourse and, as such, clearly occupies a metaphilosophical level, as an inquiry into the conditions and actions implied in any discourse claiming to be true. Furthermore, reflection is self-referential, in that it is an application of a proposition or of a system to itself. As such, it is not merely an internal eye that would observe, from a perspective that arises out of nowhere, a subsisting x (be it the I or a thing). It is thus not through inner observation and description that a philosopher can resolve the question, “How can we know that we know?” but through a certain kind of argumentation. Neither introspection nor description, reflection is argumentation, a new form of transcendental method. This logic of action and actualization is the central core of the various *Wissenschaftslehren* and ensures their consistency. The *Wissenschaftslehre* is thus not a doctrine of being, of the world, or of consciousness, but, as the name suggests, “a science of science”: a science of the philosophical discourse in its pretension to describe being, the world, consciousness, or the consti-

tuted sciences. Such is the analytic of reflectivity whose absolute foundation is the non-contradiction between speech and action, the Archimedean point from which Fichte undertook to rebuild everything.

Translated by Emmanuel Chaput

Notes

1. Luigi Payerson, *Fichte. Il sistema della Libertà* (Milan: Mursia, 1976), 14.
2. See one example, among others, in the beginning of *Wissenschaftslehre* of 1801: “the science of knowledge qua science of science” (GA II/6:140).
3. This point is made by numerous commentators on Kant’s philosophy. See e.g., André de Muralt, *La Conscience transcendante dans le criticisme kantien* (Paris: Aubier, 1958), 15. The fact of representation, de Muralt, writes, “allows to retrieve the totality of Kant’s theory of knowledge.” See also the work of Alexis Philonenko, who has constantly defined Kantian philosophy as a “theory of representation,” i.e., as an elucidation of the subject-object relation.
4. This text was written in 1793–1794, only a few months before the first *Science of Knowledge*.
5. René Descartes, *Meditations on First Philosophy*, trans. Michael Moriarty (Oxford: Oxford University Press, 2008), 18. On the conception of the first enunciation of the *Cogito* as a performative, see Jaakko Hintikka’s seminal paper “Cogito ergo sum, Inference or Performance,” *Philosophical Review* 71, no. 1 (1962): 3–32.
6. Fichte never ceased to criticize the philosophies that started with a simple “fact” (*Tatsache*), the facticity of consciousness included. It is therefore not simply a matter of acknowledging through reflection something that was already there prior to reflection itself.
7. The expression appears no less than six times in ten lines.
8. The conjunction of *episteme* and *logos*, which could be literally translated by the expression “science of science,” is reminiscent of Fichte’s own *Wissenschaftslehre*, which could also be translated as “science of science.” Fichte’s expression, formed from Germanic roots, could thus be seen as a literal counterpart to the word “epistemology,” formed with Greek roots.
9. It is worth noticing that Fichte insists on the absence of a significant change between the different versions of the *Wissenschaftslehre*. The condition is said to be “permanent,” meaning unchanged, as if it had always been the foundation of every *Wissenschaftslehre*.
10. A certain interpretation of *Gamma*, 4 could lead one to acknowledge that Aristotle already used this kind of argumentation to refute the sophist’s argument against the law of non-contradiction as a formal principle. The argu-

ment as such is far from new and has been well-known throughout history as a means to counter skepticism. Fichte's originality is to transform this mere means into the principle of principles, the foundation of any possible philosophical discourse. Accordingly, Fichte enables new propositions to be produced on the basis of classical problems.

11. This first proposition, which, as knowledge of knowledge, is specified as the congruence between the enunciated (the actualized) and the enunciation (the actualizing), is an end to achieve, a task to fulfill, and not a first proposition in the Wolffian sense of the word, that is, a proposition whose content would allow us to deduce other propositions in compliance with a hypothetico-deductive model.



7

Fichte's Anti-Dogmatism and the Autonomy of Reason

Kienhow Goh

*I cannot and will not recant anything, for to go against conscience is neither
right nor safe.*
—Martin Luther

This chapter offers an interpretation of Fichte's most nuanced and sustained critique of dogmatism: the critique advanced in the 1797 "First" and "Second Introductions" to the *Attempt at a New Presentation of the Science of Knowledge*. Famously, Fichte sets up dogmatism in diametrical opposition to his own idealism: the idealist takes the intellect for the explanatory ground of experience, whereas the dogmatist takes a thing for the same. Most startlingly, he admits that dogmatism is the only possible alternative system of philosophy to idealism, and maintains that neither is able to refute the other. The startling claim has engaged Anglo-American scholars for the past five decades. Especially challenging for the interpreter is the task of squaring Fichte's overt concession of the idealist's inability to refute the dogmatist with his apparent attempt at such a refutation. The issue, first raised by John Lachs's remark that Fichte is "of two minds about the force of his argument against the dogmatist,"¹ has since sparked an ongoing debate over whether a "refutation of dogmatism" is intended at all, and if so, what the arguments are and whether they work.² Here I argue that the idealist has no leverage against the dogmatist at all outside of the *moral belief* that first ushers him into idealism, but this does not leave idealism *rationaly unjustified* against dogmatism. To draw the latter

K. Goh (✉)

Liberal Arts Division, Suwon Science College, Gyeonggi-do, South Korea

conclusion is to overlook the deeper point behind Fichte's concession of the irrefutability of dogmatism: the inadequacy of the prevalent *objectivist* paradigm of rationality and the need for it to be replaced by a radically *subjectivist* one. In Fichte's eyes, the freedom of the I—or, more poignantly, the “absolute autonomy of reason”—demands that the unconditioned ground of rational justification be completely situated *within the subject*. It demands that every series of “How do I know?” questions be rounded up in the questioner's self-agreement as a rational being, or, more precisely, the head's agreement with the heart. To criticize Fichte for begging the question against the dogmatist is not only to hold him to a standard of rational justification he rejects, but also to get caught in the dogmatist trap he cautions against.

The term “dogmatism” was used by Kant by and large as a historical counterpoint to his revolutionary *critical* approach to philosophy. It served him as a tag for all previous philosophers' illicit assumption that the intellectual apparatus by which they claimed to prove their theorems about supersensible objects like freedom, God, and the soul—namely, reason—is apt for the task. Among the immediate post-Kantians, the term took on an increasingly philosophical significance as they faced opponents who remained unmoved by Kant's call for critical self-examination. In particular, Fichte was forced to come to terms with a “natural propensity to dogmatism” (IWL 69 [GA I/4:238]) he thought he saw in most. Events took a most unexpected turn when Schelling, at that time a young Fichtean protégé, foretold the emergence of a higher breed of dogmatists in the 1795 *Philosophical Letters on Dogmatism and Criticism*. In his preface to the essay, he declared that “a new system of dogmatism is about to be fashioned from the spoils captured by critical philosophy.”³ According to Schelling, the *Critique of Pure Reason* had succeeded in overthrowing “dogmaticism” but not “dogmatism.” The option of a “renewed system of dogmatism”⁴ that is responsive to “the method of practical postulates”⁵ remains live. Such a system would, through critical awareness of its boundary as one of two possible systems (the other being the “system of criticism”), not only desist from making any false claim to universal validity, but also disclose the true nature of scientific knowledge as a “pure product of our freedom.”⁶ As Xavier Léon and Reinhard Lauth have long noted, it was in response to Schelling's *Philosophical Letters* that the assessments of dogmatism in the two Introductions were formulated.⁷ Read against this background, it is immediately clear that Fichte was insisting against Schelling on the impossibility of a *critical dogmatist*.

As a result of the way in which the term's usage evolves, we end up with several loosely connected meanings of *dogmatism*. In its initial usage by Kant, it has primarily a *methodological* or *procedural* meaning, designating an

approach to philosophy that is oblivious to the limits of the power by which one philosophizes. Taken in this sense, the term covers a wide variety of philosophical positions: Lockean empiricism and Leibnizian rationalism are no less dogmatist than Spinozism. In Fichte's and Schelling's hands, the term takes on a more *substantive* or *doctrinal* meaning. It refers specifically to the philosophical position of *transcendental realism*, according to which objects empirically cognized are things in themselves.⁸ Between Fichte and Schelling, disagreement emerges as to what a "consistent dogmatist" looks like. Daniel Breazeale rightly points out that both regard Spinoza as the most exemplary dogmatist,⁹ but he fails to note that they do so for very different reasons. One of their chief points of contention concerns whether Spinozism can be read as a system of ethics. While Schelling valorizes Spinoza as a dogmatic ethicist who "lived in his system,"¹⁰ Fichte insists that Spinoza can only *think* and not *believe* (that is, *live by*) his system (IWL 98 [GA I/4:264]). Consistent dogmatism is for Fichte as Spinozism is for Jacobi: fatalism and materialism (IWL 16, 23 [GA I/4:192, 197]). Since an ethics grounded on fatalism and materialism is a contradiction in terms, no *dogmatist ethics* is possible. By Fichte's and Schelling's treatments, *dogmatism* also acquires a *characterological* meaning. Schelling portrays the dogmatist as a quasi-mystic who is given to surrendering his self to "the immeasurable" rather than to struggling against it,¹¹ while Fichte portrays him as one who is disposed to regard his self as a thing among things.

The Choice Between Two Possibilities

In the opening of the First Introduction, Fichte states with furious concision that the task of philosophy is to explain "experience," that is, the system of representations "accompanied by a feeling of necessity," as opposed to representations "accompanied by a feeling of freedom" (IWL 8 [GA I/4:186]). To explain experience is to explain it from some ground. Since experience cannot be explained from itself or any part of itself without vicious circularity, the philosopher must seek the ground of experience outside of experience. But he can go outside of experience only by abstracting from it. One can abstract from experience in either one of two ways: either one abstracts from the thing, in which case one is left with the "I in itself" or "intellect in itself," or one abstracts from the intellect, in which case one is left with the "thing in itself" (IWL 11 [GA I/4:188]). A philosophy that proceeds in its explanation of experience from an I in itself is *idealist*—in a *critical* or *transcendental*, as opposed to a *dogmatic* or *metaphysical*, sense—while one that proceeds from a

thing in itself is *dogmatist*. According to Fichte, the idealist and the dogmatist systems of philosophy are “the only ones possible” (IWL 11 [GA I/4:188]). They cannot both be right: if the I in itself is the explanatory ground of experience, then the thing in itself is not, and vice versa. (This is not to say, as J. Douglas Rabb rightly points out in response to Lachs’s criticism of Fichte, that if either is not the explanatory ground of experience, then the other is.¹²) Inasmuch as the idealist and the dogmatist differ with regard to their first principle, there is no common ground between them upon which the truth or falsity of one can be demonstrated to the other. To this extent, neither can refute the other.

In Section 5 of the First Introduction, Fichte famously argues that, since the two systems have equal speculative value, one can choose one over the other only by means of a “decision [*Entscheidung*]” based on one’s “*inclination and interest*” (IWL 18 [GA I/4:194]). Although the idealist and the dogmatist both have a “supreme interest” in their own selves, they have completely opposed views of what their *selves* mean (IWL 18 [GA I/4:194]). On account of his strong, lively sense of self, the idealist is inclined to identify himself with his inner self and to affirm the latter’s self-sufficiency over that of things. In contrast, the dogmatist, on account of his weak and lifeless sense of self, is inclined to identify himself with things and to cling to the self-sufficiency of things for the sake of maintaining his own. In this context, Fichte makes the controversial remark that the “kind of philosophy one chooses depends on the kind of person one is” (IWL 20 [GA I/4:195]). Read in context, the remark does not affirm a relativist or perspectivist theory of philosophical truth, because it makes a point not so much about philosophy as about *one’s choice of a philosophical position*. Relativism and perspectivism are already ruled out by the claim that idealism and dogmatism cannot both be true. Elsewhere, Fichte states plainly that “there is but one philosophy” (IWL 97 [GA I/4:263]).¹³

Fichte also clearly repudiates Schelling’s proto-existentialist claim that one’s choice of philosophy is based upon a “self-assertion [*Selbstmacht*] of [one’s] *freedom*”¹⁴ insofar as he stresses that the choice is determined by one’s character. Nevertheless, Peter Suber claims that even while Fichte pursues the line of thought that one’s choice is determined by one’s character, he “also flirts with the opposite position” of one’s character being determined by one’s choice.¹⁵ This, I think, stems from the common mistaken assumption that Fichte thinks of the moral commitment *that undergirds one’s character* as (the product of) an exercise of voluntary choice (*Willkür*). While we are certainly capable of making commitments through exercising voluntary choice, the commitment in question is, according to Fichte, made through an “absolutely primary” act of

spontaneity that does *not* involve voluntary choice (see SE 169–73 [GA I/5:165–69]). As we will see, Fichte sees the moral law as being originally enforced in every rational being not as a *regulative* “fact of reason” but as a *constitutive* “drive to absolute self-sufficiency,” and one is *necessarily* committed to morality to the extent that one is immediately conscious of the drive. Therefore, the character by which one’s choice of philosophy is determined is a function of (the strength and liveliness of) one’s immediate consciousness of the drive rather than of (any exercise of) voluntary choice.¹⁶

It is clear enough that the difference between dogmatism and idealism does not turn on the distinction between *thinking* and *believing*. It is not as if the idealist believes while the dogmatist thinks simply for the sake of thinking; both the dogmatist and the idealist believe, insofar as to believe a philosophical system is to live by it: philosophy is no “lifeless household item one can put aside or pick up as one wishes” (IWL 20 [GA I/4:434]). What is harder to see is that the difference also does not turn on the distinction between *rational* and *irrational* (more precisely, for Fichte: *moral* and *non-moral*) belief. One’s “supreme interest” in one’s self is an instance of what Fichte calls “pure interests” (or what Kant calls “interests of reason”). Such interests “cannot be produced artificially or from without; instead, they spring from certain innate *drives*.”¹⁷ Inasmuch as the dogmatist’s choice is grounded in an interest of this sort, it is no less motivated and constrained by the needs of *pure practical* reason than is the idealist’s choice.¹⁸ It is not as if the idealist chooses out of a moral concern (*Besorglichkeit*) while the dogmatist chooses out of a pragmatic concern; both the dogmatist and the idealist choose out of a moral concern.

I *will* to be self-sufficient, and therefore I take myself to be such. Such a taking-to-be-true, however, is *belief*. Therefore, our philosophy begins with an item of belief, and it knows that it does this. Dogmatism too ... begins with belief (in the *thing in itself*); but it usually does not know this. (SE 31 [GA I/5:43], translation modified)

Whether dogmatist or idealist, philosophy is a profoundly moral activity that involves the safeguarding of one’s dignity (*Würde*) as a rational being. To this extent, pure practical reason has “methodological primacy”¹⁹ for both the dogmatist and the idealist.

While both the dogmatist and the idealist choose on the basis of their interests in their own selves, their interests turn out to be different because they identify their selves with different things. Depending on whether one has “attained a full feeling of [one’s] own freedom and absolute self-sufficiency,” one chooses either idealism or dogmatism as one’s philosophy (IWL 18 [GA

I/4:194]). As we saw above, the idealist's fullness of feeling of his freedom and *absolute* self-sufficiency compels him to assert his self over and against things. Out of interest in his self-sufficiency, he then denies the *relative* "self-sufficiency of things" (IWL 18 [GA I/4:194]). Although the dogmatist has in common with the idealist a supreme interest in his own self, his lack of feeling of his freedom and *absolute* self-sufficiency leads him to take his self for a thing among things. Out of interest in his self-sufficiency, he then affirms the *relative* self-sufficiency of things. Yet the dogmatist's interest is pure (rather than empirical) insofar as he is responding to the moral demand to safeguard his dignity as a rational being. To this extent, his speculative activities are no less motivated by moral (rather than pragmatic) considerations than the idealist's are. What sets the idealist apart is his keener and more reflexive awareness of the demand.

The Absolute Autonomy of Reason

In the First Introduction, Fichte claims that "the dispute between the idealist and the dogmatist is actually a dispute over whether the self-sufficiency of the I should be sacrificed to that of the thing, or conversely, whether the self-sufficiency of the thing should be sacrificed to that of the I" (IWL 17 [GA I/4:193]). Yet he does not explain why the position a philosopher takes concerning the explanatory ground of experience should have any bearing on the question of his self-sufficiency. While the *representation* of the I's self-sufficiency can co-exist with the representation of the thing's self-sufficiency, the I's *actual* self-sufficiency cannot, Fichte tells us, co-exist with the thing's actual self-sufficiency (see IWL 17 [GA I/4:194]). But why not? The standard answer is that by conceding that experience has its explanatory ground in the thing in itself, I concede that my self is explainable in terms of the mechanism of nature (in what Wayne Martin calls a "naturalistic account of human subjectivity")²⁰ and thereby reduce it to a thing among things. This explains why the thing's self-sufficiency excludes idealism, but not why the I's self-sufficiency excludes dogmatism. The question remains: Why can I not insist that my self is not explainable in terms of the mechanism of nature while conceding that experience has its explanatory ground in the thing in itself? Given that the I is "something elevated above all experience" (IWL 13 [GA I/4:190]), why should my admission of the thing in itself as the explanatory ground of representations "accompanied by a feeling of necessity" commit me to the further claim that it is also the explanatory ground of representations "accompanied by a feeling of freedom"?

On this score, Martial Gueroult provides an invaluable insight into the nature of Fichte's anti-dogmatism. According to Gueroult, the issue at stake in the battle against dogmatism is that which defines the project of Kant's *Critique of Practical Reason*: Does reason determine the will of itself? Is pure reason practical? As Fichte sees it, the issue is intertwined from the beginning with that of whether reason can have a *real* influence on nature (as opposed to a merely apparent influence that stems in turn from nature) by giving an end to itself *by itself*. We are accustomed to assuming that an "end-concept" (*Zweckbegriff*)—that takes the form of a "foregoing image" (*Vorbild*)—must be derivative of a "cognitive concept" (*Erkenntnißbegriff*)—that takes the form of a "succeeding image" (*Nachbild*) (see SE 72 [GA I/5:79]). But if reason were to be truly practical, then "the foregoing image must be truly and absolutely first, that is to say, prior to the succeeding image."²¹ This is part of what the "absolute autonomy" or "absolute self-sufficiency" of reason means. By assuming cognitive concepts to be first produced by mysterious things in themselves and end-concepts to be then constructed from cognitive concepts, the dogmatist undermines the autonomy of reason by assigning primacy and originality to cognitive concepts over end-concepts. Indeed,

the essence of transcendental idealism as presented in the *Wissenschaftslehre*, is that the concept of being is by no means considered to be a *primary* and *original* concept, but is treated purely as a *derivative* one, indeed, as a concept derived through its opposition to activity, and hence, as a merely *negative* concept. For the idealist, nothing is positive but freedom, and, for him, being is nothing but a negation of freedom. (IWL 84 [GA I/4:251–52])

On the other hand, "anyone who maintains that all thinking and consciousness must proceed from some being thereby makes being into something original, and dogmatism consists in doing just this" (IWL 85 [GA I/4:252]). Idealism aims to deliver a "system of reason" wherein *what is*—in the form of a system of *cognitive concepts*—is contained in, and derived from, *what ought to be*—in the form of a system of *end-concepts*. As Fichte puts it, "It is the sole aim of all philosophy to provide a derivation of objective truth—within the world of appearances as well as within the intelligible world" (IWL 38n [GA I/4:211n]).

In light of the demand for the absolute autonomy of reason, we can appreciate the claim in Section 5 of the First Introduction that any effort to combine elements of both idealism and dogmatism in order to construct one system is bound to leave unexplained the "transition from matter to mind" or from "necessity to freedom," and vice versa (IWL 16–17 [GA I/4:193]). From

the beginning, the idealist system Fichte has in mind is a “system of reason” (*Vernunft-Systeme*) that reenacts reason itself. Such a system is possible only if reason is absolutely autonomous.

Either all philosophy has to be abandoned, or the absolute autonomy of reason must be conceded. All doubts and all denials of the possibility of a system of reason are grounded on the presupposition of *heteronomy*, on the presupposition that reason can be determined by something outside itself. This presupposition, however, is absolutely contrary to reason and in conflict with the same. (SE 60 [GA I/5:69], translation modified)

To be sure, the idealist cannot be certain of the possibility of such a system prior to its actual construction. But he can be certain of its impossibility as soon as the thing in itself is admitted as a first principle. For the system *qua* system of reason is not supposed to be determinable by anything outside of itself, and in its delivery of an idealist account of experience, “anticipates experience in its entirety” (IWL 32 [GA I/4:206]). Dogmatism, whose essence is to explain experience by appeal to the thing in itself, is characterized by its *transcendence*, while idealism is marked by its uncompromising *immanence* (see SK 117 [GA I/2:279]).

The absolute autonomy of reason articulates the rationale behind what is arguably the single most important difference between Fichte’s epistemology and Kant’s: Fichte’s subordination of the transcendental ground of theoretical cognition under that of practical belief. For Kant, sensibility, understanding and theoretical reason work together to ground a system of experience *a priori* and independently of practical reason. Such a system maps an autonomous theoretical domain of nature that need not by itself come under the practical domain of freedom. For Fichte, on the other hand, these theoretical powers are not capable of working on their own independently of *the* unconditioned practical-rational ground.²² In this light, Fichte’s move to commence with an appeal to moral belief is not, as Karl Ameriks would have it, a convenient shortcut to idealism, devised to bypass a “series of complex considerations entailing the ideality of space and time” and “requiring that all our theoretical knowledge [be] limited to spatiotemporal determinations.”²³ Rather, it is a strategic step in his exposition of the system of the human mind from the highest point upon which all its various activities turn.

Two Levels of Spiritual Development

From the empirical viewpoint, one begins as an incomplete human being, and becomes complete as a human being only by progressing through fixed stages of spiritual development. In more familiar parlance, reason and self-consciousness are cultivated in a human being only through a process of “self-cultivation” (*Bildung*) and “education” (*Erziehung*). The process does not occur by natural necessity but rests, in the final analysis, upon the aforementioned absolutely primary act. At the same time, it is susceptible to being foiled by flawed educational practices and policies. An education that seeks to fashion pupils to be of some pragmatic use interferes with the free self-development of reason in them by “[extirpating] the root of self-activity in earliest youth” (IWL 92 [GA I/4:259]). Such an education is *dogmatist* inasmuch as it embraces a heteronomous ethical system that seeks what is good in ends outside of reason.

According to this developmental scheme, one is complete as a rational being to the extent that one is able to differentiate one's freedom and self-sufficiency from the freedom and self-sufficiency of things. Consciousness is directed outward toward things before being turned inward toward the self. Because dogmatism is distinguished from idealism by a lack of attentiveness to one's self, all idealists pass through stages of being drawn to dogmatism before progressing to idealism (see IWL 19 [GA I/4:195]). Fichte believes that few in his time are ever truly “able to overcome [dogmatism's] appeal” (see IWL 69–70 [GA I/4:238]). Still, he regards the rift separating them to be so great that he describes idealists and dogmatists provocatively as two “sub-species of human beings” (IWL 18 [GA I/4:194]). Characterologically speaking, dogmatism is nothing but a natural propensity to appeal to things outside of one's self in argumentation, while idealism is the strength to withstand the propensity. As the dogmatist identifies his self with a thing, he is, by virtue of his concern with affirming and preserving his freedom and self-sufficiency, given to assigning primacy and originality to things in his account of experience. By contrast, the idealist opposes his self to things, and will not admit primacy and originality to anything over it. Apparently, not every character trait bears on whether one is a member of one sub-species or the other. The single trait that seems to matter is the strength and liveliness of one's sense of self and feeling of one's own freedom and self-sufficiency. But the trait has implications for such wide-ranging, extra-philosophical aspects as one's socio-economic, political, moral and religious affiliations.²⁴

Idealism marks a higher level of spiritual development than dogmatism, because idealism charts a broader “field of vision” (IWL 95 [GA I/4:261]) or “sphere of possible thinking” (IWL 83 [GA I/4:250]). While the dogmatist’s field of vision is confined to things, the idealist’s encompasses things as well as his self—the I, the intellect, or reason. The I, according to Fichte, is an “*immediate* unity of being and seeing” (IWL 21 [GA I/4:196]) that contains a double, ideal-real series (of seeing and being). Lacking full compass of the I, the dogmatist recognizes only a real series of being unaccompanied by any ideal series of seeing; having full compass of the I, the idealist recognizes no such thing. Fichte’s talk of a “field of vision” is merely figurative. It is not as if some item that appears in the idealist’s consciousness (such as the I or the ideal series of seeing) is missing in the dogmatist’s consciousness. Admittedly, Fichte sometimes writes as if this were the case.²⁵ However, there are other times when he is clear that any dogmatist who takes a sufficiently hard look within himself is able to find the I and the ideal series of seeing.²⁶ The concepts and principles of reason are “actually operative in every rational being, where they operate with the necessity of reason; for *the very possibility of any consciousness whatsoever* is based upon the efficacy of these same concepts” (IWL 91 [GA I/4:258], emphases added). For all their incompleteness as rational beings, dogmatists are *rational beings*, and therefore are *conscious* beings.

...Insofar as they are rational, spiritual beings at all, they simply cannot dispense with the general concept of the pure I as such, for in that case they would also have to refrain from raising any objections against us—just as a block of wood would have to do. What they do lack, however, and are unable to elevate themselves to the level of, is *the concept of this concept*. They certainly possess this concept within themselves; they simply do not realize that they possess it. (IWL 90 [GA I/4:257])

If dogmatists are conscious of the I and the ideal series of seeing, how can we make sense of their allegedly narrower “field of vision”? As I understand Fichte, consciousness of the I and the ideal series of seeing comes in degrees of clarity. As all consciousness is conditioned by self-consciousness, the more conscious one is of *one’s own consciousness* of the I and the ideal series of seeing, the more clearly conscious one is of them. The idealist is sufficiently self-consciously conscious of the I to recognize its essential distinctiveness from things. He recognizes that it contains the double ideal-real series of seeing and being, and that all being is “being for us” (*Sein für uns*). The dogmatist is also conscious of the I, but not sufficiently self-consciously conscious of the I to recognize its essential distinctiveness from things. He is bitter in his dispute

with the idealist because “there is something in his own inner self which agrees with his assailant” (IWL 19 [GA I/4:195]). Despite his consciousness of the I, he mistakes it for a thing. Consequently, he does not recognize anything beyond the single real series of being “constituted by the mechanism of nature” (IWL 24 [GA I/4:198]) or any being other than “being in itself” (*Seyn an sich*).

Additionally, dogmatists “fail to distinguish [the series of their own observing and the series of the observed I] from each other at all, or else they confuse them with one another and assign to one of these series something that really pertains to the other” (IWL 37 [GA I/4:210]). Stepping out of the ordinary point of view without realizing it, they do not recognize the role of free choice in philosophy. Freely choosing dogmatism over idealism without realizing it, they claim to find no alternative to dogmatism. Going beyond experience without realizing it, they conflate things with things in themselves, and regard them as furnishing infallible evidence for the primacy and originality of being (in itself).²⁷

A Subjectivist Ground of Rational Justification

The dogmatist insists that a philosopher impart his convictions to another by means of theoretical demonstrations. A conviction that is not “communicable” in this way is, according to the dogmatist, necessarily rationally unjustified. The underlying assumption is that the ground of rational justification is in some thing (or fact about things) to which everyone has access. Taking himself to be a thing among things, the dogmatist demands that conviction be produced by some efficacious force of things that acts upon him from the outside. Taking such an objectivist paradigm of rationality for granted, he ends up demanding the impossible. The dogmatist’s philosophical practice is sustainable only as long as one ignores one or more of three straightforward facts: first, a theoretical demonstration merely transfers our certainty in something not thereby demonstrated to something thereby demonstrated, and thus rests ultimately upon an immediate certainty in something undemonstrated; second, a theoretical demonstration cannot communicate a conviction to someone who does not share “*a single point* concerning the *material* of cognition” (IWL 94 [GA I/4:260]), and is therefore irrelevant to resolving a disagreement over first principles; third, a theoretical demonstration cannot communicate a conviction to someone who does not self-actively appropriate it.

The criterion proposed by Reinhold for philosophical science betrays the influence of an objectivist paradigm of rationality. By the criterion, a philosophical system qualifies as science only if it is “universally accepted”

(*allgemeingeltende*), that is, only if its validity is universally recognized. Fichte's keen appreciation of the limits of theoretical reason and the autonomy of practical reason leads him to relinquish any hope of meeting that criterion: "A philosophy," he asserts, "does not have to be *universally recognized to be valid* in order to be granted the status of a science" (IWL 96 [GA I/4:262]). In the first place, the criterion of universal acceptance is plainly unacceptable when taken crudely to require that the validity of a system be recognized by every human being. Surely, this criterion does not require that the validity of a system be recognized by human beings whose reason is not sufficiently cultivated to recognize it. The criterion is more reasonable when rendered as requiring that the validity of a system be recognized by every human being whose reason is sufficiently cultivated to recognize it.²⁸

Fichte sees a grain of truth in this rendering of Reinhold's criterion of universal acceptance. According to him, reason "is the common possession of everyone and is entirely the same in every rational being." The concepts and principles that constitute the system of reason mark a common "point" where all human beings begin, in the sense that these concepts and principles are "actually operative" in a human being inasmuch as he exists as a rational being (that is, is conscious). To this extent, the concepts and principles of reason are already universally accepted! To be sure, they are not universally accepted in a way that warrants the reinstatement of Reinhold's criterion of universal acceptance. For while universal acceptance of these concepts and principles in the Reinholdian sense would amount to a *free acknowledgement of their validity by the intellect*, universal acceptance in the Fichtean sense amounts to an *original enforcement of them as drives*. The former presupposes the aforementioned "single point concerning the *material* of cognition" in everyone, whereas the latter does not. It also presupposes that the dogmatist possesses the critical self-understanding which he precisely lacks—that is, that he possesses not only a self (the general concept of the pure I), but also a comprehension of the self (the concept of that concept).

With the originally enforced system of reason in place, philosophy becomes a matter of reenacting at the cognitive level what is already present at a pre-cognitive level. The criterion for philosophical science is reformulated accordingly, in terms of its agreement with the system, or what turns out to be the same, its proponents' complete conviction (*Überzeugung*) of its truth. In the first place, the ultimate ground of rational justification is shifted from things (or facts about them) outside to the subject within.

In our system, one makes oneself the ultimate basis of one's philosophy, and that is why this system appears 'baseless' to anyone who is unable to do this... It is

necessary that our philosophy confesses this quite loudly, so that it might thereby finally be relieved of the unreasonable demand that it demonstrate to human beings from outside something they have to create in themselves. (SE 31–32 [GA I/5:43])

Besides, a philosophical system is rationally justified inasmuch as it agrees with the system of reason. Such an agreement (*Übereinstimmung*) is precisely what Fichte means by *conviction*.

If even a single person is completely convinced of his own philosophy ... then philosophy has achieved its goal and run its full course in this person, for it has set him down again *at the precise point where he, along with all other human beings, began*. Should this ever happen, then *philosophy as a science will actually be present in the world*, even if no one beyond this one single person comprehends and adopts it, and even if it should happen that this person has no idea how to expound this philosophy to anyone else. (IWL 97 [GA I/4:263], emphases added)

To be sure, a philosophical system depends for its *rational acceptance* on a non-rational act by the subject. Its validity is recognized only by a human being who has raised himself to a sufficiently high level of spiritual development through an act that “does not ensue according to any law, but... ensues because it ensues” (SE 169 [GA I/5:165]). But this has nothing to do with the system's *rational justification*. The system is rationally justified neither by the act nor even by the higher level of spiritual development the human being is thereby ushered into, but by its agreement with the system of reason.

As the system of reason is originally enforced at the precognitive level through a system of boundedness (*Begrenztheit*), the agreement of a given system of concepts and principles with it is immediately felt as *certainty* (*Gewißheit*), while its disagreement with it is felt as *doubt* (*Zweyfel*). The “higher power of feeling,” by means of which certainty or doubt is felt, is *conscience* (*Gewissen*). I have no way of finding out if a philosophical system is in agreement with the originally enforced system of reason except by means of *conscience*. Thus conscience takes the paramount position in Fichte's epistemology: the head is to follow the heart. Far from being a remnant of the irrational past, conscience is the highest authority in a perfectly rational order. It “is itself the judge of all convictions and acknowledges no higher judge above itself. It has final jurisdiction and is subject to no appeal. To want to go beyond conscience means to want to go beyond oneself and to separate oneself from oneself” (SE 165 [GA I/5:161–62]).

The Idealist “Refutation of Dogmatism”

After going to great lengths in Section 5 of the First Introduction to show that idealism and dogmatism are of equal speculative value and that one accepts one and rejects the other *by free choice* rather than *by theoretical argumentation*, Fichte offers what looks like theoretical arguments against dogmatism in Section 6 and elsewhere. Suber characterizes these arguments as “two-edged”: “The more they support idealism, the more they undercut Fichte’s presentation of primordial philosophy as a free choice between balanced contradictories.”²⁹ Commentators are divided: some maintain that Fichte recognizes no reasons other than moral ones for preferring idealism over dogmatism; others acknowledge that he offers theoretical reasons in addition to moral ones for rationally justifying idealism against dogmatism.³⁰ The unspoken assumption on both sides is that morality has no rational-justificatory significance for Fichte. From what we have seen of his subjectivist paradigm of rationality, however, that assumption cannot be right.

On the subjectivist paradigm, the ground of rational justification is originally enforced within the subject at the precognitive level through a system of boundedness. A philosopher seeing to the rational justification of his philosophical system can count on nothing but the approval of conscience. In other words, he has no way of ensuring the truth of a philosophical system other than by aligning the system with his own moral belief and interest. Far from having no rational-justificatory role, morality is the sole epistemic compass. There is no prospect of rationally justifying one system against the other except in terms of its agreement with morality. The point to take away from Fichte’s concession of the irrefutability of dogmatism, therefore, is not the rational unjustifiability of idealism against dogmatism, but the inadequacy of theoretical reason and the indispensability of practical reason for rationally justifying idealism against dogmatism.

First of all, it is worth noting an ambiguity in the usage of the term *theoretical* or *speculative* in this context. In general, the term describes the I’s ideal, thinking activity inasmuch as this is separated from, and opposed to, the I’s real, practical activity. But for Fichte, there are varying degrees to which the former is separated from and opposed to the latter. At the most extreme, my “freedom of thinking” (IWL 18 [GA I/4:194]) allows me to think simply for the sake of thinking—*without practical motivation and constraint of any sort*. It is at this level of thinking that dogmatism can be said to have the same speculative value as idealism. Inasmuch as my *preference* for one system over another is based upon my pure, original *concern* for my self-sufficiency as a rational

being, my philosophizing is practically motivated and constrained. Does my philosophizing cease on this account to be *theoretical*? No, it continues to be theoretical as long as it is detached from the practical activity of ordinary life. This is so despite its being less “theoretical” than thinking simply for the sake of thinking.³¹ From the fact that Fichte’s arguments against dogmatism are theoretical, it does not follow that they are not based upon and informed by idealist premises which are first admitted through moral belief and interest. Therefore, the key to resolving the apparent tension is not to determine whether the arguments in Section 6 of the First Introduction and elsewhere are theoretical, but to determine whether they are based upon, and informed by, idealist premises which are admitted only through moral belief and interest.

Refuting Dogmatism for the Idealist

The First Introduction contains not one but three or four theoretical arguments against dogmatism. I will consider the two most obvious: the argument from the non-existence of the thing in itself in Section 4, and the argument from the failure to explain representations in Section 6. It will be clear that they are not intended by Fichte to demonstrate the falsity of dogmatism from a neutral stance.

In Section 4, Fichte argues that idealism is superior to dogmatism inasmuch as its object, the “I in itself,” “actually appears within consciousness as something real,” while the object of dogmatism, the “thing in itself,” is a “pure invention” (IWL 13 [GA I/4:190]). The I in itself is unique among objects of consciousness: unlike invented objects, it appears to exist independently of the subject; unlike other independently existing objects, it appears to have no determinate properties other than those determined by the subject. As it appears within consciousness only to the extent that the subject self-actively attends to it, it is readily denied by those who do not attend to it. By contrast, the thing in itself is a *Kunstprodukt* that first comes into existence through the subject and does not exist independently of it. However, Fichte is clear that this does not “imply anything against the [dogmatist] system” (IWL 14 [GA I/4:190]). Since the ground of experience is supposed to lie outside of experience, the dogmatist should not, given that he begins with nothing but experience, be faulted for seeking it in an invented object.

In Section 6, Fichte argues that dogmatism is “no philosophy at all” because it cannot succeed in the task of explaining experience; thus, because idealism and dogmatism have been shown to be the only possible systems, idealism turns out to be the “only type of philosophy that remains possible” (IWL 24

[GA I/4:198]). As we have seen, the dogmatist recognizes only a single series, namely, the real series of things, and assumes *being*, naturally enough, as the “*primary and original concept*” (IWL 84 [GA I/4:252]). Beginning with being in itself, he thinks of objective representations as caused by things according to the mechanism of nature. Yet he cannot succeed in the task of explaining them this way, because while representations belong only to the double ideal-real series of seeing and being that is contained in the intellect, nothing but things belong to the single real series of being. He tries to conceal the gap between representations and things by postulating a “soul” which is purportedly amenable to interacting with things. But the soul cannot be construed as interacting with things without itself being taken for a thing; and it cannot, as a thing, be (a basis for) the intellect. In effect, the dogmatist “explains” objective representations by mistaking the intellect for (the property of) a thing or (the property of) a thing for the intellect—more likely the latter, since he lacks the concept of representation.

This second argument is generally taken more seriously by commentators than the first, because Fichte does not say of the second, as he does of the first, that it does not demonstrate the superiority of idealism over dogmatism. He says instead that the dogmatist is unable to grasp the point of it. Nevertheless, it is clear from his analysis of the theoretical “proof” of freedom of choice by immediate consciousness that he could not have intended either argument to demonstrate dogmatism’s falsity from a neutral stance. According to Fichte, our consciousness of ourselves as free in willing (*Wollen*) comprises nothing but the lack of consciousness of a cause for what ensues.

To be sure, no one will be able to provide such an explanation of willing from something else nor even to say anything comprehensible in that regard. Nevertheless, were someone to claim that willing might still possess a ground outside of us, albeit a ground that remains incomprehensible to us, then, even though there would not be the least reason to assent to such a claim, there would also be no theoretical reason to object to it. (SE 31 [GA I/5:42–43])

Granted that willing appears in consciousness to be without a cause, the possibility of its merely appearing to be so because its cause is unknown is not ruled out. By the same token, granted that the properties of the I in itself appear in the consciousness of a dogmatist to be determinable by him, the possibility of their merely appearing to be so because their causes are unknown to him is not ruled out. And granted that the dogmatist fails to explain how representations are caused by things, the possibility of his failing to do so only because their causes are unknown to him is not ruled out. Clearly, Fichte’s

considered view of the matter is that there is no way of demonstrating dogmatism's falsity from a neutral stance.

Refuting Dogmatism for the Dogmatist

Granted that the theoretical arguments against dogmatism in the First Introduction are not meant to refute dogmatism for dogmatists, there is yet a more promising line of argument that remains to be explored in the literature. In Section 10 of the Second Introduction, Fichte argues that the dogmatist cannot be convinced of his system, that is, cannot agree with himself about it. As I understand it, the argument is a form of classical *ad hominem* argument that exploits a pragmatic contradiction between what the dogmatist *says* and what he *does*. According to Suber, Fichte's *ad hominem* arguments against the dogmatist are unlike the classical versions because they do not "criticize a person for violating her own premises in elaborating them in theory, or in acting upon them in practice."³² Instead, they focus on disparaging the person's character or capacities. But there are numerous passages where Fichte evidently criticizes the dogmatist along the former lines. For example, at one point in the 1798 *System of Ethics* he observes the discrepancy between the "claim" (*Behauptung*) and the "conduct" (*Verfahren*) of someone who denies that persons are free or stand under the moral law but is enraged by the person who sets his house on fire, not by the fire (see SE 62–63 [GA I/5:71]). The same contradiction is discernible between the *doctrine of universal egoism* of the likes of la Mettrie and Helvétius and their *noble and selfless effort to convey it to the rest of humankind* (see SE 303–305 [GA I/5:281–82]).

The contradiction between what the dogmatist says and what he does is not one between what he *thinks* and what he *believes*. For Fichte, one can think something without believing it, and so think the opposite of what one believes without disagreeing with oneself. Rather, the contradiction in question is one between what the dogmatist believes *in speculation* and what he believes *in life*. This is clear from a careful reading of Fichte's remark on Spinoza in Section 10 of the Second Introduction:

Spinoza could not have been convinced of his own philosophy. He could only have *thought* it; he could not have *believed* it. For this is a philosophy that directly contradicts those convictions that Spinoza must necessarily have adopted in his everyday life, by virtue of which he had to consider himself to be free and self-sufficient. He could have been convinced of his philosophy only to the extent that it contains some element of truth, i.e., only insofar as it includes

within itself a portion of philosophy as a science. He was convinced that a purely objective mode of reasoning must necessarily lead to his system, and he was right about this. But in the course of his thoughts it never occurred to him to reflect upon his own act of thinking; this is where he went astray, and this how he came to place his speculations in contradiction with his life. (IWL 98 [GA I/4:264], translation modified)

Spinoza is described as having “necessarily” adopted certain beliefs “in his everyday life,” including those “by virtue of which he had to consider himself to be free and self-sufficient.” On the other hand, a dogmatist must (given his level of spiritual development) hold certain beliefs about the nature of his self—for example, that it is a thing among things. Evidently, Fichte thinks of beliefs as being held by everyone at the two distinct levels: in “life” and in “speculation.” As previously noted, the system of reason is originally enforced in every rational being, the dogmatist included. The dogmatist is conscious of the I and the ideal series of seeing, though he does not realize it. His failure to agree with himself stems precisely from the contradiction between the beliefs he holds in speculation and those he holds in life.

To be sure, it is unlikely that anyone—idealist or dogmatist—will ever be completely convinced of his philosophy. Nevertheless, complete conviction is precluded for the dogmatist in a way that it is not for the idealist: while it is unlikely that an idealist will ever be completely convinced of his philosophy, it still makes sense for him to strive to be so against the odds. It makes no sense for a dogmatist to even strive to be completely convinced of his philosophy because it is precluded in principle. The dogmatist necessarily holds the beliefs that he holds in life *inasmuch as he is a rational being*. He cannot be rid of them except by renouncing his self—that is, by ceasing to be conscious. The set of beliefs is “no delusion that could or should be prevented by philosophy,” but “our common shared truth” (IWL 99 [GA I/4:265]). On the other hand, he necessarily holds the beliefs that he holds in speculation *only given his particular level of spiritual development*. The dogmatist must disagree with himself as long as he remains at that level, but must cease to be a dogmatist as soon as he elevates himself above that level. In a word, he must disagree with himself *as long as he continues to be a dogmatist*. His disagreement with himself stems from the very incompatibility of the beliefs that he holds *as a dogmatist philosopher* with those that he necessarily holds *as a rational being*.

The foregoing investigation has uncovered the autonomy of reason as the prime consideration behind the battle Fichte wages against dogmatism. Granted that reason is absolutely autonomous, "it follows that everything reason is must have its foundation within reason itself and must be explicable solely on the basis of reason itself and not on the basis of anything outside of reason" (IWL 59 [GA I/4:227]). This basic principle of the *Wissenschaftslehre* renders dogmatism its antipode. For dogmatism is nothing but the (propensity to) appeal to something outside of reason to explain reason's (formal or material) determinations. On Fichte's view, *the* unconditioned ground of rational justification is completely situated within the subject. The truth of (a system of) concepts and principles is to be sought not in "whether we agree with others in our thinking, but only whether we agree with ourselves" (EPW 229–30 [GA I/3:89]). Moreover, the concepts and principles of reason are originally enforced in us at the precognitive level through a system of boundness. Consequently, the agreement or disagreement of a freely thought-up system of philosophy with the system of reason is to be sought only in the approval of conscience. This means that idealism can be rationally justified against dogmatism only inasmuch as moral belief and interest are taken into consideration. No theoretical demonstration of the falsity of dogmatism is forthcoming from a neutral stance. To be sure, the premise that reason is absolutely autonomous is itself based upon, and informed by, moral belief and interest. Nevertheless, idealism is rationally justified, upon a subjectivist ground, against dogmatism.

Notes

1. John Lachs, "Preface," in WL, x. J. Douglas Rabb then took issue with Lachs in a series of exchanges. See Rabb, "Lachs on Fichte," *Dialogue* 12, no. 3 (1973): 480–85; Lachs, "Fichte's Idealism," *American Philosophical Quarterly*, 9 (1972): 311–18; Rabb, "J. G. Fichte: Three Arguments for Idealism," *Idealistic Studies* 6 (1976): 169–77. Peter Suber discusses the same problem in "A Case Study in *Ad Hominem* Arguments: Fichte's *Science of Knowledge*," *Philosophy and Rhetoric* 23 (1990): 22–25.
2. See Daniel Breazeale, *Thinking Through the Wissenschaftslehre: Themes from Fichte's Early Jena Philosophy* (Oxford: Oxford University Press, 2013), 301–33.
3. Friedrich W. J. Schelling, *Philosophical Letters on Dogmatism and Criticism, in The Unconditional in Human Knowledge: Four Essays by F. W. J. Schelling*, trans. Fritz Marti (London: Associated Universities Press, 1980), 156.
4. *Ibid.*, 170.

5. *Ibid.*, 168, 170.
6. *Ibid.*, 173.
7. Reinhard Lauth, "Die erste Auseinandersetzung zwischen Fichte und Schelling 1795–97," *Zeitschrift für philosophische Forschung*, Bd. 21, H. 3 (Jul.–Sep. 1967): 341–67. However, one should be careful not to overstate the extent of Schelling's influence on Fichte. For example, the claim that idealism and dogmatism are the only two possible systems is already present in the 1794 *Foundation of the Entire Wissenschaftslehre* (see WL 118n [GA I/2:280n]).
8. Fichte's apparent efforts to incorporate realist elements into his system have led to some perplexity over the nature of his "idealism." See Wayne Martin's discussion of the debate between Thomas Rockmore and W.J. Douglas in "Fichte's Anti-Dogmatism," *Ratio: An International Journal of Analytic Philosophy* 5 (1992): 129–33. Martin proposes to solve the problem by distinguishing dogmatism from realism, identifying the former more narrowly with naturalistic accounts of subjectivity, since "there is no contradiction in saying, on the one hand, that idealism is wholly incompatible with dogmatism (i.e., with naturalistic accounts of subjectivity) and also, on the other hand, that idealism must come to terms with a realist ontology" (*ibid.*, 143–44). But this leaves unanswered the question of how idealism can come to terms with a realist ontology without conceding some naturalistic account of subjectivity. In my view, the problem is more satisfactorily resolved in terms of the distinction between a transcendental and an empirical sense of the idealism/realism distinction. See Frederick Beiser, *German Idealism: The Struggle against Subjectivism* (Oxford: Oxford University Press, 2002), 52–55; Paul Franks, *All or Nothing*: (Cambridge: Harvard University Press, 2005), 48–50. Viewing dogmatism as a form of transcendental realism, Fichte rejects it without reserve while acknowledging an empirical realism.
9. See Breazeale, *Thinking Through the Wissenschaftslehre*, 308.
10. Schelling, *Philosophical Letters*, 171.
11. *Ibid.*, 157.
12. See Rabb, "J.G. Fichte," 172–73, and Lachs, "Fichte's Idealism," 315.
13. For further discussion of the issue, see Breazeale, *Thinking Through the Wissenschaftslehre*, 302–3.
14. Schelling, *Philosophical Letters*, 176, translation modified.
15. Suber, "Case Study," 20.
16. R.S. Kemp argues that Fichte is a "proto-existentialist" by highlighting Fichte's view that dogmatism cannot be refuted *for the dogmatist*. See Kemp, "How to Become an Idealist: Fichte on the Transition from Dogmatism to Idealism," *British Journal of the History of Philosophy* 25 no. 6 (2017): 1161–79. In my view, Fichte is no "proto-existentialist," because a philosopher chooses idealism over dogmatism based on certain rational considerations, albeit considerations which are delivered by a *non-voluntary* act of spontaneity.

17. Breazeale, *Thinking Through the Wissenschaftslehre*, 347.
18. The view that dogmatism has moral underpinnings is not, as one might think, a result of Fichte's encounter with Schelling's *Philosophical Letters*, but is already advanced in the *Foundation* (see WL 118–19 [GA I/2:279–80]).
19. The phrase is made common by Karl Ameriks and Breazeale in their work on the primacy of practical reason in the *Wissenschaftslehre*. See Ameriks, *The Fate of Autonomy: Problems in the Appropriation of the Critical Philosophy* (Cambridge: Cambridge University Press, 2000); Ameriks, "Fichte's Appeal Today: The Hidden Primacy of the Practical," in *The Emergence of German Idealism*, ed. Michael Baur and Daniel O. Dahlstrom (Washington D.C.: Catholic University Press, 1999), 116–30; Breazeale, *Thinking Through the Wissenschaftslehre*, 419–25; Breazeale, "Certainty, Universal Validity and Conviction: The Methodological Primacy of Practical Reason with the Jena *Wissenschaftslehre*," in *New Perspectives on Fichte*, ed. Tom Rockmore and Dan Breazeale (New Jersey: Humanities Press, 1996), 35–60.
20. Martin, "Fichte's Anti-Dogmatism," 142.
21. Martial Gueroult, "L'Antidogmatisme de Kant et Fichte," *Études sur Fichte* (New York: Georg Olms, 1974), 19, my translation.
22. Fichte notes quite rightly that although Kant has not actually constructed such a system, he could not have said some of the things he has said without having thought it. Consider, for example, Kant's talk of a "supersensible nature" that serves as a "*natura archetypa*" of "sensible nature" (CPrR 174–75 [Ak 5:43]).
23. Ameriks, *Fate of Autonomy*, 164.
24. Fichte argues in *Appeal to the Public* that dogmatism is inevitably found together with "eudaemonism" or utilitarianism, which gives rise in turn to idolatry, while idealism is inevitably found together with "moralism" or deontology, which gives rise in turn to true religiosity (see GA I/5:434–39). For a thought-provoking account of what dogmatism could mean for one's socio-economic, political and moral affiliations, see Allen Wood, *Fichte's Ethical Thought* (Oxford: Oxford University Press, 2016), 40–43.
25. Fichte:

Many people have simply not progressed in their own thinking past the point of being able to grasp the single series constituted by the mechanism of nature. So long as this single series is the only one present in their minds, then, naturally enough, even if they should desire to think about representations, they will consider them too to be part of this same series. (IWL 24 [GA I/4:198–99])

26. Thus "not even the dogmatist ... can pretend" that the system of experience is anything other than "thinking accompanied by a feeling of necessity" (IWL 13 [GA I/4:190]); "When a philosopher considers things from [the] standpoint [from which he is first impelled to philosophize], all he discovers is that

he must entertain representations both of himself as free and of determinate things external to himself" (IWL 17 [GA I/4:193]). Dogmatists

undoubtedly do think of [the] concept [of the I]. For otherwise, how would they be able to compare it with and to relate it to other concepts? If they were really unable to think of this concept of the I, then they would also be unable to say the least thing about it. It would remain simply unknown to them in every respect. But, as we can see, they have actually succeeded in generating the thought of the I, from which it of course follows that they must be able to do this. (IWL 79 [GA I/4:246–47])

27. See Luigi Pareyson, *Il sistema della libertà* (Milano: Mursia, 1976), 265–66, 273–75.
28. Note that this rendering of the Reinholdian criterion of being “universally accepted” (*allgemeingeltend*) does not conflate it with the other Reinholdian criterion of being “universally valid” (*allgemeingültig*): a system is universally valid just as long as it is valid for everyone, regardless of whether it is recognized by anyone to be so or not.
29. Suber, “Case Study,” 22.
30. Recent examples of the former group include Frederick Neuhouser, Robert Pippin and Andrew Lamb, while those of the latter group include Ameriks, Matthew C. Altman and Kemp. See Lamb, “Fichte’s ‘Introductions’ as Introductions to Certainty,” *Idealistic Studies* 27 (1997): 193–215; Altman, “Idealism is the Only Possible Philosophy: Systematicity and the Fichtean Fact of Reason,” *Idealistic Studies* 31 (2001): 1–21. Breazeale takes the more subtle position that Fichte offers demonstrations of the superiority of idealism, albeit one with an indemonstrable basis. Somewhat differently, Wood holds that “the question *is* decided by reason, but a dogmatist cannot be convinced by reason because the dogmatist is trapped in a web of dishonesty and deception, refusing to listen to reason. The kind of reason that supports idealism, however ... is one that supports faith rather than knowledge.” Wood, *Fichte’s Ethical Thought*, 72.
31. As previously noted, the idealist’s choice of the first principle of his system is based upon, and informed by, an interest that is the Fichtean equivalent of Kant’s “interest of reason.” More precisely, it is what Kant would call an “interest of theoretical reason.” On Fichte’s view then, Kant’s “interest of theoretical reason” is already practical.
32. Suber, “Case Study,” 13.

Part III

Transcendental Theory



8

Knowledge and Action: Self-Positing, I-Hood, and the Centrality of the Striving Doctrine

C. Jeffery Kinlaw

The *Wissenschaftslehre*, despite its title, is not a standard work of epistemology, if one assumes that, as is often the case, epistemology is exclusively concerned with justification and knowledge. For the Jena *Wissenschaftslehre* also advances a substantive theory of practical rationality or, perhaps better stated, rational action. Indispensable for comprehending Fichte's epistemology, and along with it the central components of his theory of subjectivity, is a clear understanding of the way in which he integrates epistemology and practical rationality into a single, systematic theory of the basic way in which we relate to the world. Otherwise, we will fail to appreciate adequately and accurately just how seemingly extreme are some of the views Fichte defends, as well as how salient these radical views are for capturing the deep components of Fichte's project.

Consider, for instance, Fichte's central idealist thesis that informs the *Wissenschaftslehre*, his ethical theory, and his political philosophy: the structure and content of all intentional relations are initiated by and grounded upon the free, self-determining, self-activity of what Fichte calls the I. Call this the *idealist thesis*. The idealist thesis is much broader and more basic than the claim, shared with his successor Hegel, that all representation of objects is conceptually determined 'all the way out.' Rather, Fichte's thesis is a more fundamental claim about intentionality, namely, how, in the most original sense, we comport ourselves toward the world, a comportment, moreover, which is structured by the I's own free act—in the strong libertarian sense—of

C. J. Kinlaw (✉)

Department of Religion and Philosophy, McMurry University, Abilene, TX, USA
e-mail: jkinlaw@mcm.edu

self-determination. In precisely this sense, Fichte contends, the *Wissenschaftslehre* is a transcendental idealism:

Indeed, it explains all consciousness by reference to something independent of all consciousness. But it never forgets in its explanation that it also is guided by its own laws, and thus, in reflecting on this, that independent something becomes *anew* a product of its own power of thought, and thereby something dependent on the I, insofar as it is to be present *for* the I.... (GA I/2:411–12, emphasis added)

Fichte's claim is that what is ostensibly independent of consciousness is transformed by consciousness into something dependent upon consciousness. The dependence relation Fichte references is not merely an epistemic claim, which, when developed, becomes the basis for his constructivist epistemology; nor does the dependence relation express the primacy of practical reason in the banal sense that the world *für uns* is the arena for the realization of our practical aims. *Für das Ich*, as Fichte understands this expression, advances something far more radical, namely, that how one experiences the world—how one represents *any* object—is *determined* in part by one's practical aims. Put differently, our practical orientation to the world, which is more original than and underlies and underwrites our everyday practices, *determines* how we represent the world to ourselves. Epistemic constructivism is a component within and, as we shall see, defense of a comprehensive account of rational action; this is the deeper meaning of the idealist thesis.

In this light, we should read the central claim of Fichte's *striving doctrine*: “No intelligence would be possible in humans, if humans did not possess a practical capacity. The possibility of all representation is grounded on that practical capacity. And this proof now has been completed, by explaining that without a striving no object at all is possible” (GA I/2:399). Fichte makes two claims in this passage, the second serving as a partial explication of the first. (1) Being able to project and realize one's ends is a necessary requirement for genuine knowledge of the world, and (2) the very possibility of representation has its basis in the exercise of practical rationality. Not only does the exercise of epistemic agency—the simple representation of objects—presuppose a deeper practical orientation to the world, but (2) also affirms that how we represent the world is *determined by* our practical concerns.

The striving doctrine is a linchpin for comprehending Fichte's account of intentionality, and it brings into sharp relief the Fichtean concepts of self-determination (self-positing) and I-hood. In this chapter, I discuss self-determination and I-hood with an eye toward the striving doctrine. By

“self-positing,” I assume, as has become standard, that Fichte means self-determination. This allows for a more perspicuous account of Fichte’s conception of I-hood and the nature of subjectivity. By “I-hood,” Fichte means, most fundamentally, self-determination and self-sufficiency. Accordingly, subjectivity is not *primarily* an epistemic relation, and self-knowledge in the Fichtean sense is non-introspective. I contend (although I cannot offer a complete defense of this here), that the *Wissenschaftslehre* is a theory of rational action—after all, for Fichte, knowledge acquisition is a form of agency—which integrates epistemology with practical rationality.¹ I argue that Fichte’s account, especially its tendency to subordinate knowledge acquisition to rational action, places burdens upon his epistemology. There are several ways to read the extent of this subordination and the extent of the ensuing epistemic burdens, particularly in light of the striving doctrine and the normative status of the I’s self-sufficiency. I unpack the problems these possible interpretations raise, and indicate which account, in my judgment, is Fichte’s best-considered view—a view, which, in the end, is not as extreme as it initially appears.

Self-Determination and the Nature of I-Hood

The I, Fichte insists repeatedly, is an act, specifically an act of self-determination. Self-determination, however, is not unique to the I, but is also inherent, at least rudimentarily, within organisms. An organism exercises proto-self-determination, displayed in its capacity to react to its environment in terms of its own nature. Put somewhat technically, this proto-self-determination is what the organism is and how it manifests its existence through itself, as opposed to being what it is in something else and manifesting its nature and existence through something else (SE 110 [GA I/5:112]). This proto-self-determining capacity is an expression of an organism’s general purposiveness to sustain itself and its nature, as well as its primitive intentionality in the way in which it relates to and appropriates parts of its environment. An organism’s proclivity for exercising its proto-self-determination is what Fichte calls a drive (*Trieb*). Accordingly, an organism’s biological function is not reducible to mechanistic causation.² Any biological function that is the expression of a drive is thus a determinate instantiation of the organism’s general, abstract purposiveness and intentionality—thus, the plurality of drives.

The I, *simply* as an act of self-determination, expresses the human organism’s purposiveness—its pursuit of practical aims—and intentionality—how it relates itself toward the natural world and human community. To the extent that, for Fichte, all acting is embodied acting, there is a strong continuity, one

whose significance has been undervalued in interpretations of I-hood, between humans and natural organisms. Call this the *continuity thesis*. The sharp break between natural organisms and humans is grounded in humankind's capacity for a radically heightened power of self-determination, which in no way supervenes on natural biological functions. Human self-determination, of course, is *free* self-determination construed in an extreme libertarian sense. In standard organisms, drive is a proclivity, which triggers automatically once appropriate internal and environmental conditions are present. Organisms act from the necessity of their own nature. Human drives, inclinations, and desires, on the other hand, possess no causal efficacy; they are simply natural proclivities. Even if one acts on her strongest desire, her action is freely self-determined nonetheless. All willing, then, is free!³

Where the will comes on the scene, indeed, wherever the I comes upon the scene at all, there the force of nature is completely at an end. Here *nothing whatsoever, neither A nor—A, nothing at all, is possible* through a force of nature, for the final product of a force of nature is a drive, which as such exercises no causality. A and—A are therefore equally possible, not for a force of nature but for the will, which stands in absolute opposition to any force of nature. (SE 151–52 [GA I/5:149])

Free, self-determination initially manifests itself in one's ability to reflect upon her desires and inclinations and to decide whether to act upon a particular desire or to resist it. Whatever one chooses to do, her action is always purposeful, which means that self-determination is normatively structured. One can subject her motivational system to norms that arise directly from the content of her desires and inclinations—for instance, self-interest, enjoyment, or, when applied to political life, the preservation of societal privileges. In these cases, norm-guided action arises from what is simply *given* in one's experience or whatever already exists within the institutions of communal life. Free self-determination in this sense is formal freedom, the lowest level of freedom. Genuine freedom, what Fichte calls material freedom, consists in complete self-determination, namely, when one does not merely give herself the norm that guides her actions but more specifically makes herself—specifically, her capacity for free, *rational*, self-determination—the norm of her actions. Normative authority in this sense resides in one's capacity for rational self-sufficiency, a capacity, to be sure, which must be ceaselessly cultivated.

If we begin our analysis of I-hood from Fichte's thick conception of free, self-determination, we arrive at the capacity for self-sufficiency—the content of what Fichte might call the I's *Sein-Können*—as what is distinctive about the

I. Fichte also argues that the I consists of a self-relation, and his stress on self-sufficiency indicates that the self-relation is practical. The degree of one's self-sufficiency depends on her operative self-conception. How does she see herself as a rational agent, and how does that self-conception inform the way she relates to her desires and inclinations? In sum, how committed is she to the development of true self-sufficiency? On the other hand, Fichte appears to argue that I-hood is an epistemic self-relation as well: specifically, that the I is its own act of self-awareness. This approach is prominent in the opening sections of the *Grundlage* (WL 93ff. [GA I/2:255ff.]), but is also motivated by Fichte's conclusion from his treatment of the regress argument in chapter one of *Attempt at a New Presentation of the Wissenschaftslehre* (IWL 111–12 [GA I/4:274–76]) and in the *Wissenschaftslehre nova methodo* (NM 113 [GA IV/3:346–47]): a non-intentional form of *self-consciousness* underlies and is a necessary condition for all consciousness.

This ambiguity between a practical self-relation and an epistemic self-relation creates a tension in Fichte's theory of subjectivity. This tension is prominent in the *Grundlage* between the opening sections of Part 1 and the move to a conception of the I as self-sufficient at the end of Part 2, which is then developed in detail in Part 3. One could argue that this tension results *simply* from the argumentative strategy Fichte adopts in the *Grundlage*, which involves separate treatments of theoretical and practical reason and features his attempt to argue from an apodictic, theoretical starting-point, a strategy Fichte notably abandons in the later Jena period, when he defends a unified theory of subjectivity.⁴ The tension persists nonetheless, and not only is present in the diverse analyses of self-positing and I-hood in the secondary literature, but also has raised a serious objection to Fichte's theory, namely, what I will call the Tugendhat objection: that, because self-positing is an epistemic self-relation, it therefore cannot be a practical self-relation.⁵ The Tugendhat objection would be devastating if one could sustain it. I argue, however, that self-positing (and thus I-hood) is not an explicit, epistemic self-relation, meaning that the *structure* of subjectivity is *not primarily* epistemic—at least not in the manner in which the Tugendhat objection construes it. This argument will turn on the subtle distinction between an epistemic self-relation—obviously, self-knowledge involves some form of epistemic self-relation—and an explicit and distinctive epistemic structure. Call the view that I-hood, for Fichte, is an explicitly epistemic self-relation with a distinct epistemic structure, the *epistemic view*. I also contend, although I can offer only a preliminary argument here, that the epistemic view subscribes, in some of its guises, to a highly problematic view of self-knowledge, one that is inconsistent with Fichte's account of practical rationality and one that Fichte correctly rejects.

The epistemic view treats the nature of I-hood as a distinctly epistemic self-relation. Prominent proponents of versions of the epistemic view are Dieter Henrich, Andreas Wildt, and Ernst Tugendhat.⁶ The epistemic view interprets Fichte's strategy as an effort to tie self-positing and immediate self-consciousness to the two central components of Kant's conception of transcendental apperception: (1) the necessity of the unity of consciousness for representations, and (2) the act of spontaneity that establishes the unity of consciousness. (2), of course, is Fichte's emphasis; the unity of consciousness must be *posited*, and, again, by "posited" Fichte means freely self-*determined*, a point that the epistemic view tends to deemphasize. According to the epistemic view, self-positing *establishes* the identity between the I's existence and its activity of self-awareness. This identity is, most importantly, the content of self-positing and I-hood. Self-positing, of course, involves immediate self-consciousness, and is the ground of all consciousness—without self-positing there is no consciousness. The epistemic view, however, tends to equate self-positing solely with immediate *self-consciousness*.

To be sure, there is textual evidence to support the epistemic view. One also can cite the conclusion of Fichte's critique of his regress argument, namely, that a non-intentional, immediate form of self-consciousness underwrites all consciousness. Since the regress argument, as we shall see, can be deployed against the epistemic view, let's start with the textual support. Fichte writes in the *Grundlage*: "But the I *is*, because it *posits itself*, and *posits itself*, because it *is*. Accordingly, *self-positing* and *Being* are one-and-the-same" (GA I/2:293). What this means, as Fichte maintains in the opening section of *The System of Ethics*, is that I-hood consists in the absolute identity of the positing subject and the posited object (SE 7 [GA I/5:21]). And further: "The identity of the positing subject and the posited object completely exhausts the concept of I-hood, insofar as this concept is postulated by the *Wissenschaftslehre*" (NM 82 [GA IV/3:327]). In this sense, the I is a subject-object. This subject-object identity, which constitutes I-hood, is an epistemic identity. Consider the following:

In the I, however [in contrast to things], being and consciousness are supposed to coincide; no being of the I is supposed to occur without the latter's self-consciousness, and vice versa.... (SE 35 [GA I/5:46])

All possible consciousness, as something objective for a subject, presupposes an immediate consciousness in which what is subjective and what is objective are simply one and the same.... This immediate consciousness is the intuition of

the I just described. The I necessarily posits itself with this intuition and is thus at once what is subjective and objective. (IWL 114 [GA I/4:276–77])

In these and similar passages, Fichte attempts to hold consistently both the identity and the distinction between the subject and object of self-consciousness. This is what is unique to immediate self-consciousness. As Daniel Breazeale has observed:

Yet what one is conscious of in this case is never an *indifferent identity* of subject and object in self-consciousness; instead, these are always distinguished from one another as subject and object in every state of actual consciousness, including self-consciousness. What one is immediately aware of in this case [ii3] is the immediate unity of two poles that are at the same time immediately distinguished from one another, since the separation of subject and object is the necessary condition for the possibility of any consciousness whatsoever.⁷

Fichte makes two claims in these passages: (1) all consciousness presupposes immediate self-consciousness, and (2) immediate self-consciousness must be non-intentional, if by intentional one means outwardly or other directed. (2) is what Fichte means when he insists that self-positing is a self-reverting activity, namely, the I's acting that is self-directed rather than directed to something beyond the I. Notably, Fichte's refutation of his regress argument yields, as he insists, the claim that one must infer the existence of a non-intentional, immediate self-consciousness as a necessary hypothesis for explaining the fact that we have consciousness of objects and of ourselves in the commonplace self-reflective sense.⁸

Henrich has famously argued that this is where Fichte's problems begin. As Henrich reads Fichte, the I's inner constitution *is* the I's mode of knowing; accordingly, the I itself is a form of self-knowledge.⁹ Self-positing, importantly, means that the I posits itself *as* positing (we return to this below). This is the structure of all positing, including self-positing. Assuming, then, that I-hood has the structure of self-knowledge, and that knowledge is understood in the Kantian sense, self-knowledge must instantiate the structure of the unity of intuition and concept. I-hood is thus the "seeing" (intuition) of itself as self-positing (concept). Henrich, regretfully, leaves this "seeing" or intellectual intuition insufficiently analyzed, but a serious worry arises nonetheless. "If the I does not already know itself, then it can never be knowledge of itself."¹⁰ How could there be an act of self-knowing—an act that produces *original* self-knowing—that doesn't presuppose self-knowing? How, then, can self-positing or intellectual intuition be a discovery, as Fichte repeatedly

insists—for example, in his charge to his students and readers to ‘think of yourself and observe what you do when you do so,’ which aims toward the discovery of the depth of one’s capacity for free self-determination? Hence the objection “...that the Self must be able to know itself, in every relation, *as* the Self. It seems that such cognition can only in every case be a re-cognition, so that the argument continually turns in a circle.”¹¹

Interestingly, Henrich’s objection simply repeats in slightly altered form Fichte’s own regress argument. Reconstructed with an eye toward Fichte’s own version of the argument, we can read Henrich’s argument as proceeding as follows: (1) I-hood (original self-positing) is a form of immediate self-knowledge. (2) This immediate self-knowledge is ostensibly productive, that is, a genuine achievement. Put differently, the I comes to know itself in immediate self-consciousness. (3) For the self-positing I to know itself, it must posit itself as knowing itself. (4) From (3), it follows that the self-positing I must already know itself in order to posit itself as knowing itself, for how else is the I able to posit itself *as* knowing itself unless it already knows itself? (5) From (4), we see that the I, as its own act of self-awareness, is entangled in a vicious circularity. And if one attempts to eliminate the circularity by stating that the I doesn’t already know itself and is indeed a self-discovery, as Fichte maintains, then its act of self-awareness launches an infinite regress,¹² and the I’s ostensible act of self-awareness never arrives at the *I’s own* self-knowledge. Thus, either an infinite regress, or one halts the regress by circularity. In Fichte’s version of the argument, the conclusion is that consciousness, which presupposes immediate self-consciousness, is impossible precisely because what immediate self-consciousness attempts to capture remains elusive. Henrich’s conclusion is simply that the structure of I-hood, and intellectual intuition that instantiates that structure, are incoherent.

Wildt also affirms that Fichtean I-hood is immediate self-consciousness, but contends that Henrich’s worries dissolve once one grasps clearly three central components of Fichte’s theory of immediate self-consciousness. (a) Immediate self-consciousness is a form of knowing (*Wissen*) that doesn’t involve recognition or identification (*Erkennen*), directly contrary to Henrich’s account, but is rather a direct, empirical certainty of one’s existence and one’s numerical identity throughout experience. Accordingly, Henrich’s circularity problem evaporates. (b) By immediate self-consciousness, Fichte means an awareness that provides epistemic access to the *subject* of one’s experience. (c) Immediate self-consciousness consists of a non-attributional determination of oneself, which, at the same time, yields knowledge (*Wissen*) of an attributional determination of oneself. Let’s take each of these claims in turn.

As initially stated, (a) appears to be a rather odd claim. Immediate self-consciousness, Wildt stresses, is a non-cognitive form of knowing. This non-cognitive yet epistemic sense of self-consciousness is what Fichte supposedly has in mind when he uses such expressions as the I ‘intuits itself’ or becomes ‘originally for itself.’ By “non-cognitive,” however, Wildt means, in one sense, “not grounded by a cognitive procedure” and thus in that sense immediate.¹³ This is correct, to be sure, since immediate self-consciousness cannot be cognitively grounded if it is also itself the ground of all cognition. On the other hand, the claim that immediate self-consciousness is an empirical certainty of one’s own existence is quite misleading. Read charitably, empirical certainty could mean a kind of direct, performative awareness of oneself in and through one’s actions. In this way, direct self-awareness of oneself as the subject of an action is tied conceptually to one’s acting. But Wildt doesn’t seem to be pursuing this line of argument. Rather, he advances the strictly Cartesian claim that immediate self-consciousness is an empirical certainty of one’s own existence in a way that leads seamlessly to (b).

Wildt argues that immediate self-consciousness provides epistemic access to oneself as the *subject* of one’s experiences. Any self-conscious subject thus possesses knowledge of herself as the subject of any of her mental states (via those mental states): “...that I am that which possesses mental states, to which I have a particular epistemic access.”¹⁴ This interpretation makes for an impoverished view of I-hood, an implication, as I suggested earlier, of the epistemic view. Certainly, there is no clear path from the self-certain subject of one’s mental states to oneself as freely self-determining. Equally so, if Wildt is correct, how can the I be the subject of mental states and *simply an act*? Actually, Fichte discourages the assimilation of consciousness to states of mind. Consider his diagnosis in the *Wissenschaftslehre nova methodo* of the core error driving the regress argument:

The chief explanation for this impossibility [viz., that of explaining consciousness in terms of intentional relations] is that consciousness has always been treated as a state of mind, i.e., as an object, for which, in turn, another subject is always required. Had previous philosophers only realized that they were reasoning in this manner, then perhaps this realization would have helped them arrive at the correct point. (NM 113 [GA IV/3:346])

Wildt’s reading invests in a far too traditional conception of I-hood—indeed, there is more than a whiff of Cartesianism in his interpretation—and thus fails to appreciate the austerity of Fichte’s conception. Simply put, the I is an act, and I-hood consists in the free, self-determining activity of a human

organism. The self-knowledge which necessarily accompanies the I's act is simply the commonplace awareness one has as the one engaging in activity whenever she acts. And the content of that self-knowledge, if one reflects upon it and attempts to philosophically retrieve the free, self-determining activity that is original self-positing, is one's self-discovery of her capacity for free self-determination. If immediate self-consciousness simply yields the self-certainty of oneself as the self-same subject of her conscious mental states, how then does she discover that she is a free, self-determining organism in the Fichtean sense? Her self-knowledge would be merely that *she* has certain introspectively *observable* mental states of which she is immediately certain and about which she is certain that those are her mental states. There would be no conceptual connection between self-knowledge and action, self-knowledge of one's I-hood and freedom.¹⁵

(c) is Wildt's attempt to fill in the gap. Again, immediate self-consciousness is a non-attributional determination that yields attributional knowledge—the attributional knowledge presumably including knowledge of one's freedom. But what is the content of that knowledge? Not self-determination, as already indicated, but rather what is specified by (b), and this is where Wildt's interpretation makes a wrong turn. And yet, that error is motivated by the deeper assumption about I-hood that underwrites Henrich's and Wildt's reading of Fichte: the assumption that self-positing *is* the I's own act of self-awareness. This assumption motivates Wildt to construe the (at least) tacit self-awareness intrinsic to acting as the certainty of oneself as an enduring subject of one's mental states. But, as I've stressed, one simply cannot squeeze knowledge of free self-determination out of the concept of the self-certain subject of mental states. If self-positing *is* merely the I's own act of self-awareness, and if I-hood is a strictly epistemic structure and relation, how then can one derive from I-hood so conceived the thick self-determination underwriting Fichte's ethical theory? From the self-certainty of oneself as the persisting subject of her mental states,¹⁶ how can one derive the concept of the I as *rationally* self-determining, as self-answerable to rational normativity?

The deficiencies in Wildt's account lead us directly to the Tugendhat objection, namely, that because I-hood is a purely epistemic self-relation, I-hood cannot be a practical self-relation. Accordingly, the structure of I-hood is inconsistent with the thick self-determination for which the I ostensibly has an innate capacity and toward which Fichte admonishes us to strive. By the word "I" Fichte means, according to Tugendhat, a "being who has the structure of knowledge of itself,"¹⁷ who has herself before herself as a kind of "self-mirroring."¹⁸ Self-consciousness is thus based upon the concept of representation. So construed, immediate self-consciousness instantiates the

structure of representing something, even if that something is oneself, even if what represents and what is represented are identical. Self-knowledge, then, is a form of inner perception, whereby one “sees” herself in some vaguely spiritual sense of seeing.¹⁹ If this is so, however, then “the immediate knowledge of ourselves that we have under all circumstances cannot be practically relevant.”²⁰ With this in mind, let’s formulate the objection a bit differently. If one views self-knowledge stringently in terms of epistemic access to oneself, then one could have knowledge of herself without knowing *herself*, namely, herself as a free and rational agent. How can direct epistemic access to oneself—if what one is *is* her own act of self-awareness—inform her self-conception as a free, rational agent? If self-knowledge, the “seeing” of oneself, is introspectively observational (somewhat like a spectator), as Tugendhat’s view strongly implies, then one could have knowledge of her mental states and yet lack knowledge of herself. In that case, her self-knowledge would have a third-person perspective, and would thereby potentially be practically alienated from her true selfhood as freely self-determining.

As suggested earlier, Fichte’s refutation of his regress argument actually doesn’t help the case for the epistemic view (according to which I-hood is an explicitly epistemic self-relation with a distinctly epistemic structure). A proponent of that view, indeed, could emphasize the conclusion of Fichte’s argument—that one must infer a non-intentional, immediate self-consciousness necessarily underlying all consciousness—and proceed to identify that immediate self-consciousness with I-hood, and furthermore to identify self-positing with the productivity of one’s act of immediate self-consciousness. This leaves the epistemic view with a serious worry, however. The claim that immediate self-consciousness underlies all consciousness doesn’t entail, or even imply, that it *grounds* consciousness. How could one derive consciousness from I-hood, as Fichte’s constructivist epistemology requires, if I-hood is simply a self-contained epistemic relation? For self-consciousness to ground consciousness, self-consciousness must include or entail self-determination. Relatedly, how could the I be normatively structured—free, rational self-determination for which one has an innate capacity and for which one *should* perpetually aspire—if I-hood were merely an epistemic self-relation in the sense indicated by the epistemic view? The failure to dispel these worries is a good reason to reject the epistemic view and to affirm that I-hood *is* free self-determination, which includes, in most instances, tacit self-awareness as a commonplace byproduct. Put succinctly, the I *is* its *own act of self-determination*, of which the I is immediately aware.²¹

One can make a strong case for the claim that I-hood is *primarily* self-determination and, when adhering to the normativity of self-determination,

self-sufficiency. That is, self-determination is logically prior to immediate self-awareness. Fichte's injunction to think of yourself and to observe what you do when you think of yourself is an effort to retrieve reflectively or philosophically the original self-determination of self-positing. What one attempts to capture is precisely the act of self-determination by which one moves herself to think of herself. The same applies to instructions to observe what one does when she engages in an act of willing, the goal being, again, to retrieve reflectively how one freely determines herself to act. Indeed, in cases of willing, one most closely approximates original self-positing. As Fichte summarizes §2 of the *Wissenschaftslehre nova methodo*:

It is claimed that when one constructs the concept of the I one will also discover that *one cannot posit herself as active without positing this activity as self-determined*, and that one cannot do this without positing a movement of transition from a state of indeterminacy or determinability—which movement of transition is itself the very activity that one is observing. (NM 133 [GA I/5:357], emphasis added)

Of course, raw self-determination never actually occurs, but is rather abstracted from concrete acts of self-determination to act in some specific way. Since, however, all acting is free, all acting must be self-determined. This is what Fichte means when he avers that self-positing is positing oneself *as* positing—put differently, it is freely to determine oneself as self-determining and to develop oneself accordingly. Once we construe self-positing as self-determination, which, because it is *self*-determination, consists also of self-awareness of determining oneself and thus of oneself as self-determining, the tension between the epistemic and practical self-relations constituting I-hood dissolves. Immediate self-consciousness is awareness of an *act*—the I is a human organism's free activity and nothing more—specifically, a freely self-determined act. The inseparable unity between subject and object in immediate self-consciousness is the identity between the determining subject and itself as self-determined. This is that of which one is tacitly aware in immediate self-consciousness. And one's self-awareness of herself as self-determining is inseparable from—indeed, conceptually tied to—her *act* of self-determination. Her self-awareness—and the self-knowledge developed from that basic self-awareness—is practical.

Self-determining acts of the I are rationally structured, meaning that *all* self-determining acts are answerable to reasons and thus never random or arbitrary. If this is correct, then normativity extends “all the way back” to the I's basic self-constituting act—to any and every act—and hence my claim that

the *Wissenschaftslehre* is a theory of rational action. Allen W. Wood defends a *strictly* normative interpretation of self-determination, which also preserves the subject-object structure of self-positing preferred by the epistemic view but reconfigures that structure as a normative self-relation, which identifies I-hood directly with self-sufficiency.²² Central to Wood's account is the claim that, for Fichte, the I is radically self-creating, not simply forever unfinished and thus perpetually a work in progress, but rather developed solely from itself as a rational agent. The I should be conceived less in terms of its actual acting than as an act that is still to be undertaken and, moreover, *ought* to be undertaken. Fichte thus understands *all* acting to be answerable to reasons, presumably practical reasons, since Wood maintains—this is his most innovative contribution—that it is this answerability to normative authority that self-positing discloses.

This might also explain why Fichte considers the awareness of the I's activity to be possible in abstraction from awareness of the being or agent who acts. For if it is awareness not of how the I *is acting*, but of how I *ought to act*, then there need be no awareness myself of a prior (or occurrent) action: the self or agent of what is to be done will, so to speak, come into being after I have responded to the ought, either by conforming to it or refusing to conform. The subject of a norm, imperative, or reason for acting is a being that can have no existence and no determinate properties, because it will come to be only after my absolute freedom responds to the norm or reasons in some way that is still open to me to determine. The "self-reverting" act of the I, or its "self-positing," that is, must be understood most fundamentally as an act *still to be performed*, whose task is to bring the I into being. If that is correct, then this *ought*, or *ought-for-a-reason*, constitutes the self-intuition of the I that acts, or posits itself absolutely.²³

The I's self-awareness in intellectual intuition, according to Wood, is not simply its free self-determination, but rather its self-determination *as answerable to the normative authority* of reason. Its rational accountability is the deeper reality of the I—again, not only for moral judgment and action, but for I-hood itself.

Central to Wood's normative reformulation of the I's structure is the requirement that self-determining activity be grounded in something independent of that activity. This "something" is the norm requiring the I to *be* self-determining. Even though the norm is I-hood itself (rational self-sufficiency), that norm is independent of and grounds the I's act. The identity within distinction between the subject (the I's self-determining *activity*) and the object (the norm on the basis of which the I determines itself) is preserved.

Since the I's freedom is normatively structured, Fichte thereby answers—effectively, Wood thinks—any randomness objection: “...an I (or a self) is whatever must regard itself as subject to a norm requiring it to be self-active and self-sufficient (or independent) entirely to itself. In ascribing to itself a power to act according to a normative concept, the I thinks of itself as absolutely free.”²⁴ Absolute freedom is therefore exercised in high-level processes of rational judgment, practical and theoretical, which require alternative possibilities.

Normative theories are often designedly non-metaphysical, and Wood's normative interpretation of Fichtean freedom is no exception. Fichte maintains that the I's free, self-determining activity doesn't supervene on mechanical or organic processes, but he does not thereby commit himself to a metaphysics of freedom, especially in some baroque, two-world Kantian sense. Although our bodies are subject to natural processes, our rational powers and capacity for rational self-development are not. Yet, as Wood maintains, “clearly the will, as Fichte conceives it, does not fit into any of the metaphysical categories philosophers now commonly use. He would declare all such metaphysics to be one form or another of dogmatism.”²⁵ I agree that Fichte defends a non-metaphysical—or at least minimally metaphysical—theory of I-hood, though I cannot defend that claim here. Fichte insists that free self-determination doesn't supervene on mechanical or organic processes, just like organic processes don't supervene on purely mechanical processes. There is a sharp break between organic processes and mechanical processes, and between freedom and both natural processes. And yet, free self-determination is exercised by a natural (human) organism. One could argue that free, rational agency is part of the furniture of the natural world, on an expanded sense of “natural,” similar to the way in which some philosophers have argued that qualia should be accepted as part of the natural world. Even so, a serious worry remains. Wood's normative account locates free agency entirely within the *processes* of rational judgment and understanding, while acknowledging nonetheless that some free acts are subconscious and thus not under direct, conscious, rational control.²⁶ If so, then, how is Wood's normative theory to explain the non-arbitrariness of unconscious, free self-determination? How can an exclusively normative theory explain the way in which such free, yet non-random acts extend ‘all the way back’?

Original self-positing is an abstraction. Raw free self-determination, considered apart from freely determining oneself to act in a particular and thus limited manner (freedom is not unbridled and random) is never grasped by itself. Its philosophical retrieval—think of *yourself* and notice what you do when you think of yourself—is always a specific, contingent act. Accordingly, Fichte treats self-positing as a necessary explanatory hypothesis, perhaps even

a philosophical fiction. Intellectual intuition discloses simply the *form* of I-hood, its free self-determining activity (IWL 100 [GA I/4:265]). With these observations in mind, one could maintain that free, self-determination, in its concrete, embodied form, concerns the complex act of deciding to perform a particular act for a specific set of reasons—whether representing an object or willing to do something. The complex act would be subject to normative constraints. This reading would fit well with a strictly normative interpretation of free self-determination. On the other hand, any complex, free act—namely, any observable act in the natural world—is the product of (potentially) a plurality of acts of free self-determination. For one to act under normative constraints, she must have reflected upon her desires and inclinations, her obligations, and her aims. These acts of reflection create the critical distance required to adhere to or ignore the rational, normative constraints under which she acts, and yet these initial acts of self-reflection are themselves *freely* self-determined. Accordingly, these component acts within the more complex act are themselves contingent. This is why the productive imagination, in all acts of representation, hovers and oscillates in the face of alternative ways of acting—or more specifically, in this case—ways of representing an object. Free self-determination, indeed, seems to go ‘all the way back.’ Call this the *ubiquity thesis*.

As I mentioned earlier,²⁷ the ubiquity thesis and the consciousness condition on which it is based are both false, though I don’t defend those claims in this chapter. Provisionally, let the following suffice: it is commonplace for epistemologists who are informed by advances in cognitive science to distinguish between information processing and representation of objects—the latter involving concept-deployment and the former not. With this distinction in mind, one might restrict the consciousness condition to acts of representation, deny the ubiquity thesis, and thereby secure a more plausible theory. But this option isn’t available to Fichte, precisely because the I’s acts are, *without exception*, freely self-determined. The baroque aspect of Fichte’s theory is not his epistemological constructivism or the radical priority of practical reason, but rather the thesis that free self-determination goes ‘all the way back.’ And the ubiquity thesis emerges directly from Fichte’s unyielding commitment to the strict discontinuity between mechanical and organic processes on the one hand and acts of the I on the other. Tied to this underlying, free self-determination, furthermore, is one’s fundamental practical orientation to the world. How one represents an object is determined by the practical aim one seeks to accomplish. Practical aims are expressions of various drives, and, of course, drives are not causally efficacious. These concerns bring us directly to

the striving doctrine, and the way in which Fichte's epistemology is integrated into a broader theory of rational action.

The Striving Doctrine, Representation, and I-Hood

The striving doctrine expresses the way in which one attempts to determine objects such that the natural world conforms, or at least is amenable, to the realization of one's practical aims. It is difficult, as noted above, to overstate how *prima facie* radical this claim is. How one represents objects is *determined*, in no small measure, by one's practical aims—or in Fichtean terms, one's concept of a goal (*Zweckbegriff*).²⁸ This means that there is a basic contingency intrinsic to the act of representing an object. All representation of objects, even representations that are presumably constrained by the way in which the objects present themselves, involve—even require, according to the principles of transcendental idealism!—an act of self-determination. One must accede freely to the restraints on one's self-activity, registered as feelings, when representing objects accompanied by a feeling of necessity. Where the I's self-activity begins—we must keep in mind—the *causality* of nature ends. In this section, I explore the way in which the striving doctrine informs the nature and, more importantly, the range of free self-determination, which leads us directly to the way in which Fichte integrates his epistemology into a theory of practical rationality.

Fichte introduces the striving doctrine as the resolution of the *Hauptantithesis* in *Grundlage* §5, which concerns how the I can be simultaneously freely self-determining and restricted or finite. Thus Fichte's familiar solution: the I's self-determining activity determines the not-I and that determination determines the I's representing activity (GA I/2:388). Put differently, the self-positing activity determines the I's objective activity (GA I/2:394). The constraints on one's activity, which, more often than not, are inherent in the activity of representing objects, are themselves determined by one's free self-determination. What Fichte means is that one's manipulation and shaping of objects to fulfill one's ends indirectly determines how one represents those objects. To be sure, one is determined to represent objects according to the check on one's activity as registered in feelings, but one's practical pursuits extend her self-determining activity beyond the specific limitations she encounters. At first glance, the resolution of *Hauptantithesis* 5 seems to fail. After all, the I cannot remove the check on its self-determining activity, meaning that one cannot compel the world (nature and human community) to conform completely to her own aims and projects—hence the striving

doctrine. The I perpetually strives to determine the not-I according to the I's own free self-determination. Striving is a human organism's general proclivity for advancing its own nature, that is, its nature as a freely self-determining organism, even if one lacks a coherent view of her nature and never seriously engages in the higher free self-determination of moral self-development in the Fichtean sense—thus the continuity thesis.

Striving expresses one's most original and abstract purposiveness and intentionality, namely, one's nature insofar as she determines herself in pursuit of her practical aims, her drives being more determinate instantiations of striving. In this sense, striving indicates our commonality with natural organisms. There is an important difference, however. For organisms in general, drives are triggered by a combination of the organism's struggle for self-preservation and appropriate environmental conditions. In humans, drives are not causally efficacious; acting on a drive requires an act of self-determination exercised independently of the drive. Even if one acts simply on her strongest desire at the time of the action, her act is freely self-determined nonetheless. To the extent that striving expresses one's proclivity for advancing her own free, self-determining nature—and, for Fichte, even the most ignoble human always acts freely (in this sense, dogmatism is a delusion)—striving entails a sharp break with natural organisms. Striving, then, is both continuous with natural organisms, in the sense that one always strives to advance her nature, and yet discontinuous, since human organisms have the capacity for free self-determination. Of course, one might steadfastly remain at a puerile level of freedom and moral self-development, either by merely pursuing her self-interest or uncritically accommodating herself to existing social conditions (or both). She remains freely self-determining in her striving, nonetheless.

Striving expresses one's most basic, practical orientation to the world, and is integrated with the way in which we represent objects. As such, the striving doctrine has strong epistemological implications, and is thus central to an adequate understanding of Fichte's epistemology and the way in which that epistemology is woven into his overall theory of rational action. First, a quick summary of the I's constructive representation of objects. Restrictions on the I's activity register as feelings, as this is the way in which constraints imposed by the objective world are given to the I. Fichte describes feelings, considered *simpliciter*, as merely and discretely given, simple subjective states or affections, such as red, sweet, or soft. The productive imagination hovers above feelings, *both actual and possible feelings*, and oscillates between various possible ways of representing the object before synthesizing the manifold of feelings into a determinate object represented within consciousness. Of course, this quick summary withholds important details. A perspicuous and systematic

account of Fichte's epistemology is beyond the scope of this chapter, but a few significantly relevant points are in order.

First, feeling is reflected; otherwise, one doesn't *feel*. This means that one must distinguish herself as feeling subject from the content of what she feels. Put differently, for one to feel, she must *posit* her feeling, that is, take it up into the structure of consciousness. She must *reflectively* distinguish herself as feeling subject from the content of her feeling. Reference here is simply to the positing of a particular mental state, but this requires reflection nonetheless. Reflection is conjoined inseparably and necessarily with feeling (NM 175 [GA IV/3:377]). Accordingly, reflection upon feelings is contingent. One can and commonly does ignore feelings, or, put differently, some rudimentary sensations, though some feelings are so sharp and obtrusive—a throbbing toothache, for instance—that one cannot ignore them. Although feeling *simpliciter* occurs prior to the subject-object distinction—feeling is not representation—a self-determining act of reflection is, for Fichte, a necessary requirement for one to feel.²⁹ Not only, therefore, is the act of representation contingent, but the initial component act within the complex act of representation also is contingent. Again, sensibility presupposes and requires reflection, and no act of reflection is merely a mechanical or organic process.

Second, the I constructs represented objects from actual and possible feelings, that is, from actual and possible restraints on one's self-activity. Herein the striving doctrine underlies and determines acts of representation. Possible feelings or restraints on one's self-activity can advance one's free self-determination if these alternative feelings enable one to represent the object in a way conducive to the realization of her aims. In these instances, one projects alternative, possible feelings into the manifold from which she then constructs the representation. Let's suppose Jean is a research biochemist whose work focuses on the potential medicinal properties of a rare plant indigenous to a single tropical rainforest. When she thinks about the plant, she feels constrained to represent it as it appears upon inspection and to identify its properties accordingly. She has donned her biochemist hat, however, and the plant, as a possible object of her consciousness, includes potential medicinal properties as well, or how the plant's observable properties can become medicinal properties. Jean's representation of the plant includes undiscovered, yet hypothesized properties, which arise from the synthesis of additional, anticipated feelings with feelings that have already registered, and continue to register, as she studies the plant. The potential additional properties arise from Jean's practical aims—uncovering medicinal applications hopefully leading to a cure for some disease—that is, from a projected alternative, or in this case supplemental, way of representing the object. In Jean's case, there are two

objects of awareness: (1) the determinate object—the plant as she sees it—and (2) the determinable object—the plant whose properties are configured hopefully to be conducive to her aim. The actual plant is (1), whereas (2) is the plant projected as an object of striving. With any determinate object of consciousness, accordingly, there are many determinable objects, that is, alternative ways of representing the determinate object, each of these ways corresponding to some possible end, even if the end is a more accurate and comprehensive theoretical knowledge of the object (NM 200 [GA IV/3:391]). Striving, one's endeavor to impose her ends upon the world and thus overcome the world's resistance to those ends, thus extends beyond representation. Fichte's claim, to be sure, is stronger: striving is *logically prior to and thereby determines representation*; without striving, there is no object. And this means that all representation is contingent upon and, to that extent, answerable, at least in principle, to the free, self-determining activity of striving.

That striving is logically prior to representation presupposes that one is *always already* practically oriented toward the world.³⁰ Furthermore, this original practical orientation grounds all intentional relations, thus the connection between the striving doctrine and Fichte's idealist thesis. Intentional relations are initiated by and grounded in the I's free, self-determining activity, of which striving is a more determinate manifestation and expression. Again, one's original practical orientation to the world *determines* her representation of objects. Consider Jean again. Her practical aim—directed toward the *ideally* represented object—is the object of her hypothesis and is initially indeterminate (a potential cure), but becomes more determinate through the synthesis of striving and feelings (the plant's potential and perhaps discovered medicinal properties). Jean seeks to determine what she initially encounters (what has registered directly in her feelings) in a way different from the manifold of feelings originally encountered. In this sense, the projected representation of the object is an *idea* in the Kantian sense, namely, part of a projected hypothesis, which is in search of confirming feelings—a projected way of organizing and synthesizing the plant's properties so as to reveal what Locke called tertiary properties, namely, those the plant has in relation to Jean's practical concerns. The representation of the plant's internal purposiveness is thus determined by Jane's own practical aims (NM 200 [GA IV/3:392]; SE 171 [GA I/5:159]).

Again, Fichte's claim of the priority of practical reason is more radical than presented thus far. In my biochemist example, Jean seeks to deploy the plant's properties for purposes extrinsic to the plant's own internal purposiveness. Her alternative representation of the plant in her consciousness *supplements* the initial representation of the plant, which is, in Fichtean language,

accompanied by a feeling of necessity. Fichte's ostensibly extreme claim, however, is that practical aims determine the *initial* representation of the object. Accordingly, the striving doctrine renders all representation relevant strictly to individual interests. Striving determines the object in a very thick sense: without striving there is no object! This claim, needless to say, is *prima facie* excessive and most assuredly false. Perception of objects commonly is imposed on the perceiving subject by the nature of the objects and the way in which they impinge upon one's sense receptors. For Fichte, feelings are imposed as limitations on one's self-activity, but feelings are not objects; they are the manifold from which one constructs the object of consciousness. Since this constructive work of the productive imagination is an *act*; and, since all acts are freely self-determined and thus don't supervene on mechanical or organic processes; and, since the work of the imagination presupposes that one has already (freely) reflectively distanced herself from the given manifold of feelings, representation of the object is *determined* by one's free self-determination and thereby by one's pursuit of a particular set of practical aims. To be sure, the natural world is as it is, but the representation of the world is answerable to I-hood as freely self-determining. One might therefore argue that Fichte's constructive epistemology, absorbed as it is in his theory of practical rationality, leads him inexorably to dubious epistemic conclusions.

One possible solution might be to distinguish, as do contemporary cognitive scientists, between information processing and representation. Adapted to Fichtean epistemology, one could maintain that information processing is simply the operation of mechanical and organic processes, whereas representation, which deploys concepts—yielding the awareness of a rose *as* a rose—requires a free, self-determining act. But Fichte's strict denial of supervenience blocks this strategy. All acts of the I are freely self-determining—component acts necessary for the possibility of an act of representation, such as reflective distancing from feelings or desires and inclinations, being no exception. Without question, for the most part, one feels compelled to represent, and indeed does represent, the world precisely in the way feelings restrict her practical self-activity. And yet, those representations are always contingent, which means that one can represent an object differently from the way the world attempts to compel her to perceive it. For the most part, one accedes to the constraints of the way she is affected, but nonetheless she *accedes*, and her doing so is freely self-determining. Even read charitably, this claim appears dubious.

Perhaps Fichte's epistemology, especially as subordinated to practical agency, isn't as extreme and baroque as it appears to be. Acts of representation are not triggered in the way in which drives are activated in organisms. Neither

are these acts arbitrary, since they are answerable to rational norms. Embedded within the rational normativity of I-hood, or free, rational self-determination, is the commitment to the normative authority of truth. Consider the following passage:

How can the freedom and limitation of the ideal activity coexist alongside each other? In the following manner: If one reflects upon the determinacy of the practical (real I), then one must also necessarily posit Y in such and such a way...; consequently only the synthesis is necessary. In other words, if a particular representation is to be “true,” then I must represent its object in such and such a way. But the representing subject is free to engage or not engage in this synthesis; and, in this respect, the representing subject is under no compulsion.... (NM 219–20 [GA IV/3:402])

This passage is crucial for mitigating the radical contingency of representation which a less charitable interpretation would emphasize. When representing an object, one feels constrained to represent the object precisely in terms of the restrictions imposed by what one actually feels. By submitting to this constraint, one’s constructive representation of the object is truth-tracking. Interestingly, the fact that actual feelings tend to provide a reliable guideline for “true” representations of objects reveals a strong reliabilist component in Fichte’s epistemology. To be sure, physiological processes do not compel acts of representation. These acts are freely self-determined—this is Fichte’s radical thesis—since one can represent an object in ways alternative to those that are truth-tracking. Acts of representation are normatively constrained, however, and these rational, normative constraints serve one’s practical aims. Realizing one’s practical aims, even if only the advancement of self-interest, depends upon reliable representations of reality. Accordingly, advancing one’s aims is parasitic upon getting things right about the world. In this sense, the striving doctrine presupposes and depends upon reliable representations. Fichte’s primary point is that one doesn’t simply represent objects. Rather, she posits herself *as* positing or representing objects (NM 220 [GA IV/3:402]), and this opens her representational activity to normative restraints, including, in no small measure, rational commitment to the normative authority of truth. This is what a standard view of perception—one, in this case, accommodated to Fichte’s transcendental idealism—would maintain, and it is a view that Fichte, charitably yet reasonably interpreted, holds. The contingency of acts of representation is thus far less unbridled than initially considered.

In this chapter, I have attempted to show the way in which the striving doctrine informs Fichte’s conceptions of self-positing and I-hood. The striving

doctrine discloses an original practical orientation to the world underlying and informing intentionality. Although this core thesis places some burdens on Fichte's epistemology, his best considered view is somewhat able to assuage, in an important respect, those worries.

Notes

1. Hegel adopts the same strategy in the *Phenomenology of Spirit*. A form of consciousness must provide a stable and coherent way of providing justification for knowledge-claims and reasons for action. Of course, Hegel's theory differs significantly from the view Fichte defends.
2. The discontinuity Fichte stresses between mechanistic causation and drive suggests that purposive, organic functions do not supervene on mechanistic, causal processes.
3. Even the representation of objects accompanied by a feeling of necessity—when one feels constrained to represent an object precisely in the way in which one is affected by feelings, that is, when one's representation is a constructive copying of the content of feelings—involves an act of free, self-determination whereby one freely accedes to the limitation of one's activity.
4. For an excellent discussion that takes the tension in the *Grundlage* to be more substantive than I have suggested, see Frederick Neuhouser, *Fichte's Theory of Subjectivity* (Cambridge: Cambridge University Press, 1990), 52–57.
5. See Ernst Tugendhat, *Self-Consciousness and Self-Determination*, trans. Paul Stern (Cambridge: MIT Press, 1986).
6. See Dieter Henrich, "Fichte's Original Insight," in *Contemporary German Philosophy 1* (State College, PA: Penn State University Press, 1982), 15–53; Andreas Wildt, *Autonomie und Anerkennung: Hegels Moralitätskritik in Lichte seiner Fichte Rezeption* (Stuttgart: Klett-Cota, 1982).
7. Daniel Breazeale, *Thinking Through the Wissenschaftslehre: Themes From Fichte's Early Philosophy* (Oxford: Oxford University Press, 2013), 211. [ii3] is Breazeale's term for the form of intellectual intuition, which is the philosophical retrieval—'think of yourself and observe what you are doing when you do so'—of the original intellectual intuition (Breazeale's ii2) which, Fichte claims, underlies all consciousness.
8. Fichte presents his regress argument in *An Attempt at a New Presentation of the Wissenschaftslehre* (IWL 111–12 [GA I/4:274–76]) and in somewhat more compressed form in the *Wissenschaftslehre nova methodo* (NM 113 [GA IV/3:346–47]). The argument is a standard Agrippan argument, which draws the skeptical conclusion that an explanation of the necessary requirements for consciousness is impossible. Fichte imbeds the argument within a *modus tollens* argument designed to establish a non-intentional, immediate self-

consciousness as a necessary hypothesis. Highly compressed, the argument goes as follows: One is conscious of some object only if she is conscious of herself as conscious of that object (Fichte takes this claim to be indisputable). Since consciousness of any object consists of a distinction between the conscious subject and the object of which the subject is conscious, the subject's consciousness of itself must involve consciousness of herself as conscious of herself in being conscious of the object. This leads to an infinite regress, and thus the conclusion that consciousness is impossible. But, Fichte observes, consciousness is real. The initial premise—that all consciousness has a distinctly intentional structure—conscious subject conscious of an object of consciousness—is false, and one must infer the existence of a non-intentional, immediate form of self-consciousness as a necessary explanatory hypothesis explaining the possibility of consciousness. For a detailed analysis, see C. Jeffery Kinlaw, "Self-Determination and Immediate Self-Consciousness in the Jena *Wissenschaftslehre*," in *Fichte and Transcendental Philosophy*, ed. Tom Rockmore and Daniel Breazeale (London: Palgrave Macmillan, 2014), 176–89.

9. Henrich, "Fichte's Original Insight," 37.
10. *Ibid.*, 35.
11. *Ibid.*
12. The regress would be something like this: the I posits itself as self-knowing. Since it is the posited I that is self-knowing, a further act of positing is required to establish the positing I as self-knowing, but then we have a further positing I that has yet to be established as self-knowing. QED.
13. Wildt, *Autonomie und Anerkennung*, 220.
14. *Ibid.*, 231.
15. I have argued elsewhere that Fichte rejects an introspective or spectator model of self-knowledge, and defends a view that has significant affinities with rationalist accounts of self-knowledge defended by Stuart Hampshire and especially Richard Moran. Just as Moran argues that one knows that she believes that *p* by *avowing p*, Fichte maintains that one knows, for instance, that she is free by freely acting. Awareness of oneself as acting is a commonplace, non-observational component of acting. For a more detailed discussion, see C. Jeffery Kinlaw, "Fichte and Philosophy of Mind," in *The Bloomsbury Companion to Fichte*, ed. Marina Bykova (London: Bloomsbury, forthcoming). For an informed discussion of commonplace non-observational self-knowledge, see Elizabeth Anscombe, *Intention* (Cambridge: Harvard University Press, 2000), especially §8.
16. One might also ask how Wildt's interpretation of Fichte's I as the certainty of oneself as a persisting subject of mental states avoids the objection that he has imported the concept of substance into his interpretation of Fichte's theory of subjectivity, a view that Fichte explicitly rejects.

17. Tugendhat, *Self-Consciousness and Self-Determination*, 45. In the passage cited, Tugendhat actually is describing Henrich, along with Henrich's Fichte and Henrich's then Heidelberg colleague Pothast's, conception of selfhood. But clearly he has Fichte in mind as well.
18. *Ibid.*, 29.
19. *Ibid.*, 45.
20. *Ibid.*, 36. And, Tugendhat adds, our immediate self-knowledge cannot be intersubjective either.
21. A prominent difficulty in Fichte's account of I-hood is the claim that at least tacit awareness is intrinsic to all acts of the I. Call this the *consciousness condition*: for all instances of a subject S's representation of X, S has at least a tacit awareness of her self-determination to represent S precisely in the way in which she represents X. Does the consciousness condition apply only to complex acts—that is, acts of representation (recalling that willing involves representation, since one must project as a goal what one is to do in acting)—or to the components of an act? A complex act of representation might involve the following: the free self-determination to reflect upon feelings, perhaps consideration of alternative ways of representing something when practical goals demand that one do so, and then the final act whereby the productive imagination constructs the representation of the object. The consciousness condition, at least *prima facie*, is assuredly false, since the components of the act—and perhaps the act itself in some cases—occur below the radar of consciousness. Limiting awareness only to the complex act itself seems more plausible, but Fichte indeed affirms that *all* acts consist in part of (tacit) self-awareness. A full-blooded analysis of the ubiquity problem is beyond the scope of this chapter.
22. Allen W. Wood, *The Free Development of Each: Studies on Freedom, Right, and Ethics in Classical German Philosophy* (Oxford: Oxford University Press, 2014); and especially Allen W. Wood, *Fichte's Ethical Thought* (Oxford: Oxford University Press, 2016).
23. Wood, *Fichte's Ethical Thought*, 58–59.
24. Wood, *Free Development of Each*, 168.
25. Wood, *Fichte's Ethical Thought*, 69.
26. Wood, *Free Development of Each*, 168.
27. See Note 21.
28. Any action, for Fichte, requires the concept of a goal, since the productive imagination must project, from a synthesis of actual and possible feelings, a general outline of what one is going to do. The goal might simply track the feelings registered from one's encounter with the object, or it might include possible ways to manipulate or deploy the object or its properties for one's own ends.
29. By “prior to the subject-object distinction,” Fichte must mean prior to the structure of *representing* subject and *represented* object. Much of what impinges

upon our senses goes unnoticed, and the resulting affections are not felt. To feel, to be aware of the way in which one is being affected, requires that she be reflectively distant from the affections she feels. This occurs prior to the common subject-object distinction, because one doesn't feel, and thus doesn't represent, an object. One simply feels. Nothing peculiar here, except, of course, that Fichte insists that reflective distance must be established by the I's free, self-determining activity. To the extent that feeling is reflected, one might say that feeling is a proto-representational activity.

30. Heidegger's indebtedness to Fichte on this point seems unmistakable and significant.



9

Fichte's Account of Reason and Rational Normativity

Steven Hoeltzel

If we aim to do philosophy in a thoroughly self-conscious and self-critical way, then, among other things, we ought to think hard about the nature and the norms of rationality. Certainly Fichte did so. Indeed, it is arguable that the *Wissenschaftslehre* is, above all, a systematically articulated account of precisely the nature of reason—or, more precisely, of purely rational *activity*. Fichte pointedly equates the I (*das Ich*), I-hood (*Ichheit*), and the intellect (*das Intelligenz*) with “reason in general [*die Vernunft überhaupt*]” (FNR 3 [GA I/3:313]), and he explicitly employs all of these terms to refer exclusively to a certain sort of activity. “Idealism,” he says, “considers the intellect to be a kind of *doing* and absolutely nothing more” (IWL 26 [GA I/4:200]). In what follows, I argue that the type of activity in question is best understood, all things considered, as *pure rational* activity—more precisely, as *non-sensory, order-inducing, autonomously end-directed* mental activity, of a type to be further specified below.

Obviously, I cannot make the case for an overarching interpretation of the entire *Wissenschaftslehre* here. I shall, however, offer an analysis of Fichte's conception of reason which, if plausible, provides some solid support for a reading along the above lines.¹ In any event, presumably this analysis is of interest independently of that broader interpretive issue—mainly, I suppose, owing to the all-important role that reason plays in philosophy generally (and

S. Hoeltzel (✉)

Department of Philosophy and Religion, James Madison University,
Harrisonburg, VA, USA

e-mail: hoeltzsh@jmu.edu

for Kantian and post-Kantian philosophy in particular), but also in light of the innovative and somewhat unusual (and unmistakably post-Kantian) character of Fichte's own account of rationality.

Reason as Non-Sensory Ordering Activity

What *is* reason, exactly? In what does rationality, as such, consist? And what, if anything, does reason require of us? Fichte offers radical and radically interconnected answers to those questions, and if we are fully to understand the *Wissenschaftslehre*, then we must grasp, with some exactitude, his closely connected conceptions of the nature of rational activity, the source of rational normativity, and the substance of the supreme rational norm. But Fichte does not make this easy. On the contrary, he articulates, relates, and elaborates upon these ideas in ways that are sure to seem somewhat strange, if not outright off-putting, to philosophers unfamiliar with his outlook. In Fichte's writings, reason is equated or closely associated with, among other things: I-hood (*Ichheit*); positing (*setzen*), and especially self-positing; acting (*Handeln*) or doing (*Tun*), as opposed to being (*Sein*); self-reverting activity (*in sich selbst zurückgehende Tätigkeit*); and subject-objectivity (*Subject-Objectivität*), as opposed to mere objectivity or thinghood. He states, for example, that:

The character of rationality [*Vernünftigkeit*] consists in the fact that that which acts and that which is acted upon are one and the same; and with this description, the sphere of reason [*Umkreis der Vernunft*] as such is exhausted. ... For those who are capable of abstracting from *their own I* ... linguistic usage has come to denote this exalted concept by the word: *I*; thus reason in general has been characterized as I-hood. (FNR 3 GA I/3:313)

I-hood (i.e., self-reverting activity or subject-objectivity — call it what you will) is originally opposed to the *it* [*dem Es*], to mere objectivity.... (IWL 87 [GA I/4:255])

Activity that reverts into itself in general (I-hood, subjectivity) *is the mark of a rational being* [*Charakter des Vernunftwesens*]. Positing oneself ... is an act of this activity. (FNR 18 [GA I/3:329])

Fichte further contends that reason, as such, is in some sense essentially or principally practical: “practical reason is the root of all reason” (VM 79 [GA I/6:265]). More specifically, he claims that reason, simply qua reason, regu-

lates itself according to a self-legislated norm of “absolute self-sufficiency” and, to that extent, incarnates an “absolute tendency toward the absolute,” such that “fusion ... into the absolutely pure form of reason or into God [*in die absolut reine Vernunftform oder in Gott*] is indeed the ultimate goal of finite reason” (SE 58, 33, 143 [GA I/5:67, 45, 142]). Indeed, he even seems to go so far as to maintain that reason, so construed, finally mandates our firm assent to an outlook which—in spite of being, avowedly, epistemically unfounded—holds fast to the conviction that “only reason is; infinite reason in itself, and finite reason in it and through it” (VM 111 [GA I/6:296]).

By way of attempting to make sense of all of this, in this chapter I argue that, for Fichte, reason consists in mental activity of a special sort: *the self-initiated instatement of self-wrought, non-sensory ordering forms*, the first and foremost of which is the idea of *precisely this type of activity* in its pure and uncompromised (independent, “self-sufficient”) form. Note that this notion, while admittedly unusual, is not as exotic as it might initially appear. Consider, for instance, a textbook case of categorial synthesis à la Kant. (This will only partly illustrate the above idea, but it provides a useful place to begin.) Suppose that one afternoon you see lightning; seconds later, you hear thunder. On Kant's account (which, obviously, I must strenuously simplify here), what you have been presented with, strictly speaking, are simply two sensory experiences in a certain temporal succession. *Perhaps* this sequence of mental events has taken place because, out there in the world independent of your perceptions, there has occurred one event (the lightning) which, in a lawful fashion, caused a subsequent one (the thunder). But then again, perhaps the following is the case instead: your experiences (let us suppose) reflect the fact that lightning is permanently striking, and thunder permanently rumbling, and it just so happens that, in this instance, the flashlight beam of your consciousness lit upon the lightning and then the thunder in that order and not the reverse. This second scenario seems like a strange speculation, but (and here, I think, is Kant's key point) it is no less consistent with the contents of your subjective states than is the first, perfectly familiar, cause-and-effect construal of the objective conditions putatively presented by your perceptions. Therefore: if, given these perceptions, you proceed to judge that you have experienced two objectively successive, causally connected events (versus two objectively simultaneous states of affairs, accidentally perceived in this order), then your judgment depends upon the synthesis of the given appearances (their *active* combination and supplementation) with the *non-sensory notion* of ‘causation’—more precisely, the notion of a nonarbitrary ordering of objective events, as distinct from the happenstance succession of your subjective states.

Here, then, we have one example of the self-initiated instatement of self-wrought, non-sensory ordering forms.²

Of course, the categorial synthesis of appearances is not the only form of such autonomous order-inducing activity that Kant (or Fichte) countenances: there is also the pure-rational setting of ends and projection of ideas. Like the categories, which are “pure concepts of the understanding that pertain to objects *a priori*” (A79/B105), the “ideas of pure reason” (A669/B697) are self-wrought, non-sensory notions that induce order. Yet in contrast with the categories, these ideas do so not by classifying or constructing objects of empirical cognition (cf. A158/B197), but by regulating cognition and reinforcing volition, in service to reason’s highest ends (see A671/B699; CPR 5:134–35).³ For example: according to Kant, reason in its specifically theoretical employment steadfastly demands that things be completely explained and the world optimally comprehended (see A644–45/B672–73). And to investigate the world in service to those aims is to frame questions and formulate hypotheses about it *as if* it were configured in such a way as to be fully explicable and systematically comprehensible. For Kant, this means, among other things, seeking to identify an orderly hierarchy of types by which the world’s parts are pervasively organized (“homogeneity, specification, and continuity of forms”: A658/B686), and searching for a single set of harmonious ordering principles by which the world’s processes are comprehensively governed (“parsimony of principles”: A650–51/B678–79). But perceptual awareness *qua* perceptual (“empirical intuition,” as Kant would have it) harbors no conception whatsoever of taxonomical or nomological relations between objects or events, over and above the qualitative and spatiotemporal relations between the contents of one’s own sensations. Thus, to investigate the experienced world in the manner just outlined is to be *guided in advance by various non-sensory notions* concerning the world’s total constitution—not in the sense that these ideas represent determinate objects whose *existence* is uncritically affirmed (that would be “transcendental illusion”: A295–98/B351–54), but rather in that these ideas structure a “schema” or ideal model whose *viability* is presupposed, even prioritized, by this cognitive undertaking (A674/B703; cf. A647/B675 on “systematic unity” as “a **projected** unity”). Chief among these ideas, on Kant’s account, is the notion of a “**self-sufficient reason**, which is the cause of the world-whole through ideas of the greatest harmony and unity” (A678/B706).⁴ Thus, to strive—as reason requires of us—to find the world fully explicable and optimally intelligible is, Kant claims, to seek to make sense of things “**as if** they were ordained by a highest reason of which our reason is only a weak copy” (A678/B706), “an independent, original, and creative reason” (A672/B700).⁵

Here, then, we have a second example from Kant, more complicated than the first, of the self-initiated instatement of self-wrought, non-sensory ordering forms. Unlike the preceding illustration of categorial synthesis, this example involves a basic rational *requirement*: reason, *a priori*, sets an ultimate goal for its own activities, and thereby appoints itself to further deploy its own powers in ways that promote or approach that goal. Qua theoretical (as opposed to practical), reason seeks optimal comprehension; seriously to set one's sights upon that goal is tacitly to elaborate, *a priori*, various non-sensory notions as to the world's total configuration; and these ideas configure an ideal model by which the enterprise of understanding is regulated—not causally controlled or affectively 'driven,' but provided with *targets at which the rational being has reason to aim*, insofar as this being, qua rational, *eo ipso* has optimal comprehension an ultimate goal.

Of course, the above model of theoretical reason's basic operations has an important parallel in Kant's practical philosophy. On this account, there is "a *purpose given a priori*, that is, an end as object (of the will) that, independently of all theoretical principles, is represented as practically necessary by an imperative determining the will immediately, and in this case that [end] is the *highest good*" (CPrR 5:134). Unlike theoretical reason, which seeks optimal comprehension, practical reason is constitutively committed to the achievement of optimized autonomy—"the highest good" being Kant's name for that state of affairs in which (1) each individual autonomously commits to the autonomy of rational beings in general, and (2) accordingly all individuals succeed in self-actualization to the greatest extent possible consistent with the same for all others.⁶ Given this practical context—the context configured by the goals and powers of volition, as opposed to those of cognition—reason's ultimate aim is "represented as," not an ideal model guiding strictly scientific cognition, but an imperative demanding strictly principled volition: *a requirement that the rational being has reason to honor*, insofar as this being, qua rational, *eo ipso* has autonomy in its optimal form as an ultimate goal. Here again, then, reason, as such and *a priori*, sets an ultimate goal for its own activities, and thereby appoints itself to further deploy its own powers in ways that promote or approach that goal.⁷

It therefore seems fair to say that Kant's thinking importantly revolves around (granted that it does not explicitly foreground) a basic conception of rational activity, whether theoretical *or* practical, as *the self-initiated instatement of self-wrought, non-sensory ordering forms*, the first and foremost of which is the idea of *precisely this type of activity* in an uncompromised form (perfectly comprehending the world, optimally organizing free activity, and so on).⁸ In what follows, I argue that Fichte affirms a more radical and rarefied version of

this basic conception of reason. To be sure, he does not explicitly characterize reason in the terms that I am using here: he speaks of “positing,” “I-hood,” “self-reverting activity,” and the like—not “the self-initiated instatement of self-wrought ordering forms” and so forth. Nevertheless, below I show that there is a conceptually plausible, textually responsible reconstruction of Fichte’s account of the necessary conditions of the possibility of experience, in the light of which the transcendently most basic activities of the I are describable in exactly those terms. Moreover, on the more fully elaborated account of I-hood that ensues, various further peculiarities of Fichte’s view—inter alia, his claim that reason as such is principally practical, and his seemingly reckless contention that “only reason is”—are readily seen to derive from his basic conception of rationality *per se*.

Acting Versus Being, Positing Versus Sensing

“Reason,” Fichte writes, “is not a thing, which *is there* and *subsists*; instead, it is doing [*Tun*]: sheer, pure doing” (SE 59 [GA I/5:68]). This means, to begin with, that it is a category mistake to suppose that reason could exist in a dormant state: as an unemployed faculty, unactuated disposition, unrealized possibility, or the like—“something that merely endures, lying there quietly and dead, something that merely *is* and in no way *acts*” (SE 12 [GA I/5:25]; cf. FNR 23 [GA I/3:334], IWL 26 [GA I/4:200]). Instead, on Fichte’s account, “the intellect, as such, is . . . nothing but *pure activity* [*reine Tätigkeit*], in contrast to all subsisting and being posited, no matter how subtly the latter might be thought” (SE 42 [GA I/5:53]).

Passages like these reflect Fichte’s sharp distinction between *acting* (*Handeln*) and *being* (*Sein*), as mutually exclusive modes of existing (cf. IWL 45 [GA I/4:215]).⁹ Obviously this terminology is somewhat at odds with more recent usage: in the wake of existentialism, especially, we may find it more natural to speak of the *existing* that is peculiar to the human self—roughly, its being a self-conscious project of self-actualization, called upon to deal with and decide upon its own possibilities (“*Existents*” for Kierkegaard, “*Existenz*” for Heidegger)—as a distinctive and decidedly un-thinglike mode of *being*. Yet despite the terminological reversal, and despite the crucial methodological differences between Fichte’s *transcendental* project and the more concrete, descriptive approach of the existentialists, Fichte’s distinction between purely self-like “acting” and strictly thinglike “being” importantly anticipates that later existential outlook.¹⁰ “The I is what it is in *acting*,” Fichte says, “the object in *being*” (FNR 27 [GA I/3:338]). Acting is self-initiated, self-conscious

self-constitution; being is “fixed subsistence, lacking any inner movement, passive and dead” (SE 39 [GA I/5:49]). In other words, the constitution of a mere object is not the product of any self-initiated activity on the object's part: “it simply is and remains as it is,” because the object, unlike the I, possesses no “inner agility” and “cannot *instigate* any effect” (SE 13 [GA I/5:26]; FNR 28 [GA I/3:338]). By contrast, the I, unlike the object, “exists in a state of endless becoming,” for the simple reason that “the I is absolute activity [*absolute Tätigkeit*] and nothing but activity” (FNR 27 [GA I/3:338]; SE 101 [GA I/5:105]).¹¹

The activity in which the I consists is “absolute,” on Fichte's account, not in the sense of being altogether unlimited—thus boundless, lawless, and so on—but because it is, in certain fundamental respects, *unconditioned*. For one, this activity is not epistemically compulsory in the light of anything empirical. Moreover, and more controversially, it is not caused to occur by any object extrinsic to the I. (More precisely: in the light of the *Wissenschaftslehre*'s basic principles, the conjecture that the I's activity could be the product of some object is epistemically insupportable and conceptually ill-formed.) At the same time, however, Fichte holds that this activity is always limited by conditions of which it is not itself the source—conditions which, it should be noted, he identifies with “the *merely empirical* element in our cognition” (see, for example, IWL 74–75 [GA I/4:241–43]). What is more, he holds that the activity in which the I consists always takes a certain determinate and lawful form (see his account of “laws of acting”: IWL 26–27 [GA I/4:200–201]).

These issues are more closely examined below. First, however, more should be said to characterize the special sort of activity in which the I consists, and the basic form of which is the source of the “laws of acting.” (Fichte is explicit that these laws cannot be imposed upon rational activity by anything extrinsic to such activity: “There is nothing in the rational being except the result of its acting upon itself ... the I is nothing other than an acting on itself”: FNR 3 [GA I/3:313]; cf. IWL 59 [GA I/4:227].) As we saw above, and as the preceding quotation underscores, Fichte equates the I (I-hood, reason) with specifically *self-reverting* activity, and he singles out *self-positing* as the supreme exemplar of such activity: “The concepts of *self-positing* and of *activity* in general are again one and the same” (WL 129 [GA I/2:293]).¹²

The transcendently most basic type of self-positing is described by the first principle of the 1794/1795 *Foundation of the Entire Wissenschaftslehre*: “The I originally absolutely posits its own being” (WL 99 [GA I/2:261]). Fichte's own statement here reads, “*das Ich setzt ursprünglich schlechthin sein eigenes Sein,*” and some may quarrel with my use of “absolutely” to translate “*schlechthin,*” which could be more moderately rendered as “simply” instead.

But there is a case to be made that, for Fichte, this principle indeed describes the absolute (originary, unconditioned) act *of its kind*—that is, of positing, or of distinctly *rational* activity. More specifically, I suggest, this original act of positing is *rationally* absolute, in the following sense. This (self-initiated, non-sensory) act is not a response to any already-established rational requirement—as we shall see, it certainly is not epistemically made mandatory by any of the arational (adventitious, qualitative) contents of consciousness—but, instead, it is the transcendently most basic *instatement* of pure, self-wrought (abstract, non-sensory) *ordering form*, an instatement which, in this instance, has as one of its aspects the *establishment* of a *rational requirement*—indeed, the original and ultimate rational requirement, which sets forth the goal and lays down the ground-rules for the I's further, self-regulated self-articulation (the next step in which, transcendently speaking, will be the counter-positing [*entgegensetzen*] of a not-I, or the instatement of “opposition in general [*Entgegengesetztsein überhaupt*]” (WL 103 [GA I/4:266])). This is a complicated claim, to be sure, but each of its main components should become clearer in what follows.

The act in which the I originally absolutely posits its own being is the *Tathandlung*: the “fact-act” in which the existence of the I originally and principally consists (WL 97–98 [GA I/2:259–60]), and which “does not and cannot occur among the empirical determinations of our consciousness, but rather lies at the basis of all consciousness and alone makes it possible” (WL 93 [GA I/2:255]). Note that Fichte is using the term “consciousness” here in a technical sense that derives from Reinhold’s “Principle of Consciousness,” a principle which describes the pure, polarized structure of subject-object differentiation-relation that is an organizing form immanent in all object-directed cognition or volition.¹³ Accordingly, ‘consciousness,’ of the sort that Fichte’s principles are designed to explain, is not just any awareness of content (phenomenal consciousness of some assortment of blues, for example), but a more articulated representation structured around the judgment that there exists some entity other than the judger (the cognition, for example, that it is the ocean, and not one’s own mind, to which all those blues belong).¹⁴ One important consequence of this is that, in claiming that that the I’s activity makes all ‘consciousness’ possible, Fichte is not claiming that the I somehow authors consciousness’s empirical contents. The I is only ever the (pure and pre-personal) *orderer* and *interpreter*, never the author, of such adventitious manifestations.

To return now to Reinhold’s principle: Fichte accepts this principle, but he also holds that the structure that it abstractly describes is one which needs to be transcendently explained. That is, Reinhold’s principle reports on, but says nothing to account for, the omnipresence in ‘consciousness’ of an abstract

armature incorporating the subject's awareness of itself, its representation of an object other than itself, and so on.¹⁵ Accordingly, the first published statement of the principles of the *Wissenschaftslehre* claims that "the absolute subject, the I, is not given by empirical intuition; it is, instead, posited by intellectual intuition. And the absolute object, the not-I, is that which is posited in opposition to the I" (EPW 65 [GA I/2:48]). Fichte's first main point here is this: *that one's own pure, self-initiated mental activity exists* is not a fact that can be conveyed by any amount of passively registered sensory or affective data per se. Thus, the identification of this activity—in other words, the self-awareness of the I, upon which the structure of 'consciousness' hinges—must itself be a *non-empirical accomplishment*. And, indeed, this must be the accomplishment in which the existence of the I principally and originally consists, insofar as the I exists, qua I, only if and when such self-awareness obtains (see: WL 98 [GA I/2:260]; FNR 3n [GA I/3:313n]; IWL 42 [GA I/4:213]). And Fichte's *second* main point here is that sensory or affective data, taken simply as such, do not directly acquaint one with anything over and above certain *contents of one's consciousness by which one's own pure and self-initiated mental activity is confronted and constrained*.¹⁶ Thus, the judgment that there exists some extra-mental (or, at any rate, not self-wrought) ground or source of such limitations—in other words, the positing of a not-I—must also be a *non-empirical accomplishment*—in this case, one that is preconditioned by the transcendently prior self-identification of the I.

Fichte's claim, then, is that all 'consciousness' of the sort described by Reinhold's principle, and thus all 'experience' in the sense in which Kant and Fichte use that term,¹⁷ has as a necessary condition for its possibility, (1) the self-initiated, non-sensory singling-out of self-initiated non-sensory activity, in distinction from the adventitious empirical contents of consciousness (sensory or affective data),¹⁸ and (2) the origination and instatement of the pure notion of an extra-subjective object, cognized as the basis or bearer of the indicated adventitious data.¹⁹ The first of those two numbered accomplishments is the act in which "the I originally absolutely posits its own being"; the second is the act whereby "a not-I is absolutely opposed to the I," such that "opposition in general is absolutely posited by the I" (WL 99, 104, 103 [GA I/2:261, 266]).

As noted above, Fichte holds that the I consists in acting, and that this acting principally consists in *positing*—first and foremost, *self-positing*. Fichte never explicitly defines the technical term "posit" (*setzen*), but in the light of the foregoing, it seems apt to say this much, at least: to posit *x* is (1) to affirm that *x* exists and (2) to position *x* within some more comprehensive conception of what there is (and also, as we will see below, of what there ought to be)—one's overall mental 'scheme of things,' so to say.²⁰ Thus, by locating the self-

initiated non-sensory activity in which the I properly consists, in distinction from the empirical contents of consciousness, the I establishes its own activity as the central reference-point within an overall representation of reality that is principally organized by and around the I's non-sensory accomplishments. That representation is then further articulated via the ontologically ampliative (not metaphysically generative) positing of a not-I, which effects the basic subject-object (versus pure/empirical or self-initiated/adventitious) differentiation-relation that structures all experience. This act, whereby "opposition in general [*Entgegengesetztsein überhaupt*] is absolutely posited by the I" (WL 103 [GA I/2:266]), then supplies the basis for a self-regulated, self-complexifying series of additional acts by which that basic differentiation-relation is (transcendentally) further specified and stabilized.

Thus we can now begin to see the sense in which, for Fichte, *reason*—that is: I-hood, acting, especially positing, and principally self-positing—is *the self-initiated instatement of self-wrought, non-sensory ordering forms*, the first and foremost of which is the idea of *precisely this type of activity* in its pure and uncompromised (independent, "self-sufficient") form. Neither the I, qua pure activity, nor the not-I, qua object extrinsic to consciousness, are discernible among the adventitious empirical contents of consciousness. Both, therefore, must be posited by the I, in the manner described above, if 'experience,' in the sense defined above, is to eventuate.

Still, this reconstruction of Fichte's position is as yet importantly incomplete, because it figures self-positing, in particular, as a principally *descriptive* activity with no obvious *normative* dimension. In other words, on the account provided up to this point, the I's acts effect some basic categorial *organization* of consciousness's contents, but, as characterized thus far, they do not engender or imply any particular *orientation* (any basic policy or tendency, so to say) on the part of the I, in relation to the given contents of its consciousness or the posited objects of its experience. More precisely, we have yet to see any way in which the activity in which rationality originally and principally consists—the *Tathandlung* in which "the I originally absolutely posits its own being" (WL 99 [GA I/2:261])—is an act which *sets forth a target* at which the rational being, qua rational, has reason to aim, or *establishes a requirement* with which this being has reason to comply. In other words, one crucial feature of Fichte's position that our analysis has not yet captured is his claim that *reason is practical*—indeed, principally or primarily practical. In order to see why Fichte makes that claim and what he finally means by it, we need to take a closer look at the basic principles examined above, and especially at the transcendental considerations that support their introduction.

Self-Positing as the Source of Rational Requirements

This chapter's reconstruction of Fichte's position develops the transcendental rationale for his system's principles that is outlined in the 1794 "Review of *Aenesidemus*," and that remains visible within the 1794/1795 *Foundation the Entire Wissenschaftslehre*—albeit now more dimly and diffusedly, because initially obscured by an argument overtly premised, not on the abstract organizing structure of experience, but instead on the manifest incontrovertibility of the basic laws of logic.²¹ Nevertheless, the 1794/1795 *Foundation* features more careful statements of Fichte's principles themselves, and more perspicuous renderings of the rational relationships between them. Accordingly, my reconstruction follows some basic guidelines laid down by the *Aenesidemus* review and fills in various further details based on the *Foundation*.²²

As we have already seen, and as the architectonic of Part I of the *Foundation* underscores, the I's transcendently basic positing of its own being is "absolute" or "unconditioned," at least in the following sense: it cannot be rationally required in consequence of any prior rational commitment (because, transcendently speaking, it is the most basic rational commitment), and it is not epistemically mandated by any adventitious empirical contents of consciousness (because it is a commitment affirming the existence of pure, self-initiated mental activity). The transcendently subsequent act, in which the I posits a not-I, is then described by Fichte as "conditioned as to content" but "self-determined in respect to its form" (WL 102, EPW 110 [GA I/2:264, 122]). This act's *content* is already partly preordained: it must acknowledge and elaborate upon the already-instated non-sensory notion of the I. And yet the *performance* of this act (the positing of a not-I) is not forced upon the I by what comes before, because what precedes this act, transcendently speaking, is an act that acknowledges only certain *constituents of consciousness*: self-initiated non-sensory activity (the I) and adventitious empirical content.

To that extent, the I's positing of a not-I must take place freely.²³ However, if Fichte's broader explanatory project is to succeed, then this cannot be an instance of "completely lawless acting," contingent on chance or caprice (IWL 27 [GA I/4:200]). Instead, then, this must be "a free, but law-governed, act of thinking" (IWL 33 [GA I/4:207]).²⁴ And, within the transcendental framework analyzed above, this can mean only one thing: this act must be one that instates a self-wrought ordering form, *in free compliance with a self-legislated requirement*.

What, then, are the source and the content of the requirement in question? Before considering this in detail, it may be useful to note Fichte's general

claim that “there is nothing in the rational being except the result of its acting upon itself ... the I is nothing other than an acting on itself” (FNR 3 [GA I/3:313]).²⁵ This is one reason for thinking that Fichte must understand the requirement in question to be *self-legislated*, as opposed to being somehow imposed upon or inculcated in the I by anything other than the I. Moreover, in light of the transcendental analysis offered above, the very idea of such an extrinsically-sourced imposition or inculcation appears both unfounded and opaque.

Again, what we now seek to identify is the source of the requirement, in free compliance with which “a not-I is absolutely opposed to the I” (WL 104 [GA I/2:266]). Here is one kind of source which that requirement *cannot* have: experience of any kind that already comprises the (typically tacit) judgment that there exists something numerically distinct from oneself. On Fichte’s account, all such experience presupposes the positing of a not-I; therefore, no such experience can be invoked in order to explain why a not-I is originally posited. Thus, we are now referred back to the transcendently more basic constituents of the above analysis, which, once again, are (1) the self-initiated non-sensory activity of the I, and (2) the adventitious empirical contents of consciousness.

It is highly unclear how the latter could be such as to subject the I to any kind of requirement. For one, such subjection would *prima facie* violate Fichte’s stricture that “there can be no passivity in the I” (FNR 27 [GA I/3:337]). Moreover, and more to the point, requirements and acts of requiring (as opposed to causal impingements, sensory impressions, and the like) must have conceptual structure and prescriptive import; but neither one of those features is possessed by the *sensory* contents of consciousness, taken all by themselves: “sweet or bitter, red or yellow ... *simple* sensation” (WL 272 [GA I/2:437]).²⁶

To be sure, what Fichte calls “feeling” (*Gefühl*), as opposed to “sensation” (*Empfindung*), does exhibit a more-than-merely-sensory intelligibility: feeling is “the manifestation of a compulsion, an inability” (WL 254 [GA I/2:419]). But finding oneself compelled, or unable, is by no means the same thing as finding oneself *required*. Furthermore, and much more tellingly, on Fichte’s account, the indicated manifestation of inability does not so much constitute a requirement as *presuppose* one: namely, *the I’s own* “infinite demand [*Forderung*]” (WL 244 [GA I/2:409]).

The I demands that it encompass all reality and fill the infinite. This demand is necessarily based on the idea [*Idee*] of the absolutely posited, infinite I; and this

is the *absolute* I of which we have been speaking. Here the meaning of the principle, *the I posits itself absolutely*, first becomes fully clear. (WL 244 [GA I/2:409])

This passage tells us several things, each of which the preceding analysis might already have led us to expect. First, inasmuch as the I *thus far* (that is, at this almost-initial stage in the transcendental constitution-process that will eventuate in experience) countenances only (1) its own self-initiated non-sensory activity, and (2) the adventitious empirical contents of consciousness, it follows that anything that the I can *recognize as a binding requirement* must have its source in the I's own activity. Note that this claim may be less arcane than it initially sounds: it may be a transcendently rarefied way of saying that the *normativity* of the indicated requirement derives from its being integral to the entire rational enterprise.

Second, the *content* of the indicated requirement, insofar as it cannot derive from the adventitious empirical contents of consciousness, must be fixed by the act in which the I originally absolutely posits its own being. And as we have seen, the being *of the I*, on Fichte's account, consists in self-initiated non-sensory activity. It must be, then, that in originally absolutely positing its own being, the I positions pure and autonomous rational activity as both *essential to* and *normative for* its own existence. Original self-positing thus must not only *locate* the I in distinction from all adventitious manifestation; it must also *orient* the I with respect to the latter. "As posited through its own absolute activity [*absolute Tätigkeit*]," Fichte writes, the I "is infinite" (WL 137 [GA I/2:301]). Self-positing therefore must mark out *perfectly unlimited* ("infinite") *rational activity* as a goal for which the I's very nature—that is, the *type of activity* in which the I simply *consists*—gives the I a reason to strive.²⁷ Original self-positing projects "the original idea of our absolute being [*Idee unseres absoluten Sein*]" ; and in orienting itself toward that ideal, rational activity per se recognizes a requirement to strive for "constant extension of our frontiers, to infinity" (WL 245 [GA I/2:410]). To put this rather more prosaically: In originally positing its own being, the I gives itself the goal of *pure and unlimited* rational activity; thereby, it subjects itself to the (self-legislated) requirement that it deploy its own powers to that end; and, accordingly, it freely takes upon itself the (infinite) task of bringing all arational manifestation under the sway of reason's self-wrought ordering forms, whether by systematically comprehending things or by ethically upgrading them.

Here, then, we see why and in what sense Fichte claims that "without a striving, no object at all is possible" (WL 233 [GA I/2:399]). In other words, we have now identified the source and the content of the requirement in compliance with which the I posits a not-I. In originally positing its own being,

the I legislates this requirement to itself; and in absolutely positing a not-I, the I freely complies with this requirement—in this case, by cognizing some adventitious manifestation (some assortment of sensed blues, for example) using some self-wrought non-sensory notion (in this case, the notion of an object that is numerically distinct from the I and the contents of its consciousness—so that, for example, one judges that it is the ocean, and not one’s own mind, in which those perceived features inhere). Obviously, as cognitive accomplishments go, this is an extremely rudimentary one. But it is nonetheless a fundamental one; and, as briefly noted above, a series of additional, more complex accomplishments, required by the ideal of optimal rational ordering, will ensue. At this point, though, we can set aside Fichte’s account of this constitution-process, in order to focus instead on some of the more noteworthy features of the conception of reason and rational normativity that stems from that transcendental analysis.

Fichte’s Post-Kantian Constructivism

In the Kantian context, it is important to distinguish (1) the autonomy of reason: the *a priori* setting of ends, approximation to which will then be constitutive of rational activity, qua rational, from (2) the spontaneity of the understanding: the synthesis of appearances via pure categories, the content of which has no prescriptive import. With that distinction in mind, we can now note another distinctly post-Kantian feature of Fichte’s transcendental epistemology—namely, that the autonomy of reason plays a transcendently more radical role in the Jena *Wissenschaftslehre* than in Kant’s *Critiques*.

As shown above, on Fichte’s account, the autonomy of reason is a condition for the possibility of truth-apt, object-directed, first-order cognition. On Kant’s account, in contrast, the spontaneity of the understanding, in cooperation with the receptivity of sensibility, suffices to constitute such cognition. And the autonomy of reason, in its theoretical aspect, is invoked by Kant only in order to explain certain higher-order propensities to organize and elaborate upon first-order cognitions (see, for example, A643/B671), while the autonomy of reason in its practical aspect is taken to be attested by an experience of moral constraint (or “fact of pure reason”), from which Kant infers reason’s capacity to legislate to the will *a priori* (CPrR 5:42; cf. 5:29–30). Fichte’s own early project is importantly informed by his pointed rejection of the latter inference. Pure reason’s practical capacity, he writes in 1793, “can neither be described as a fact nor postulated in consequence of any fact whatsoever; instead, it must be proven. It must be proven *that* reason is practical” (RG 305

[GA I/2:27–28]). Above we saw the shape that this proof takes, and it seems fair to say, on that basis, that Fichte's philosophy provides the autonomy of reason with a much more radical transcendental foundation and vindication than does Kant's.

The argument reconstructed over the preceding two sections attempts to establish, among other things, that (1) reason has an end, that (2) this end does not exist independently of reason's own operations (such that the I would just passively discern it, as opposed to actively authoring it), and (3) that reason binds us to that end in a way that does not depend upon our having accordant arational inclinations.²⁸ Thus Fichte's position bears the characteristic marks of a distinctly *constructivist* account of rational normativity.²⁹ "Everything reason is," he argues, "must have its foundation within reason itself and must be explicable solely on the basis of reason itself and not on the basis of anything outside of reason, for reason could not get outside of itself without renouncing itself" (IWL 59 [GA I/4:227]).

It should be noted, however, that Fichte arrives at this view in the course of attempting to solve an essentially epistemological problem: that of "demonstrating the first principles of all the sciences which are possible—something which cannot be done within these sciences themselves" (EPW 108 [GA I/2:120]). Note also that he approaches this problem from an exceptionally abstract vantage point (see EPW 432–35 [GA III/3, no. 440]). That is to say, Fichte's account of the source and substance of rational normativity is not put forward by him as an attempt to dispel the mysteries surrounding normativity, normative truths, and so forth, as these issues are generally understood today. Still, Fichte's ideas may have something to contribute to current discussions of those themes—but that would be a topic for another occasion. At this point, we can set aside his account of the basic rational *source* of normativity and proceed to an (abbreviated) examination of Fichte's conception of the basic norms' distinctly rational *content* and ultimate rational repercussions.

The Unity of (Principally Practical) Reason

"The transcendental idealist," according to Fichte, "comprehends practical and theoretical activity at the same time as activity in general" (FNR 27 [GA I/3:337]). Another noteworthy feature of the position reconstructed above is that it provides for a distinctly post-Kantian account of the unity of theoretical and practical reason—not, of course, in the trivial sense that knowing is a kind of doing, and not only (or essentially) in the sense that thinking and willing are always interdependent,³⁰ but instead in the sense that, for Fichte,

in the final analysis, reason has exactly one overarching inbuilt aim: the perfectly pure and autonomous instatement of self-wrought ordering form—which is *one, originally undifferentiated ideal*, toward which there exist distinct cognitive and volitional *avenues of approximation*.³¹ To be sure, “reason’s acting can be viewed from two different sides” (SE 59 [GA I/5:68]), depending on which aspect—cognitive or volitional—one singles out for emphasis. Still, “all of the human being’s powers,” on Fichte’s account, “in themselves constitute only one power [*nur Eine Kraft*] and are distinguished from each other merely in their application to different objects” (EPW 149 [GA I/3:30], translation modified).

As we saw above, Fichte’s account of the conditions for the possibility of experience entails that the I, “as posited through its own absolute activity ... is infinite” (WL 137 [GA I/2:301]). In other words, the constitutive aim of the (self-initiated, non-sensory) activity in which the I consists is “that it encompass all reality and fill the infinite” (WL 244 [GA I/2:409]). Thus the goal is “absolute self-sufficiency, absolute undeterminability by anything other than the I” (SE 58 [GA I/5:67]). This goal is *hyper-epistemic*, in that it points beyond the context and conditions of finite cognition: as long as the I finds itself confronted with adventitious empirical contents of consciousness, the I’s activity is constrained by factors not authored by itself. And for essentially the same reasons, this goal is *hyper-ethical* (not to say *contra-ethical*), in that it also points beyond the context and conditions of finite volition: “Fusion ... into the absolutely pure form of reason or into God [*in die absolut reine Vernunftform oder in Gott*] is indeed the ultimate goal of finite reason” (SE 143 [GA I/5:142]).³²

Nevertheless, the one, originally undifferentiated aim of all rational activity admits of specification (or, as it were, diffraction), in the event that sufficiently different types of occlusion or interference are thrown up by the adventitious empirical contents of consciousness. If it is challenged by unbidden sensations, then rational activity gives itself the task of achieving (and, ideally, perfecting) comprehension—an enterprise to which the specifically epistemic norms of rationality are internal, and for which distinctly cognitive ordering forms are required. And if it is beset by affective incitements, rational activity gives itself the task of preserving (and, ideally, expanding) its autonomy—an enterprise to which the specifically ethical norms of rationality are internal, and for which distinctly ethical ordering principles are indispensable.

Still, even thus described—that is, as originally and ideally unitary, and only accidentally diffracted into divergent aspects and implementations—reason remains principally or ‘primarily’ practical. For, as we saw above, according to Fichte’s transcendental analysis, the projection of an ideal and the

ensuing imposition of a requirement are transcendently integral to even the most basic *knowing* (non-sensory self-identification, over against adventitious manifestation) and the most basic *willing* (affect-independent self-legislation, in the face of unchosen conditions). To be a *rational* being, then—to inwardly accomplish more than impassively sensing and heteronomously responding to given conditions—is, on Fichte's account, *to exist as a self-initiated* (but not unlimited) project of self-regulated self-articulation. “*Activity that reverts into itself in general* (I-hood, subjectivity) *is the mark of a rational being*” (FNR 18 [GA I/3:329]). In that sense and to that extent, “practical reason is the root of all reason” (VM 79 [GA I/6:265]).

Rationality, Evidentialism, and ‘Faith’ (*Glaube*)

Fichte holds that, within philosophy, one can be fully and finally “convinced” (*überzeugt*) only of “what is unalterably and eternally true,” in the sense that the content of this philosophy—and “there is but one philosophy”—is in perfect accord with “the mind [*Gemüte*] itself” (IWL 97–8 [GA I/4:263–64]). One therefore can never be completely convinced of any (pseudo-) philosophy whose claims, if true, would entail that philosophical activity itself—freely self-initiated, purely intellectual activity (see IWL 91 [GA I/4:258–59])—is unthinkable or illusory. Thus Spinoza, for example, could not have been convinced of his own system. Indeed, according to Fichte, even *Kant* could not have been completely convinced of his own views, at least while he was writing the *Critique of Pure Reason*, insofar as this work takes the position (from the standpoint of philosophy, not that of ordinary consciousness) that “things in themselves exist outside us and independently of us” (IWL 98 [GA I/4:264]). Fichte's claim here, I take it, is that such a position effectively “makes being [*Sein*] into something original,” and therefore verges on “the crudest sort of dogmatism” (IWL 85, 69 [GA I/4:252, 237])—a view of things that would “transform doing [*Tun*] into an illusion [*Schein*]” (SE 56 [GA I/5:65]).

Strikingly, Fichte goes on to remark that *Leibniz* might have been convinced of his own philosophy, “for if he is understood correctly ... he is right” (IWL 99 [GA I/4:265]). In light of the above, this evidently implies that the core of *Leibniz's* philosophy, as Fichte understands it, is “unalterably and eternally true” because perfectly accordant with “the mind itself.” Fichte does not, in the passage just cited, specify what that core consists in. Instead, in a footnote, he directs the reader to “a brilliant sketch of the essence of *Leibniz's*

philosophy,” to be found in the introduction to Schelling’s 1797 *Ideas for a Philosophy of Nature*. Following that reference, here is what one reads:

There is nothing from which Leibniz could have been more remote than the speculative chimera of a world of *things-in-themselves*, which, known and intuited by no mind, yet affects us and produces all our ideas. The first thought from which he set out was: “that the ideas of external things would have arisen in the soul by virtue of her own laws *as in a particular world*, even though nothing were present but God (the infinite) and the soul (the intuition of the infinite).”³³

And here is Fichte himself, writing in 1800:

Only reason is; infinite reason in itself, and finite reason in it and through it. Only in our minds does it create a world, or at least that *from* which and *through* which we produce it: the call to duty; and concordant feelings, intuitions, and laws of thought. (VM 111 [GA I/6:296])

Of course, the question is how such claims are to be justified, and the hint offered by the above paragraphs—namely, that this is the outlook that uniquely and completely accords with “the mind itself”—only vaguely gestures in the direction of an answer. In the preceding sections of this chapter, however, we have the makings of a reasonably clear argument for firm assent to the indicated outlook. In outline, that argument is as follows: (1) The supreme norm of rationality is (hyper-ethical and) hyper-epistemic, in that the norm of the absolute self-sufficiency of reason does not coincide with, although it may *in certain contexts* be *expressed* by, a norm of cognitive fidelity to conditions that are given independently of one’s own rational activity. (2) Given that the supreme norm of rationality is hyper-epistemic, evidentialism is false. That is, there can be conditions under which it is not only rationally permissible, but even rationally required, to assent to some nontrivial, descriptive proposition for which one lacks sufficient evidence. More precisely, reason, on this account, enjoins firm assent to any descriptive propositions that (a) concern epistemically intractable issues *and* (b) affirm the satisfaction of the metaphysically necessary conditions for the absolute authority of reason’s self-legislated supreme norm. (3) Given transcendental idealism in epistemology, the question whether there is any extra-subjective reality and, supposing that there is, what it is like, is epistemically intractable in principle: “With our explanation of consciousness we can never arrive at things that exist independently of us” (AD 99 [GA I/5:423]).³⁴ (4) Given that the aforementioned question is epistemically intractable in principle, *and* given that evidentialism is false, we are not only rationally permitted, but indeed ratio-

nally required, to assent to the conception of reality which, if true, allows for radically self-initiated, world-upgrading approximation to a rationally self-legislated ideal of absolute pure-rational self-sufficiency. This is because (4a) to suspend judgment on this question, given its epistemic intractability, would be to let narrowly epistemic norms take priority over reason's supreme norm, thereby illicitly reversing the actual order of rank among reason's basic requirements. (5) The requisite conception is an anti-dogmatic outlook according to which "only reason is; infinite reason in itself, and finite reason in it and through it." This is because (5a) affirming that one's activities are radically self-initiated entails rejecting dogmatism, which "wishes to use the principle of causality to explain the general nature of the intellect as such, as well as the specific determinations of the same" (IWL 21 [GA I/4:196]). (5b) Affirming that one's activities are or can be world-upgrading, as indeed they aim to be—in other words, affirming that their performance can make a real, positive contribution to some supra-subjective state of affairs—entails rejecting solipsism. And (5c) rejecting solipsism without lapsing into dogmatism requires affirming the existence of a moral world order, understood as a *constantly-operative, purposive, intelligent ordering of the whole* (an "*ordo ordinans*": IWL 161 [GA I/6:373–74]), by which the real but supersensible efficacy of the good will is assured, and from which the true significance of the sensible world finally derives (IWL 149 [GA I/5:353]); cf. VM 115 [GA I/6:300]). Therefore (6) we ought to affirm that there is "only reason"—finite reason and the infinite *ordo ordinans*—not, of course, as a claim to "knowledge" (*Wissen*), but as a principled "belief" or "faith" (*Glaube*), for which we possess irrevocable, purely rational grounds.³⁵

To be sure, that argument is not crystal clear in all details, and I lack the space here to further explicate its main claims (though I have discussed these issues elsewhere).³⁶ In any case, my main aim here is not to engage with this argument, but to recommend it (or something close to it) as one key component within a wider-ranging reconstruction of Fichte's position toward the end of the Jena era. In that connection, note that the above line of thinking develops straightforwardly from the conception of reason and rational normativity that was proposed in the preceding sections of this chapter, the overarching aim of which is to provide a unified and clarifying account of Fichte's diverse and unusual statements on the subject. Note also that an argument-reconstruction along the above lines allows us to read Book III of *The Vocation of Man* as a distinctly Fichtean contribution to metaphysics that is not, perforce, a weird lurch into fideism or lapse into pre-Kantian speculation. Needless to say, such a reading might be mistaken—but it should also go without saying that the principle of charity, among other things, gives us reason to seek such a reading.³⁷

Notes

1. This reading applies only to the work of Fichte's Jena period. I take it that beginning around 1801, and certainly by 1804, Fichte's earlier account of I-hood, finite rational being, and so on, is radically qualified (and in certain respects revoked) by his shift to a position no longer based upon the free self-positing of the I, but now grounded, instead, in the necessary self-revelation of the absolute.
2. Assuredly, there will be readers well-versed Kant in who take exception to this account of his treatment of causation. But the point here is not to establish the precise content of Kant's actual views. It is simply to identify some characteristic ideas and approaches that one might glean from Kant's writings and that are also at work (or so I argue), even more radically and pervasively, in Fichte's philosophy. The same qualifications apply to all other characterizations of Kant in this chapter.
3. For further discussion of the differences between (1) the understanding and its categories and (2) reason and its ends, see Susan Neiman, *The Unity of Reason: Rereading Kant* (Oxford: Oxford University Press, 1994), chap. 2.
4. Because these themes resonate in Fichte's thinking, it is also worth briefly noting Kant's related equation of "the greatest systematic unity" with "purposive unity"; his claim that the idea of such unity is "inseparably bound up with the essence of our reason" and therefore "is legislative for us"; and his affiliation of this ideal of systematic and purposive unity with the idea of an "*intellectus archetypus*" (A694–95/B722–23).
5. This account of the pure-rational pedigree of the idea of God is patterned after what Kant says in the Appendix to the Transcendental Dialectic, especially its closing section: "On the final aim of the natural dialectic of human reason" (A669/B697). The same topic is approached from different angles prior to the Appendix, especially in "The transcendental ideal (*Prototypon transcendentale*)" (A571/B579). I sidestep that section here, however, because its particulars have no pronounced echoes in Fichte's philosophy—whereas the reverse is true with regard to the more general picture, sketched by Kant in the Appendix (and later solidified, from an ethical angle, in CPrR) of reason as a self-regulating power of abstract ordering.
6. See Paul Guyer, "The Possibility of the Categorical Imperative," in *Kant on Freedom, Law, and Happiness* (Cambridge: Cambridge University Press, 2000), 172–206.
7. One important component of this deployment is the practical postulation of the existence of God, of the freedom of the will, and of the immortality of the soul. I briefly touch upon this topic in the chapter's final section, which examines Fichte's interestingly similar account of "faith" or "belief" (*Glaube*).
8. To be sure, the overview upon which this claim is based has been highly schematic and selective. For a more detailed analysis, see Steven Hoeltzel, "Fichte

and Kant on Reason's Final Ends and Highest Ideas," *Revista de Estud(i)os sobre Fichte* 16 (2018): <https://journals.openedition.org/ref/827>.

9. The distinction is sometimes put forward using different terms: "doing" (*Tun*), "activity" (*Tätigkeit*), "subsisting" (*Bestehens*), etc. And Fichte often deviates (as will I) from the indicated technical sense of "being," speaking more casually of the (still purely active) "being of the I." All things considered, however, clearly there is a single, stable distinction at work here, despite the various shifts in terminology.
10. See Steven Hoeltzel, "Fichte and Existentialism: Freedom and Finitude, Self-Positing and Striving," in *The Palgrave Handbook of German Idealism and Existentialism*, ed. Jon Stewart (London: Palgrave Macmillan, forthcoming).
11. In case this is not already clear: The type of activity with which Fichte is principally concerned does not occur as any datable episode within the individual's empirically accessible inner life. Instead, this activity—the I—is the constantly operative, pre-personal, transcendental enabler of (among other things) any reference to discrete, empirically qualified objects, including the individual's empirically apprehended inner states. See Günter Zöllner, *Fichte's Transcendental Philosophy: The Original Duplicity of Intelligence and Will* (Cambridge: Cambridge University Press, 1998), chap. 3.
12. All quotations in this chapter that reference WL are my own translations; I provide the references for the benefit of Anglophone readers who wish to examine the indicated claims in context.
13. "In consciousness, the representation is distinguished by the subject from the subject and the object and related to both." Karl Leonhard Reinhold, *Beyträge zur Berichtigung bisheriger Mißverständnisse der Philosophie* (Jena: Mauke, 1790), 1:167; my translation.
14. This Reinholdian notion of "consciousness" (*Bewußtsein*) is therefore consonant with the Kantian conception of "experience" (*Erfahrung*), as truth-apt representation of putatively mind-independent states of affairs.
15. Fichte was brought to see this by G. E. Schulze's criticisms of Reinhold. For a classic study of the Reinhold–Schulze–Fichte constellation, see Daniel Breazeale, "The *Aenesidemus* Review and the Transformation of German Idealism," in *Thinking Through the Wissenschaftslehre* (Oxford: Oxford University Press, 2013), 23–41.
16. Here I am adverting to Fichte's doctrine of the *Anstoß*, which is proffered in order to explain, in an anti-dogmatic fashion, why it is that in certain cases "we do not consider ourselves to be free with respect to the content of our cognitions." Fichte refers to such "representations accompanied by the feeling of necessity" as "experience" (*Erfahrung*), and he places this conception of experience in close proximity to Kant's (see note 14, above), stating that "we refer representations of this ... type to a truth that is supposed to be firmly established independently of us and is supposed to serve as the model for these representations" (IWL 7–8 [GA I/4:186]). I cannot discuss the *Anstoß*

doctrine in detail here; see Steven Hoeltzel, “*Anstoß* and *Aufforderung* (‘Check’ and ‘Summons’),” in *The Bloomsbury Companion to Fichte*, ed. Marina Bykova (London: Bloomsbury, forthcoming). For a wider-ranging discussion, see Daniel Breazale, “*Anstoß*, Abstract Realism, and the Finitude of the I,” in *Thinking Through the Wissenschaftslehre*, 156–96.

17. See above, Notes 14 and 16.
18. Fichte indicates later in the *Foundation* (and makes more explicit in later writings) that there must be “an original limitation” that “conditions my positing of myself” (IWL 74 [GA I/4:242]), insofar as the *determinate singling-out* of the I requires the presence of something in contrast with which self-initiated non-sensory activity can be singled-out as such. Consciousness must therefore contain something “not immediately posited through the I’s own positing of itself” (WL 130 [GA I/2:293])—“a difference originally in the I as such ... something heterogeneous, alien, and to be distinguished from itself” (WL 240 [GA I/2:405]), ergo, adventitious empirical data.
19. “The senses merely provide us with something subjective,” but “this determination *of yourself*; you straightaway transfer to something *outside you*” (WL 275 [GA I/2:440]).
20. My account of positing is indebted to (but in some ways diverges from) Paul Franks, “Fichte’s Position: Anti-Subjectivism, Self-Awareness, and Self-Location in the Space of Reasons,” in *The Cambridge Companion to Fichte* ed. David James and Günter Zöllner (Cambridge: Cambridge University Press, 2016), 376–83.
21. As indicated above (see Note 15), Fichte’s principles were worked out partly in response to Schulze’s critique of Reinhold’s claim that the Principle of Consciousness could be the *first* principle for *all* philosophy. One of Schulze’s criticisms was that Reinhold’s principle would be subordinate to the laws of logic. Fichte’s strategy in the first part of the *Foundation* seems designed to meet this criticism—not, however, in order to rescue Reinhold’s theory specifically, but in order to ground transcendental idealism more radically. Fichte’s main contention here seems to be (underscore “seems”: the section is obscure, and Fichte never reiterated its argument) that the incontrovertibility of logic’s laws derives from the elementary acts of the I, which abstractly order all consciousness in such a way that consciousness’s variable concrete contents invariably conform to certain formal principles.
22. Granted, Fichte’s later pivot to a proto-phenomenological method, guided by “intellectual intuition,” yields a better-integrated *presentation* of his account of I-hood. But I suspect that this methodological shift also raises serious questions about the objective justifiability of the ensuing account. This is why I prefer to focus on the foundational texts of 1794/1795, whose overall argument does not hinge upon claims to direct acquaintance with the law-governed self-complexification of a self-constituting subject-objectivity—claims

which, *in their specifically Fichtean form*, I believe to be phenomenologically unsustainable.

23. At a later step in his larger argument, Fichte rules out the conjecture that this act might be the effect of some cause that is extrinsic to it and that goes undetected by it. His reasoning: Given the *Wissenschaftslehre's* second basic principle, which entails that "opposition in general is absolutely posited by the I" (WL 103 [GA I/2:266]), the concept of "a not-I that is not opposed to any I" is philosophically inadmissible (EPW 74 [GA I/2:62]). Consequently, so is the aforementioned conjecture.
24. This point receives particular stress in the 1797/1798 *Attempt at a New Presentation*, but the 1794/1795 *Foundation* also clearly reflects this commitment.
25. I believe that this commitment of Fichte's—especially in conjunction with certain transcendental corollaries (e.g., "because there is no passivity in the I, as indeed there cannot be, ... the entire system of objects for the I must be produced by the I itself": FNR 27 [GA I/3:337]) and methodological qualifiers (e.g., "the question here is not how the issue might be in itself from the transcendental point of view, but *only how it must appear* to the subject": FNR 32 [GA I/3:337], emphasis added)—poses serious problems for any interpretation that would locate the source of the aforementioned rational requirement in a "summons [*Aufforderung*]" that must originate in a rational being *numerically distinct from the I*. Of course, I do not deny that the concept of the summons plays a crucial role within Fichte's transcendental derivation of "right [*Recht*]." But I believe that the texts speak strongly against interpretations according to which the source of rational normativity, for Fichte, is an ontologically plural intersubjectivity, as opposed to a transcendently pre-personal rationality. For a defense of this claim, see Hoeltzel, "*Anstoß and Aufforderung*."
26. The discussion thus far leaves open the possibility that the adventitious *empirical* contents of consciousness comprise some *non-sensory* content that has the significance of a *requirement*—perhaps, for example, a *summons* from another rational being, who calls upon the I to ... do what, exactly? Presumably not to *originally posit a not-I*, which is the transcendental accomplishment of the I that we are now seeking to explain. See also Note 25, above.
27. On rational self-sufficiency as the ultimate goal of ethical endeavor for Fichte, see especially Michelle Kosch, *Fichte's Ethics* (Oxford: Oxford University Press, 2018). Below I suggest that, on Fichte's account, reason's highest self-legislated end is an ultimately hyper-ethical (but not contra-ethical) ideal.
28. Here I am referring specifically to the account of rational normativity comprised by the transcendental *foundations* of the *Wissenschaftslehre*, as opposed to the latter's further extensions and applications in *Foundations of Natural Right* and *The System of Ethics* (both of which are, as their subtitles state, worked out "according to the principles of the *Wissenschaftslehre*").

29. This sketch of constructivism is indebted to (but adapts) Carla Bagnoli, "Introduction," in *Constructivism in Ethics*, ed. Carla Bagnoli (Cambridge: Cambridge University Press, 2013), 1–2. There is of course an extensive literature discussing possible constructivist readings of Kant; to begin with, see Christine Korsgaard, *Creating the Kingdom of Ends* (Cambridge: Cambridge University Press, 1996); cf. Onora O'Neill, *Constructions of Reason* (Cambridge: Cambridge University Press, 1989). Concerning Fichte, see Kosch, *Fichte's Ethics*; and cf. Tom Rockmore, *German Idealism as Constructivism* (Chicago: University of Chicago Press, 2016), which discusses another, principally epistemological kind of constructivism.
30. To be sure, their inseparability is a central theme for Fichte. For the classic treatment, see Zöller, *Fichte's Transcendental Philosophy*.
31. For a defense of this interpretation, including replies to objections, see Steven Hoeltzel, "The Unity of Reason in Kant and Fichte," in *Kant, Fichte, and the Legacy of Transcendental Idealism*, ed. Halla Kim and Steven Hoeltzel (Lanham: Lexington Books, 2015), 129–52.
32. This interpretation of that passage is further supported, and defended against objections, in Hoeltzel, "Fichte and Kant on Reason's Final Ends."
33. F. W. J. Schelling, *Ideas for a Philosophy of Nature*, trans. Errol E. Harris and Peter Heath (Cambridge: Cambridge University Press, 1988), 16.
34. I believe that this plank of Fichte's later Jena position is eventually discarded, and this entire outlook largely superseded, by the shift to a less subject-centered, more speculative frame of reference after 1800 (certainly by 1804).
35. Compare Kant on the mode of assent that "can be called *belief* [*Glaube*] and, indeed, a pure *rational belief* since pure reason alone ... is the source from which it springs" (CPrR 5:126).
36. See, most recently, Steven Hoeltzel, "Fichte, Transcendental Ontology, and the Ethics of Belief," in *Transcendental Inquiry: Its History, Methods and Critiques*, ed. Halla Kim and Steven Hoeltzel (London: Palgrave Macmillan, 2016), 55–82.
37. I wish to dedicate this chapter to my mentor and friend Günter Zöller, for whom I will always be grateful, and from whom I am still learning.



10

Fichte's Relational I: *Anstoß* and *Aufforderung*

Gabriel Gottlieb

J. G Fichte's Jena *Wissenschaftslehre* defends a novel conception of subjectivity and self-consciousness that has not, unfortunately, received the attention it deserves.¹ It is common to consider his conception of subjectivity as essentially Cartesian or Kantian in its orientation. Given our familiarity with the writings of both Descartes and Kant, it is, perhaps, not clear why we should bother with the complexities of Fichte's sometimes convoluted writings. In this chapter, I argue that what is distinctive about Fichte's theory of subjectivity is that subjectivity is essentially relational on his view. His theory of the subject as a self-positing I requires a relation to an *Anstoß* or check on the I's activity, a check that Fichte also characterizes in intersubjective and moral terms. To bring into view the distinctiveness of his relational theory of subjectivity, I will first briefly present the Cartesian and Kantian alternatives.

A common, if not standard, way of conceiving of human subjectivity is the Cartesian picture of the mind.² This picture of the mind is captured well by John McDowell's characterization of "the inner realm" of the mind as "autonomous:" the Cartesian picture, he suggests, endorses "the idea of the inner realm as self-standing, with everything within it arranged as it is independently of external circumstances."³ Since the Cartesian picture conceives of the mind as self-standing and independent of external circumstance, it is reasonable to consider it a *non-relational* conception of the mind. This is not to say that on this model the mind lacks any relation to what lies beyond it;

G. Gottlieb (✉)

Department of Philosophy, Xavier University, Cincinnati, OH, USA

e-mail: gottliebg@xavier.edu

clearly, ideas have an intentional relation to the “objects” of which they are about. What is meant by saying the mind is non-relational is that the mind’s constitution is independent of whatever lies beyond it, such that there is nothing beyond the mind’s own activity that is a necessary condition of the mind’s constitution. Descartes’s talk of immediacy in his “reply” to Arnauld gives one a sense of the non-relational view: “I do not doubt that the mind begins to think as soon as it is implanted in the body of an infant, and that it is immediately aware of its thoughts, even though it does not remember this afterwards.”⁴ Now, when it comes to self-consciousness, the Cartesian picture assumes that we can understand the nature of self-consciousness without needing to specify anything about the mind’s relation to the external world or to other subjects.

A major difficulty with this Cartesian picture is its assumption about the immediacy of self-conscious thought, an immediacy that does not require the mediation of development or any mediated relation to the world or other individuals. Related to this difficulty is a second assumption: Descartes takes for granted an account of self-consciousness without explaining or questioning how self-consciousness is itself possible. As Alexandre Kojève points out, “Starting with ‘I think,’ Descartes fixed his attention only on the ‘think,’ completely neglecting the ‘I.’”⁵ In his *Meditations*, Descartes is quick to identify the I as a thinking thing, without considering the distinctive nature of the I, or self-consciousness. Fichte, in fact, remarks in contrast to Descartes, that thinking is only a specific determination of the I and “by no means the essence” of the I (WL 100 [GA I/2:262]). One might suggest that, by eliding any consideration of the possibility of self-consciousness, the Cartesian picture is positioned to accept the mind as a self-standing realm constituted independently of any relationship to what lies beyond it. Granted, the mind is impinged upon by the environment, but, in some sense, that is merely an accidental feature of the mind, not a structural feature or necessary condition of its very constitution.

Kant’s famous “Refutation of Idealism” (B274–79), which targets Descartes’s non-relational view of the mind and the external-world skepticism it permits, does argue for a relational conception of self-consciousness. The “Refutation” defends a transcendental argument that begins with the premise that we are conscious of our existence in time. Kant then argues that a necessary condition of this self-consciousness is a perception of a thing persisting in time “outside me” (B275). Kant’s “Refutation” amounts to an argument that empirical self-consciousness requires a relational structure, since a necessary condition of empirical self-consciousness is a relation to a persistent thing outside it. Kant is largely silent about the nature of the thing outside con-

sciousness and the nature of our relation to it. Furthermore, his account of the relation as presented in the argument applies at the level of empirical self-consciousness and not at the level of transcendental apperception.⁶

Fichte's conception of the mind strikingly stands in contrast to this Cartesian picture in two respects. First, while Descartes approaches the I "as an immediate datum of consciousness," Fichte addresses the I from the standpoint of transcendental philosophy. In doing so, Fichte makes a second anti-Cartesian move: he argues that the I is constitutively relational. In this respect, his view is closer to Kant's "Refutation of Idealism," even if external-world skepticism is not a motivating factor for him.⁷ Unlike Kant, however, Fichte's focus is on the underlying transcendental and relational structure of the apperceptive I: he claims that, from a transcendental standpoint, relationality is a necessary condition of the I's possibility. Moving beyond the Kantian paradigm, Fichte also argues that the self-conscious activity of the I, requires a specific type of normative activity between subjects, which he identifies as an *Aufforderung* or "summons."

Going beyond Descartes and even Kant, Fichte's innovative move is to argue that part of the mind's relational structure is what he calls the *Anstoß*, a necessary "check," "impetus," or "constraint" on the activity of the I. Fichte's basic idea is that the activity of the I, in order for it to posit itself as an I, must be "checked" in some way such that the activity turns back on itself, thereby positing itself as an I. Fichte's reflections on the *Anstoß* constitute one of the more difficult parts of his *Foundation of the Entire Wissenschaftslehre*, and there is a clear division among scholars about just how to understand the *Anstoß* in Fichte's writings. The debate about the *Anstoß* centers around Fichte's identification of the *Anstoß*, or the check to the I's activity, with his concept of the *Aufforderung*, or the summons to self-determination, in the *Foundations of Natural Right* (see FNR 32 [GA I/3:343]).

In the 1796/1797 *Natural Right*, Fichte claims that consciousness of oneself as an individual agent requires a summons by another agent who calls one to exercise one's own self-efficacy, or to self-determine oneself. His identification of the *Anstoß* with the *Aufforderung* in *Natural Right* has suggested to some scholars that the *Anstoß*, as previously developed in the 1794/1795 *Foundation of the Entire Wissenschaftslehre*, should also be identified with the *Aufforderung*, even though the latter concept does not appear in that earlier text. The upshot of this interpretation is that it clarifies the relatum to which the I is related: the correlation is that between the I and the summons of another I. Fichte's conception of the relational I is, on this view, constitutively intersubjective. I will refer to this pattern of interpretation as *the intersubjective interpretation* of the *Anstoß*. What I will call *the standard interpretation* of

the *Anstoß* claims, in contrast, that the *Anstoß* should not be conflated with the *Aufforderung*. On this view, the concept of the *Anstoß* is simply meant to identify the need for something opposed to the I that limits its activity. The standard interpretation suggests that there are various posits that might play this role (sense-data, objects, the summons, the moral law), and that one should not attempt to read the *Aufforderung* back into the *Foundation of the Entire Wissenschaftslehre*. Proponents of the standard interpretation do not deny that Fichte *eventually* connects the *Anstoß* to the *Aufforderung*; they just deny (1) that this is a reasonable way to interpret the *Foundation of the Entire Wissenschaftslehre* and (2) that a connection between the *Anstoß* and the *Aufforderung* deserves some kind of primacy in our understanding of the nature of the *Anstoß*.

In what follows I will examine the debate between these two interpretations and will suggest that a third interpretation is available, one that mediates between the standard and intersubjective interpretation. I will call this third interpretation *the normative interpretation of the Anstoß*. The idea here is that the *Anstoß* is meant to be a normative limit on the I in which there is a demand on the I to turn back on itself. My suggestion will be that this third option preserves the insights of the two previous interpretations (while avoiding their pitfalls) and offers a compelling interpretation of the relevant texts.

The Concept of the *Anstoß*

The concept of the *Anstoß* is essential to Fichte's conception of the theoretical and practical task of the *Wissenschaftslehre*, his views about objectivity, and his account of the self-positing of the I. Fichte employs the concept of the *Anstoß* with some regularity in his Jena writings, but it is most prominent in the *Foundation of the Entire Wissenschaftslehre*. While the term is less prominent in his 1796–1799 lectures on the *Wissenschaftslehre nova methodo*, the idea of the *Anstoß* remains central.⁸ However, just what Fichte intends to convey with this idea is not always clear.

The term *Anstoß* is sometimes translated as “check,” but other possible translations include “hindrance,” “impetus,” or “stimulus.” As a check, the *Anstoß* refers to “a check on the original activity of the I” (EPW 244 [GA I/3:143]). In general, the *Anstoß* identifies a feature of representational activity that is irreducible to the activity of the I and places a constraint on the I's activity. In Fichte's “Deduction of Representation” (WL 203ff. [GA I/2:369ff.]), the *Anstoß* plays an important role in accounting for the conditions of objectivity. In particular, it is required that for any objectively valid

representation there be something to which the activity of the I is beholden, as well as an activity on the part of the I that accounts for the representation's being one to which the I is oriented, so that, as Kant says, the representation can be mine. The *Anstoß* satisfies this dual role, in that it marks the limits of the I's activity and the object's givenness, a boundary between the subject and the object, while also sending the activity of the I back upon itself.

To get a better sense of what Fichte has in mind by the dual role of the *Anstoß*, it is useful to examine his conception of original activity. The concept of original activity, like many of Fichte's concepts, is clarified more in terms of its use than through some kind of stipulation on his part. Fichte posits "original activity" as a transcendental determination of the I in his attempt to construct the I's necessary features. He characterizes the original activity of the I as an "endlessly outreaching activity of the I," an activity in which "nothing can be distinguished" as it "reaches into infinity" (WL 203 [GA I/2:369]).⁹ He uses the image of a line to illustrate this idea: "picture the infinitely outreaching activity as a straight line stretching from A through B to C, etc.," on to infinity (WL 203 [GA I/2:369]). This activity of the I is original in the sense that it identifies the first moment of the I's activity. Fichte's image of the line is recalled in his later remark that the absolute I, insofar as it demands that its activity "extend to infinity," is "centrifugal," or an activity that extends outward from the center point (WL 243 [GA I/2:408]). I want to suggest that, despite Fichte's claims, this original "centrifugal" activity is not yet the activity of the I as such, since the activity is only unidirectional, or not yet an activity that returns back into itself. The activity in this sense is only an "outward-directed" activity. As Fichte writes, "the infinitely outreaching activity of the I is to be checked at some point, and driven back upon itself" (WL 242 [GA I/2:408]). This second moment reorients the original activity by sending it "back upon itself." What was initially a centrifugal activity now becomes a "centripetal" one, a movement toward the center (WL 243 [GA I/2:408]). The activity in this sense is, we might say, a "self-directed" activity. The tendency of the I's original activity is centrifugal, a striving outward into infinity, an outward-directed activity, while the inward or self-directed activity of the I is centripetal. The centripetal movement of the I's activity, as the result of the *Anstoß*, is a moment in the determination of the I, one, that is, as will become clear, grounded in the not-I.

In an important article on Fichte's concept of the *Anstoß*, Pierre-Phillipe Druet has pointed out that the term *Anstoß* derives from the concept of a shock in rational mechanics.¹⁰ The idea of a shock is a metaphorical representation of a vector force, a force that has a magnitude and direction. In the context of the I's activity, which is originally directed centrifugally, upon being

checked or shocked it is re-oriented and becomes centripetal. Such a model of the *Anstoß* imposes on it a causal role, even if the idea of a shock carries some metaphorical or analogical sense when transposed from the realm of physics to metaphysics. Fichte does appeal to Newtonian forces elsewhere, so it is clear the concept is not a foreign one. The difficulty with this mechanistic reading is that Fichte's conception of original activity does not rely on magnitude, but only directionality, unlike the concept of a vector, which requires a magnitude in addition to direction. Druet, however, rejects a literal mechanistic reading, not due to a conceptual asymmetry, but on the basis of linguistic data. Druet points out that Fichte uses the concept *Stoss*, which translates the mechanical term "shock," four times in his published writings and, in each case, it is used in the context of physics.¹¹ Yet, in the *Foundation*, the term *Anstoß* appears 32 times and never in the context of physics. Druet's preferred translation of the term *Anstoß* is not the physical term shock, but "original impulse" (*impulsion originaire*). He places the emphasis on the term "original." Druet's reasoning is as follows: the prefix of *Anstoß*, "an-", like the prefix "ur-", tends to mean "original," "proto," or "primordial." An original impulse is a dynamic and creative force that sets in motion a movement. Druet considers the original impulse of the *Anstoß* as akin to the initial flick of Descartes's "creator," who merely "variously and randomly agitated" matter "leaving it to act according to the laws he established."¹² Although Druet rejects a literal mechanistic reading of the *Anstoß*, it is hard not to see, in his appeal to Descartes's initial flick, some kind of causal interaction.¹³ Druet's analysis is certainly helpful, even as it leaves undetermined just how we are to understand the nature of the *Anstoß* as an original impulse. How exactly should we characterize this flick or original impulse? Should the *Anstoß* be couched in causal or non-causal terms? By asking this question, we are asking about the nature of the relationship between the activity of the I and the activity that limits or checks the I.

The *Anstoß* as a Necessary Condition of the I

As we work to answer these questions, one point we must stress is the central role of the *Anstoß* in Fichte's conception of the I. Insofar as the *Anstoß* is a check on the I's original activity that orients the activity of the I back upon itself, the *Anstoß* is a necessary condition of the self-positing I. It is important to note that the *Anstoß*, as a check on or original impulse of the infinite activity of the I is, by implication, partly responsible for the finitude of the I. For this reason, the *Anstoß* should be considered, in a certain sense, a structural

component of the finite I as such. Consider, for instance, Fichte's remarks on the essential role the *Anstoß* plays in contributing to the activity of the I:

The check (unposited by the positing I) occurs to the I insofar as it is active, and is thus only a check insofar as there is activity in the I; its possibility is conditional upon the I's activity: no activity of the I, no check. Conversely, the activity of the I's own self-determination would be conditioned by the check: no check, no self-determination.—Moreover, no self-determination, no objective, etc. (WL 191 [GA I/2:356])

Fichte often uses this formula: no *x*, no *y*; no *y*, no *x*. He will substitute for “*x*” and “*y*” any number of concepts: striving/object, reflection/drive, and limitation/longing. These formulations are meant to identify instances of synthetically united concepts in which, as Fichte puts it, “the one is impossible without the other” (WL 266 [GA I/2:431]). In the case of the *Anstoß*, since it is not the result of the I's positing, it might appear odd to consider it as dependent on the activity of the I. Yet, Fichte holds that the possibility of the *Anstoß* is “conditional upon the I's activity.” How can this be? Like many of Fichte's claims, this one has the air of paradox. To dissipate this air, Fichte might hold that the *Anstoß* has a particular status that is constituted by virtue of its relationship to the I's activity as reaching out, but not to the I's activity as positing. Additionally, we might suggest that without anything to be checked, there can be no check. Or, put differently, it is only in running up against an activity that something limiting that activity becomes a check. The status of the *Anstoß* as a check is not posited by the I, yet the *Anstoß* is conditional upon the I's activity. Consider the following analogy. A boxer, perhaps during practice, might throw a jab, but that jab only achieves the status of a check when it limits the activity of another boxer. One boxer's checking another is conditional upon the activity of another boxer.

We can reinterpret Fichte's “no activity, no *Anstoß*” formulation in the following way: “if passivity, no *Anstoß*.” There is an important sense in which this point needs to be qualified. There may be some object that is both passive and active, and, given the conditional proposition just provided, one might think that such a passive-active object is incompatible with an *Anstoß*. But that cannot be right, because in Fichte's claim the emphasis is on there being “no activity.” A better reinterpretation would be: “if absolute passivity, no *Anstoß*.” Why would something with absolute passivity not need an *Anstoß*? The thought here is straightforward. It seems that an absolutely passive thing could be passive by virtue of its being checked, and by a particularly powerful check, as it were. Returning to our boxer, imagine he wants to check with a

hook his opponent who is moving aggressively towards him, and rather than merely checking his forward motion, completely knocks his opponent out, annihilating altogether his movement. The opponent becomes passive and no longer needs to be checked, but, still it is the check that pacified him. Now as an absolutely passive boxer, a check is no longer needed, but at this point he is, in a sense, no longer a boxer—or at least no longer active as a boxer. We might extend this lesson to the activity of the I and its *Anstoß*. To be active, something must be or ‘exist’ in the way relevant to its being checked. Now, if a thing does not exist in the relevant sense or is thereby not active at all, then the idea of checking or constraining it is simply unintelligible. The very idea of an absolutely passive I is incompatible with the *Anstoß*, in the sense that there is no activity to be checked.

There is another striking, if not even more paradoxical, claim made in the passage above: “no check, no self-determination.” Fichte’s point about self-determination is of particular importance, since the I, as self-positing, determines itself. The I is self-determining insofar as it is “supposed to be absolute and to be determined purely and simply by itself” (EPW 134 [GA I/2:150]). The obvious difficulty with the connection between the *Anstoß* and self-determination is that the *Anstoß* might appear to count as a determination of the I. As a determination of the I, the *Anstoß* appears to check or limit the capacity of the I. If the *Anstoß* in some sense determines the I, how can the I be self-determining? Put differently, if the *Anstoß* is necessary for the I’s self-positing, then why should we consider the I as self-positing at all? These considerations raise the following question: does the *Anstoß* actually *determine* the I, or is it only a *condition* of the I? The normative interpretation put forward below will emphasize the *Anstoß* as a condition of the I and a condition that makes room for the I’s self-determination. For now, however, it seems reasonable to conclude that the *Anstoß* cannot be a brute causal force that determines the I, as the I would not then be self-determining, but determined by an external force.

There is much more to say about the *Anstoß* in the context of the I’s self-determination, but first, since I’ve brought into view a picture of the *Anstoß*, even if a relatively sketchy one, I’d like to consider what the *Anstoß* is not. To do so I want to consider what I take to be a misleading characterization of the *Anstoß* presented by a leading scholar of German Idealism. The purpose is to help illustrate what the *Anstoß* is not, but also to recognize how difficult it is to clearly nail down what Fichte has in mind by the *Anstoß*. In his generally insightful and relatively comprehensive book, *German Philosophy 1760–1860: The Legacy of Idealism*, Terry Pinkard has the following to say about the *Anstoß*:

The world, in fact, seems to offer up a series of such 'checks' or 'stimuli' (*Anstöße*) to us in the forms of experiential data whose status is *not* posited by us. Fichte agreed, pointing out that something can function as a piece of "given" data only to the extent that we *take it up as data*, as having some kind of cognitive potential: as he quite succinctly put it, "no activity of the self, no check." Fichte's point was that everything that has been said to exist—the Greek gods, natural objects, sensations, monarchies—is to be regarded as a 'posit' and what we ultimately take to exist has to do with which set of inferences are necessary in order to make the most sense of those 'checks' found in our consciousness.¹⁴

There is good reason to think that Pinkard is conflating the *Anstoß* with the not-I. My main reason for this suggestion is his claim that we can make "sense" of the *Anstoß* by drawing out a set of inferences. He considers the *Anstoß* as "data" given in experience. Pinkard is not alone in drawing a connection between the *Anstoß* and given data. Daniel Breazeale connects the *Anstoß* to "sensible impressions ... such as 'sweet,' 'hot,' or 'blue.'"¹⁵ Unlike Pinkard, Breazeale does not consider these impressions themselves as the *Anstoß*, a thought available in Pinkard's analysis. Breazeale rightly notes that Fichte holds that we have a feeling of such impressions, and Fichte, especially in Part III of the *Foundation*, connects the *Anstoß* to feeling. However, somehow in that feeling the I is checked and turned back on itself. If it is in the feeling of sensible impressions that the I is checked, but sensible impressions are causally related to the I (as certainly they are), then the sensible impression would causally determine the I to turn back on itself. This would count not as an act of self-determination, but a being-determined by another. In such a case, the sensible impression cannot be an *Anstoß*, and neither can the mere feeling of the impression count as the *Anstoß*. The data given in a sensible impression, and the object from which it, in a sense, originates, should be considered instances of the not-I. As such, they do limit the I, yet they do not check the I in the relevant sense. That is the purpose of the *Anstoß*, which is grounded in the not-I, but not itself identical to the not-I or any given data.

Fichte is perfectly clear that the *Anstoß* should not be identified with the not-I. Consider the following passage:

Picture the infinitely outreaching activity as a straight line stretching from A through B to C, etc. It might have been checked short of C, or beyond it; but let us suppose it to be checked precisely at C; and, by the foregoing, the ground of this lies, not in the I, but in the not-I. (WL 203 [GA I/2:369])

The relationship between the *Anstoß* and the not-I is one of grounding. How best to characterize this grounding relationship between the not-I and the

Anstoß is far from clear. For our purposes, we need only to admit that the grounding relationship is a transcendental one: that is, by the term “ground” is meant that the not-I is a necessary condition of the *Anstoß*. One might be tempted to interpret the grounding relation as a causal relationship (the not-I causes the *Anstoß*), but, from what I can tell, Fichte does not make such a claim and it is not clear that it is required of him. The *Anstoß*, or the check on the I’s activity, is ultimately dependent on the I’s orientation toward the *Anstoß* as an *Anstoß*. We might say, then, that the *Anstoß* is an *Anstoß* by virtue of the I’s orientation toward it.

The *Anstoß* and Objectivity

While the *Anstoß* is distinct from the not-I, it does, nonetheless, play a role in the I’s drawing a contrast between what is subjective and objective. In this sense, the *Anstoß* is a condition of objectivity. Thus, it might be useful to attempt to bring into view some general aspects of the concept of objectivity. As a philosophical concept, objectivity can be difficult to nail down, and for this reason, we might consider this a provisional conception of objectivity that is meant to provide some guidance in our attempt to understand Fichte’s conception of the *Anstoß*. Objectivity, for our purposes, characterizes something about consciousness or perception. Consciousness or perception is objective when it is intentional, or “of,” “about,” or “directed” at some object, whether that object exists or not. Objectivity refers to a kind of normative beholdenness that a subject has to some object in regard to its representation of or attitude toward the object. For a representation or attitude to be objective, it must be indebted to the object and not the subject alone. Objectivity need not, of course, exclude the subject’s activity, and on Fichte’s model, it in fact requires the activity of the I. Fichte writes, “Hence something or other must be present, something within which the active I traces a boundary delimiting what is subjective and consigns what remains to what is objective” (WL 206 [GA I/2:351–52]).

It is commonplace to consider the concept of objectivity as a normative concept. The contrast between the subjective and the objective is, to use Fichte’s term, marked by a normative “boundary” (*Grenze*), a line according to which the subjective, if it were to be extended beyond this boundary, would negate the objective *as* objective. Fichte suggests that the drawing of this normative boundary does not require an interaction with the presence of the object itself as outside the domain of the subjective, but only requires the “presence of a check on the I” (WL 189 [GA I/2:355]). A requirement of

objectivity is that there be something opposed to the activity of the I to which the I is normatively beholden or responsive. The minimal condition of responsiveness on the part of the I is that its activity is limited accordingly. On this point it is worth quoting Fichte at length:

The objective to be excluded has no need at all to be present; all that is required—if I may so put it—is the presence of a check [*Anstoß*] on the I, that is, for some reason that lies merely outside the I's activity, the subjective must be extensible no further. Such an impossibility of further extension would then delimit—the mere interplay we have described, or the mere incursion; it would not set bounds to the activity of the I; but would give it the task of setting bounds to itself. But all delimitation occurs through an opposite; hence the I, simply to do justice to this task, would have to oppose something objective to the subjective that calls for limitation, and then synthetically unite them both, as has just been shown; and thus the entire representation could then be derived. It will at once be apparent that this mode of explanation is a realistic one; only it rests upon a realism far more abstract than any put forward earlier; for it presupposes neither a not-I present apart from the I, nor even a determination present within the I, but merely the requirement for a determination to be undertaken within it by the I as such, or the *mere determinability* of the I. (WL 189 [GA I/2:354–55])

In this passage, Fichte characterizes the *Anstoß* as placing before the I a task to limit itself in response to the boundary required for objectivity. Notice the language Fichte employs: “to do justice to this task” (*um jener Aufgabe eine Genüge zu thun*) (WL 189 [GA I/2:355]). Doing justice to the task or doing it well enough involves “opposing something objective to the subjective” that limits the activity of the I. By putting it this way, Fichte leaves open the option that the I may fail to do justice to this task by not limiting its activity in response to the *Anstoß*, thereby reaching beyond the normative boundary to undermine the possibility of an objective relation. We can extrapolate from this discussion that there is a norm governing the constitution of the objective: the domain of the subjective is finite and expands to the point at which the feeling of the *Anstoß* gives it the task to limit itself. Any attempt on the part of the I to transgress this norm, any failure to do justice to it, undermines the possibility of objectivity, and thereby objective perception.¹⁶ The role of a check on the I marks a realistic dimension of the *Wissenschaftslehre*. Fichte characterizes this realism as “far more abstract” than other forms of realism, since his conception of realism does not presuppose a not-I distinct from and undetermined by the I, and it does not presuppose “a determination present within the I” brought about by something that lies beyond the I's own activity.¹⁷ It is not that Fichte denies that the I is affected in some way by what lies

beyond it; he certainly endorses such a view. Instead, by positing the check on the I, Fichte is merely positing “the mere determinability of the I” or the mere “requirement for a determination to be undertaken within [the I] by the I as such.” What he means by this latter phrase is that the determination is not a given or simply presupposed, rather, the determination “is only to be accomplished through the spontaneity of the active I” (WL 190 [GA I/2:355]). The check, as a limit on the I, sets for the I the task of determining itself by reverting back upon itself through its own spontaneity, and by doing so, the I undertakes to determine the normative boundary as a boundary between itself as subject and the object as object. Realism, in this sense, is a recognition that there is a limit to the subject that is not determined by the subject, according to which it must, to retain the possibility of objectivity, limit itself.

Three Forms of the *Anstoß*

Throughout his Jena writings Fichte employs the idea of an *Anstoß*, check, or limitation on the activity of the I, in order to account for the I’s possibility, self-determination, and the conditions of objectivity. Fichte explicitly employs the term *Anstoß* in reference to an abstract check on the activity of the I in the *Foundation of the Entire Wissenschaftslehre*, but he also explicitly employs the term in connection to the “summons,” or *Aufforderung* examined in the *Foundations of Natural Right*—a concept that also plays an important role in Fichte’s discussion of the original limitation of the I in his lectures on the *Wissenschaftslehre nova methodo*. He also argues in the *Wissenschaftslehre nova methodo* that a feeling of the “ought” contained in the moral law constitutes an original limitation on the I, in which case, it appears reasonable to consider the normative limitation of the moral “ought” as a check, or *Anstoß* on the I’s activity.¹⁸

Since the abstract conception of the *Anstoß* is discussed above, I will briefly address the second two forms of the *Anstoß*. In the first division of *Natural Right*, Fichte deduces the concept of right as a necessary condition of individual self-consciousness. A central step of his deduction is an argument which concludes with the positing of the summons (*Aufforderung*).¹⁹ Rather than reconstructing the details of the argument, it is useful to see first what the summons consists in and why it is relevant to the concept of right. The summons refers to a call or demand one subject makes of another to exercise their agency in response to the call. The summons counts as a rational influence, a way of influencing others by means of concepts or reasons, rather than through brute causal force. The summons, in other words, does not casually

force an agent to act, but gives the agent the freedom to determine itself. This idea is seen in Fichte's definition of the summons: "the subject's being-determined as *its being-determined to be self-determining*, i.e. as a summons to the subject calling upon it to resolve to exercise its efficacy" (FNR 31 [GA I/3:342]). The summons, then, express a normative content, "something that *ought* to exist in the future" (FNR 32 [GA I/3:343]), that serves as a reason for acting one way rather than another. Finally, since the concept of right states that one should limit one's own external action for the sake of the external freedom of others, the summons is the essential from of interpersonal engagement required by the concept of right.

In an important parenthetical remark that follows his introduction of the summons in §3 of the deduction of the concept of right, the concept of the *Anstoß* is introduced:

In order to find itself as an *object* (of its reflection), it would have to find itself, not as *determining itself to be self-active* ... but rather as determined to be self-active by means of an external check [*Anstoß*], which must nevertheless leave the subject in full possession of its freedom to be self-determining: for otherwise ... the subject would not find itself as an I. (FNR 32 [GA I/3:343])

The summons, then, serves as a check on the activity of the subject, but one that places a normative limit on the subject's activity while also sending the subject back on itself so that it may determine itself in accordance with the normative content of the summons.

Fichte's *System of Ethics* is primarily concerned with moral freedom or what he calls "self-sufficiency." As in *Natural Right*, Fichte deduces a normative principle—although in the case of the *System of Ethics* it is the principle of morality, not of right—from one's consciousness of oneself as "separated from everything that is not" oneself (SE 24 [GA I/5:37]). He characterizes the principle of morality as "the necessary thought of the intellect that it ought to determine its freedom in accordance with the concept of self-sufficiency absolutely and without exception" (SE 60 [GA I/5:69]). In his lectures on the *Wissenschaftslehre nova methodo*, Fichte discusses the "ought" as a sphere the limits of which are the object of feeling. The pure willing expressed as a striving runs up against a limitation, the "feeling of prohibition, of not being permitted to go beyond this sphere, a feeling of being obligated {to remain} within this sphere of the 'ought'" (NM 292 [GA IV/2:134]). This feeling of a limitation constitutes an awareness of a normative boundary the limits of which are not to be transgressed, if an act of willing within the sensible world is to retain an "ethical character" (NM 291 [GA IV/2:134]). What is felt in this case is an *Anstoß* or a normative check on the activity of the I.

Each form of the *Anstoß* appears unique, such that one might wonder why each should be considered an instance of an *Anstoß* in the first place. The simple answer is that each form of the *Anstoß* shares the common feature of being separate from the I's activity and not a product of the I alone. The same can be said of the not-I, yet the not-I can be distinguished in reflection from the *Anstoß* in that it serves as the ground of the *Anstoß*. What else is common to each form of the *Anstoß*? To address this question, we can follow Daniel Breazeale's lead. In a seminal article on the concept of the *Anstoß*, Breazeale raises an important question: "What is the actual *content* of the *Anstoß*, understood both as an 'original limitation' of the I, which *checks* its practical activity, and as the original *stimulus* for its theoretical constitution of the world of experience?"²⁰ At the most abstract level, Breazeale suggests that the content of the *Anstoß* "is supposed to be identified with 'feeling' [*Gefühl*]." ²¹ At times, Breazeale appears to identify the *Anstoß* with feeling.²² This cannot be exactly right, given Fichte's remarks about feeling. First, Fichte considers a feeling as "entirely subjective," but the *Anstoß* contributes to marking the boundary between the subjective and the objective (WL 255 [GA I/2:419]). Second, the "feeling in the I" consists in an awareness of "the restriction of a determinate drive" (WL 255 [GA I/2:419]). The I, then posits, as the ground of this restriction "something utterly opposed to" the I (WL 255 [GA I/2:420]). Feeling then must be "of" or "directed at" something, and in this case, it is directed at that which places a limit or restricts the outward drive of the I. We might say that it is by virtue of feeling that the I is aware of the *Anstoß*, and if this is the case, then it follows that the content of the *Anstoß* cannot be a "feeling."

An alternative proposal concerning the content of the *Anstoß* is found in Fichte's remark that the *Anstoß* gives the I "the task of setting bounds to itself" (WL 189 [GA I/2:355]). The core idea here is that by setting bounds to itself, the I must limit itself, a form of self-determination. When Fichte states that the *Anstoß* sends the original activity of the I back upon itself, we can see how the activity of the I limits itself. Conceiving the content of the *Anstoß* in this way allows for the common feature contained in each form of the *Anstoß* to become evident. Each form of the *Anstoß*, whether the summons, the moral "ought," or a limit stemming from a perception of an object and its sensible qualities, requires that the activity of the I limit itself by reverting back upon itself. We can suggest, then, that the content of the *Anstoß* is a demand or requirement that the I limit itself by self-reverting. In the case of perception, the limitation and self-reverting is a requirement of objective perception, in the case of the summons it is a requirement of self-consciously limiting one's external action for the sake of the external freedom of others, and in the case

of the moral law it is a requirement of self-sufficiency. In each of these three cases, the constraint on the activity of the I originates from beyond the I's activity and is, in this sense, external to the activity of the I. Yet, as was noted above, the status of *Anstoß*, nonetheless, depends on the activity of the I.

Interpreting the *Anstoß*

Understanding just what Fichte intends by the concept of the *Anstoß* is made difficult by the various roles it plays in his philosophy and by its relationship to similar categories such as "limitation," "constraint," and "restriction," concepts which play a significant role in his lectures on the *Wissenschaftslehre nova methodo*. As I have already noted, there are two prominent interpretations of the *Anstoß*, which I refer to as the standard interpretation and the intersubjective interpretation.²³ The standard interpretation of the *Anstoß* rightly considers it in terms of a check and constraint on the I's activity, as well as an original impulse that, in some way, compels the I to spontaneously determine itself as limited. To say that the I is self-determining, on the standard interpretation, means that the I is "determined by nothing other than its own immanent laws."²⁴ The *Anstoß* is the initial flick or original impulse that initiates such an activity of self-determination. What is absent from the standard interpretation is any consideration of the *Anstoß* as a normative concept. Breazeale, for instance, considers the *Anstoß* as something that "simply happens to the I,"²⁵ and Druet's mechanistic or causally inflected conception of the *Anstoß* leaves little room for a normative conception. The difficulty such interpretations face is making sense of Fichte's normative conception of the I as a free and self-determining activity. Even though the I posits itself in accordance with its own internal laws, which can be systematically articulated as a *Wissenschaftslehre*, the I is—as all activities are, for Fichte—a normative activity. There must be a sense in which some subject could fail to be an I. While the subject may be a subject of sensation, it will have failed to achieve the status of an I, a free being self-conscious of its own experience, if it does not limit itself in response to the constraint of the *Anstoß* and revert back into itself.

In contrast to the standard interpretation, the intersubjective interpretation claims that the *Anstoß* can retain a normative role in the life of the I, if the *Anstoß* is considered to be first and foremost a summons. The strategy of the intersubjective interpretation is to attempt to connect the summons and Fichte's theory of intersubjectivity, as found in *Natural Right*, to his earlier *Foundation of the Entire Wissenschaftslehre*. Whether or not such a connection can reasonably be established is a matter of some controversy. The common

strategy, first employed by Reinhard Lauth in his 1962 essay “Das Problem der Interpersonalität bei J. G. Fichte,” is to suggest that the summons is implicit in Fichte’s initial conception of the *Wissenschaftslehre*.²⁶ In support of Lauth’s claim, it is common to cite as evidence a passage from Fichte’s *Foundation* where he puts forward the following claim: “*Kein Du, kein Ich, kein Ich, kein Du*”—“no you, no I; no I, no you” (WL 172–73 [GA I/2:337]). The meaning of “*Du*” in this passage is ambiguous. For the passage to support Lauth’s view, “*Du*” must be understood as a referring to another person. On this view, Fichte’s claim is meant to express the idea that the standpoint of the second-person is a necessary condition of the standpoint of the first-person. It is widely acknowledged that Fichte, most likely, is inspired by a similar formulation found in Jacobi’s *Concerning the Doctrine of Spinoza in Letters to Moses Mendelssohn*. There Jacobi claims that “without the *Du*, the *Ich* is impossible; We obtain all representations, therefore, *simply through modifications that we acquire*.”²⁷ Jacobi makes a similar point in *David Hume on Faith or Idealism and Realism, A Dialogue*: “The *Ich* and the *Du*, the internal consciousness and the external object, must be present both at once in the soul even in the most primordial and simple of perceptions.”²⁸ Such a proposition must be acknowledged, according to Jacobi, if we want to explain, from a realist standpoint, how we obtain representations of objects.

Alexis Philonenko, an influential French commentator, employs a similar strategy.²⁹ He holds that the relevant text on the summons from the *Wissenschaftslehre nova methodo* can be read back into the ‘deduction of representation’ that Fichte provides at the end of the theoretical part of the *Foundation*. Philonenko suggests that “the noumenon” alluded to in the deduction is a consciousness of others which exercises, in the form of a “sensible activity ... an influence on the subject.”³⁰ On his view, the *Anstoß* (*choc*) can now be understood as a summons (*Aufforderung* or *exigence*): the argument for the summons developed in Fichte’s *Wissenschaftslehre nova methodo*, which appears first in the *Foundations of Natural Right*, explains the idea of a noumenon as posited in the “Deduction of Representation.” The upshot, for Philonenko, is that the I/not-I relation is underwritten by an I-You relation, an intersubjective relationship between two, or a we-relation.³¹ Philonenko, however, is more suggestive than convincing, since he does not provide clear evidence for the summons in the *Foundation*. Still, Philonenko’s and Lauth’s interpretive moves have convinced other commentators to hold that Fichte himself implicitly posits the I-You relation in the *Foundation of the Entire Wissenschaftslehre*.

Consider, for instance, Eckart Förster’s *The Twenty-Five Years of Philosophy*.³² Förster correctly identifies that the need for the summons in the *Foundation*

of the *Entire Wissenschaftslehre* arises from Fichte's assertion that the I must determine itself: "the *Anstoß* must in no way impinge on the I's freedom and must therefore primarily originate in free beings, i.e. in other Is through which the self-positing I is summoned (as Fichte says), to determine itself."³³ Förster suggests that "Fichte was to make this meaning of the *Anstoß* explicit" in the *Foundations of Natural Right*.³⁴ The evidence Förster adduces from the 1794 text is Fichte's claim that "the I, as such, is originally in a state of reciprocal action with itself, and only so does an external influence on it become possible."³⁵ Even if Förster is on the right track, his suggestion is incomplete: appealing to the I's reciprocal action identifies the wrong property of the summons that one needs to find in the *Anstoß*, if the *Anstoß* is to count as a summons. A summons is essentially a normative demand, which is why Fichte posits it as the kind of check that can provide a limit without negating the relevant activity; yet a relation of reciprocity is not essentially a normative relation.

Daniel Breazeale has expressed some skepticism about the efforts of interpreters who have attempted to find Fichte's "doctrine of intersubjectivity to be at least *implicit*" in his *Foundation*.³⁶ For instance, Breazeale argues that if we consider the context of Jacobi's remark as well as some data about linguistic usage, we are justified in concluding that Fichte does not have in mind another person or the second-person standpoint when he posits his *Ich-Du* formulation. In line with Klaus Hammacher, Breazeale endorses the view that "*Du*" in the passage cited above refers to an "objective existence."³⁷ The view Breazeale prefers is that Fichte's view of the *Anstoß* develops during his Jena period, to the point at which Fichte eventually identifies the summons as one type of *Anstoß*. However, he also holds that while "nothing in the *Foundations* is inconsistent with such an interpretation of the *Anstoß*, this is nevertheless not what Fichte had specifically in mind in the 1794/1795 presentation, though it is certainly present in the version of 1796/1799."³⁸

Breazeale is right to conclude that we lack good reason to hold that Fichte intended his doctrine of intersubjectivity, as understood in *Natural Right* and the *Wissenschaftslehre nova methodo*, to be contained in the *Foundation*. I think the best evidence for holding this view is that Fichte is reluctant to say anything detailed or specific about what lies outside the I's activity in the *Foundation*. Making a world-directed claim about the nature of other subjects existing beyond the I's activity would take him beyond the sphere of the I's activity. Fichte explains that:

According to the *Wissenschaftslehre*, then, the ultimate ground of all reality for the I is an original interaction between the I and some other thing outside it, of

which nothing more can be said, save that it must be utterly opposed to the I. In the course of this interaction, nothing is brought into the self, nothing alien is imported; everything that develops therein, even out to infinity, develops solely from itself, in accordance with its own laws; the I is merely set in motion by this opponent, in order that it may act; without such an external prime mover it would never have acted, and since its existence consists solely in acting, it would never have existed either. But this mover has no other attribute than that of being a mover, an opposing force, and is in fact only felt to be such. (WL 246 [GA I/2:411], emphasis added)

We can accept, with Breazeale, that Fichte's doctrine of intersubjectivity is not contained in the *Foundation* in the manner suggested by Lauth, Philoneko, and Förster. We do not even need to follow Paul Franks when he modestly remarks about the *Ich-Du* passage that "one might take Fichte to be issuing a promissory note," one he redeems in the *Natural Right*.³⁹ While the doctrine of intersubjectivity is missing in the *Foundation*, it is not clear that the normativity offered by a concept like the summons (or morality, for that matter) is omitted. One might suggest that the *Anstoß* requires exactly the kind of normative features one finds in the summons. The normative property the *Anstoß* contains is the demand, expressed as a task (*Aufgabe*) set before the I to limit itself in response to the not-I. Seeing as much will help us to appreciate that the relevant move from the *Foundation* to Fichte's later Jena writings is a natural move.

A Middle Way: The *Anstoß* as a Normative Task

My aim, in conclusion, is to put forth a middle way between the standard and intersubjective interpretations. The alternative I propose is *the normative interpretation* of the *Anstoß*. Its essential claim is that the *Anstoß* expresses a normative task that the I limit itself and revert back upon itself. The virtue of this interpretation is that it does not require a robust theory of intersubjectivity or a summons by another subject to be implicitly contained in the *Foundation of the Entire Wissenschaftslehre*, yet it retains the normative feature of the I/not-I relationship that leaves room for the I to limit itself and, thereby, to constitute itself as a self-determining and free activity.

For this interpretation to be viable, it must, of course, be grounded in the actual text of the *Foundation*. The passage I take as central to this interpretation is the following thought Fichte has about the *Anstoß*, which is found in the passage I quoted above at length. In reference to the *Anstoß*, Fichte states,

“it would not set bounds on the activity of the I, but would give it the task [*Aufgabe*] of setting bounds to itself” (WL 189 [GA I/2:355]). In other words, the *Anstoß* does not causally limit the activity of the I, but gives it the task to limit itself. Here we see more clearly the task to which the I must “do justice” or do well enough. Limiting itself is something the activity of the I *ought*, in a sense, to do; it is a task it ought to take up. The most reasonable way of understanding this thought, then, is that the *Anstoß* places before the I a normative task, a task in which it ought to limit itself by first bringing to a repose its outstretching activity, and second by turning this activity back upon itself.

As I've described the *Anstoß* and the task it lays before the I, the *Anstoß* is beginning to sound a bit like Fichte's concept of the summons as presented in his *Foundations of Natural Right* and the *Wissenschaftslehre nova methodo*. One might level an objection on precisely these grounds. The activity of self-limiting in response to the summons is voluntarily taken up; however, it does not make sense to characterize the infinite outward-stretching activity of the I as a voluntary act. Even in the context of Fichte's *Natural Right*, the viability and extent of his voluntarism remains an open question.⁴⁰ This objection would seem to have some bite, if responsiveness to a normatively salient property required voluntary action. One might think that insofar as we speak of responding to a normative task, claim, or demand we must do so reflectively, voluntarily, willfully, or consciously. Responsiveness to a norm need not, however, require such a higher-order activity, as we know from the process of socialization and everyday human agency. If we need not, then, impute to Fichte a kind of voluntarist picture, we can, at least, admit that any further defense of the normative interpretation would require a more robust account of the underlying picture of the type of normativity constitutive of the *Anstoß* and the task it places before the I.⁴¹

Another objection can be lodged at my emphasis on Fichte's use of the term “task” (*Aufgabe*). This term is used throughout the *Wissenschaftslehre* and it is not given an explicit normative meaning. A task need not be characterized in normative terms; we might, for instance, speak of a task in mechanistic terms. Fichte often employs the term “task” in reference to activities required by the I in its positing itself, activities that can be identified through reflection. Contained within a task, however, is a particular end, the achievement of which constitutes the fulfillment of the task. It is therefore not difficult to see how a task could have a normative content. Now, there is no pressure on me to claim that each task the I achieves in its self-determination carries normative content; my claim is only about one task, the task of self-limiting that is placed before the I by the *Anstoß*. The upshot of my claim is that a normative responsiveness leaves room for the self-determination of the

I in a way that is precluded by a mechanical or non-normative account. Furthermore, since the summons, the moral “ought,” and the objectivity of experience all entail the concept of normativity and, more specifically, a norm of limiting oneself, and since the *Anstoß* is posited as a source of the I’s limitation, it seems reasonable to expect it to place upon the I a normative task.

Conclusion: Normativity, Intersubjectivity, and Relationality

To conclude, I’d like to address a final point in favor of the normative interpretation of the *Anstoß*. While Fichte conceives of the summons in *Natural Right* as essential to relations of right, in his lectures on the *Wissenschaftslehre nova methodo* Fichte claims that “consciousness begins with consciousness of a summons” and “the first representation I can have is that of being summoned” (NM 370, 351 [GA IV/2:190, 177]). In the *Foundation of the Entire Wissenschaftslehre*, the *Anstoß* plays a similar role. In these later discussions of the summons, Fichte conceives of the summons as originating from one rational being who calls upon another to exercise their freedom within the limits expressed by the particular summons. A parent might say to a child, for instance, “put down your toy.” By setting before the child a task that he should take up, the summons demands an action on his part; the parent demands that the child turn back on itself and determine itself by limiting its actions in accordance with a normative demand. It would seem that what allows Fichte to make such a claim about the origins of consciousness and representation is that he considers the summons as a kind of mover akin to the *Anstoß*. This connection adds credence to the normative interpretation, since the summons, as a normative demand, can reasonably be connected to the *Anstoß*, if the latter also possesses a similar normative property.

What is, nonetheless, evident from each interpretation of the *Anstoß* is the central role it plays in Fichte’s Jena period. Whether the term “*Anstoß*” or some related concept is used, Fichte holds that that the activity of the I must limit itself. The I is, thereby, constituted as a finite being. What should also be clear is that, unlike Descartes, Fichte considers the I as essentially a relational activity. Kant, who also considers the I as relational, viewed the I’s relationality as relevant to determining itself as in time, yet Fichte considers the I’s relationality as more fundamental, since the *Anstoß* is essential to its self-positing. Going beyond Kant, Fichte holds, particularly in the *Foundations of Natural Right* and the *Wissenschaftslehre nova methodo*, that the I is related to

a summons originating from another rational being, Fichte's relational I is, then, an intersubjective I. His development of an intersubjective theory of the I is, arguably, his most important contribution.⁴²

Notes

1. For a reconstruction of his theory of subjectivity see, Frederick Neuhouser, *Fichte's Theory of Subjectivity* (Cambridge: Cambridge University Press, 1990).
2. Allen W. Wood writes, in an essay on Fichte's anti-Cartesian conception of the I, "As philosophers of mind, we are all recovering Cartesians—in the same sense that some people are said to be recovering alcoholics. Like recovering alcoholics, we have our good days and our bad days." Allen W. Wood, "Fichte's Intersubjective I," *Inquiry* 49, no. 1 (2006): 62.
3. John McDowell, "Singular thought and the extent of 'inner space,'" in *Meaning, Knowledge, Reality* (Cambridge: Harvard University Press, 1998), 246, 243.
4. René Descartes, "Fourth Set of Replies" (Reply to Arnauld), in *The Philosophical Writings of Descartes Volume II* (Cambridge: Cambridge University Press, 1984), 171–72.
5. Alexandre Kojève, *Introduction to the Reading of Hegel*, trans. Allen Bloom (Ithaca: Cornell University Press, 1980), 36.
6. The "theorem" Kant proves in the "Refutation of Idealism" states: "The mere, but empirically determined, consciousness of my own existence proves the existence of objects in space outside me" (B276).
7. I develop this point about external-world skepticism in "Fichte's Deduction of the External World," *International Philosophical Quarterly* 55, no. 2 (2015): 217–34.
8. Fichte's terminology in this text is more clearly oriented around the concept of limitation.
9. Throughout I've modified the Heath and Lachs translation by substituting "the I" for "the self," as this is a more accurate translation of "*das Ich*."
10. Pierre-Philippe Druet, "L'«Anstoss» fichtéen: essai d'élucidation d'une métaphore," *Revue philosophique de Louvain* 70, no. 7 (1972): 384–92.
11. *Ibid.*, 389.
12. Druet is citing Pascal's remark from his *Pensées*: "I cannot forgive Descartes. In all his philosophy he would have been quite willing to dispense with God. But he had to make Him give a fillip to set the world in motion; beyond this, he has no further need of God." Pascal, *Pensées* (New York: P.F. Collier & Son, 1910), 34.
13. See also Slavoj Žižek's endorsement of the mechanical view of the *Anstoß*: "The *Anstoß*, the primordial impulse that sets in motion the gradual self-

limitation and self-determination of the initially void subject, is not a merely mechanical external impulse: it also points toward another subject who, in the abyss of its freedom, functions as the challenge (*Aufforderung*) compelling me to limit/specify my freedom.” Slavoj Žižek, *Less Than Nothing: Hegel and the Shadow of Dialectical Materialism* (New York: Verso, 2012), 150.

14. Terry Pinkard, *German Philosophy 1760–1860: The Legacy of Idealism* (Cambridge: Cambridge University Press, 2002), 117.
15. Daniel Breazeale, “Check or Checkmate? On the Finitude of the Fichtean Self,” in *The Modern Subject: Conceptions of the Self in Classical German Philosophy*, ed. Karl Ameriks and Dieter Sturma (Albany: State University of New York Press, 1995), 96.
16. Fichte attempts to capture our normative beholdenness to objectivity with the phrase “feeling of necessity.” He raises the general question of objectivity when he writes “How do we come to attribute objective validity to what in fact is only subjective?” (IWL 39 [GA I/4:211]). Part of his answer is that our objective perception occurs when we are responsive to our “feeling of necessity,” when we take that feeling as a reason to limit our activity with respect to the object.
17. For an interpretation of realism in Fichte’s *Wissenschaftslehre*, see Daniel Breazeale, “*Anstoß*, Abstract Realism, and the Finitude of the I,” in *Thinking Through the Wissenschaftslehre: Themes from Fichte’s Early Philosophy* (Oxford: Oxford University Press, 2013), 156–96.
18. See Breazeale’s discussion of the *Anstoß* as a feeling of the moral “ought” (ibid., 176–86).
19. For a reconstruction of his argument, see Allen W. Wood, “Deduction of the Summons and the Existence of Other Rational Beings” in *Fichte’s Foundations of Natural Right: A Critical Guide*, ed. Gabriel Gottlieb (Cambridge: Cambridge University Press: 2016), 72–91.
20. Breazeale “*Anstoß*,” 172.
21. Ibid., 171.
22. In his essay “*Anstoß*, Abstract Realism, and the Finitude of the I,” he titles one section “*Anstoß* as Feeling.”
23. Not surprisingly, these two interpretations are not the only options. See Breazeale “*Anstoß*,” 156–59, for additional, if problematic, interpretations.
24. Ibid., 165.
25. Ibid., 164.
26. Reinhard Lauth, “Das Problem der Interpersonalität bei J. G. Fichte” in *Transzendente Entwicklungslinien* (Hamburg: Meiner, 1989), 184. Lauth argues that “the conception of interpersonality is as old as the conception of the standpoint of the *Wissenschaftslehre* as such” (184).
27. F. H. Jacobi, *Concerning the Doctrine of Spinoza in Letters to Moses Mendelssohn (1785)*, in *The Main Philosophical Writings and the Novel Allwill*, ed. and

- trans. George di Giovanni (Montreal: McGill-Queen's University Press, 1994), 231.
28. F. H. Jacobi, *David Hume on Faith, or Idealism and Realism, A Dialogue (1787)*, in *Main Philosophical Writings*, 277.
 29. Alexis Philonenko, *La liberté humaine dans la philosophie de Fichte* (Paris: Vrin, 1966).
 30. *Ibid.*, 329.
 31. Philonenko writes: "Le rapport de la conscience aux phénomènes se double d'un rapport au noumène, de telle sorte qu'au rapport conscience-objet se trouve lié comme fondement le rapport Moi-Toi, c'est-à-dire Nous. Au principe de l'objectivité il y a l'intersubjectivité." *Ibid.*, 329.
 32. Eckart Förster, *The Twenty-Five Years of Philosophy: A Systematic Reconstruction*, trans. Brady Bowman (Cambridge: Harvard University Press, 2012).
 33. *Ibid.*, 210.
 34. *Ibid.*
 35. *Ibid.*, 211 (translation in Förster).
 36. Breazeale, "*Anstoß*," 174n58.
 37. *Ibid.*
 38. Breazeale, "Check or Checkmate?" 97.
 39. Paul Franks, "Fichte's Kabbalistic Realism: Summons as *zimzum*" in *Fichte's Foundations of Natural Right: A Critical Guide*, ed. Gabriel Gottlieb (Cambridge: Cambridge University Press, 2016), 101.
 40. Stephn Darwall, "Fichte and the Second-Person Standpoint," ed. Karl Ameriks and Jürgen Stolzenberg *Internationales Jahrbuch des Deutschen Idealismus/Internation Yearbook of German Idealism* 3 (Berlin: de Gruyter: 2005); Owen Ware, "Fichte's Voluntarism," *European Journal of Philosophy*, 18, no. 2 (2009): 262–82; and Michael Nance, "Recognition, Freedom, and the Self in Fichte's *Foundations of Natural Right*," *European Journal of Philosophy*, 23, no. 3 (2012): 608–32.
 41. Needless to say, developing such a view is not my task here.
 42. A draft of this paper was presented at the University of Kentucky, where I received helpful feedback. Special thanks to Steven Hoeltzel, Dan Breazeale, and James Clarke for their comments and objections, many of which I've heeded and attempted to meet in the essay.

Part IV

Ethical Theory



11

Fichte's Deduction of the Moral Law

Owen Ware

Instead of enumerating in detail the advantages of such a deduction, it is enough to note that by means of it a science of morality first comes into being, and science, where it is possible, is an end in itself.

—Fichte, *The System of Ethics* (GA I/5:33, my translation)

It is often assumed that Fichte's aim in Part I of the *System of Ethics* (1798) is to provide a deduction of the moral law, the very thing which Kant—after years of unsuccessful attempts—deemed impossible. On this familiar reading, what Kant eventually viewed as an underivable “fact” (*Factum*), the authority of the moral law, is what Fichte traces to its highest ground in what he calls the principle of the I as such.¹ However, scholars have largely overlooked a passage in the *System of Ethics* where Fichte explicitly invokes Kant's doctrine of the fact of reason with approval, claiming that consciousness of the moral law grounds our belief in freedom (GA I/5:65). On the reading I defend in this chapter, Fichte's invocation of the *Factum* is consistent with Fichte's grounding the moral law's authority in the principle of the I when we distinguish (a) the feeling of moral compulsion from (b) the moral law itself. As we shall see, a failure to draw this distinction led one of Fichte's nineteenth century critics, Christfried Albert Thilo, to conclude that his deduction of the moral law is viciously circular.² Although this objection misses its mark, it is

O. Ware (✉)

Department of Philosophy, University of Toronto, Toronto, ON, Canada

e-mail: owen.ware@utoronto.ca

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instructive for showing the extent to which Fichte remains committed to the fact of reason in grounding a science of morality.

Before we begin, a few caveats are in order. First, because I am limiting the scope of my discussion to the *System of Ethics*, I will not take it as a condition of success for my interpretation that it coheres with everything Fichte says during the so-called Jena period (1793–1800). One finds his views changing over these years, if only in presentation, and there is no reason to expect perfect continuity between them. Second, it is not my intention here to present a full comparison of Fichte’s project of moral justification to Kant’s, although the question of their affinity at times becomes unavoidable. Departing from the familiar reading, I will argue that Fichte embraces some version of Kant’s claim that consciousness of the moral law “discloses” our freedom to us (CPR 5:29–30), or what I will call the *disclosure thesis*. On my account, the real difference between their respective projects lies in Fichte’s claim that freedom and morality are not two thoughts but “one and the same thought” (GA I/5:64), or what I will call the *identity thesis*. Lastly, it is worth stating from the outset that my main concerns are interpretive, and I will not try to defend the plausibility of Fichte’s approach. But in a final section I will return to the objection that Fichte’s deduction is viciously circular, and there I shall explain why this objection is without merit.

Normativity and the Science of Ethics

As a first step, it is important to understand why Fichte views his system of ethics, not as a self-standing theory, but as a theory “according to the principles of the Doctrine of Science” (*nach den principien der Wissenschaftslehre*). As he explains in the Introduction, both theoretical philosophy and practical philosophy share the task of explaining a relation of correspondence between what is “subjective” and what is “objective” (GA I/5:21). The difference between the two, Fichte adds, is that theoretical philosophy is the science of explaining how something objective corresponds to something subjective (how the world corresponds to the self), whereas practical philosophy is the science of explaining how something subjective corresponds to something objective (how the self corresponds to the world). Simply stated, the claim of the *Wissenschaftslehre* is that these relations of correspondence are intelligible only if we assume a point of absolute unity between the two, a point where the subjective and the objective are “not at all distinguished from one another but are completely one [*ganz Eins*]” (GA I/5:21). This is what Fichte calls the “absolute identity of the subject and the object in the I,” or “I-hood” (*Ichheit*)

for short (GA I/5:21). I-hood therefore serves as the first principle of his system as a whole, the single root from which particular theoretical and practical sciences can grow.

My reason for foregrounding this statement from the Introduction is that it sheds light on the relationship Fichte conceives between a deduction in general and the first principle of his system. In the first case, theoretical philosophy can have success only if it recognizes that what we designate with the category of the objective—the feeling of necessity that comes with our representation of the world—is nonetheless a representation. What we designate as objective is not a world given to us, but a consciousness of a world given to us—not a reality wholly independent of the I, but a consciousness of a reality wholly independent of the I. But that is just to say that without a link to the I, we lose all grounds to speak intelligibly about what *is*. Theoretical philosophy is properly transcendental only when it treats what is objective as a form of “necessary thinking” that traces back to the first principle of I-hood (GA I/5:22). Similarly, Fichte argues, practical philosophy can have success only if it recognizes that what we designate with the category of the objective—the feeling of necessity that comes with our representation of duty—is nonetheless a representation. So what we designate as objective is not a command given to us, but a consciousness of a command given to us—not an authority wholly independent of the I, but a consciousness of authority wholly independent of the I.³ But that is just to say that without a link to the I, we lose all grounds to speak intelligibly about what *ought-to-be*. Practical philosophy is properly transcendental only when it treats what is objective as a form of necessary thinking that traces back to the first principle of I-hood (GA I/5:28).

Although this gives us nothing more than a sketch, what I have said should help explain why Fichte introduces Part I of the *System of Ethics* with a piece of moral phenomenology:

It is claimed that a compulsion [*Zunöthigung*] expresses itself in the mind of a human being, a compulsion to act entirely apart from external ends, but absolutely and simply to perform the action, and a compulsion to refrain from acting, equally apart from external ends, but absolutely and simply to leave the action undone. Insofar as such a compulsion manifests itself in someone necessarily, as surely as he is a human being, one calls this constitution the *moral* or *ethical nature* of a human being as such. (GA I/5:33)

What Fichte wants to highlight from the outset of the book is a particular feeling: the feeling of having to perform some actions, simply for the sake of performing them, and the feeling of having to avoid other actions, simply for

the sake of avoiding them. The issue at hand, then, is not yet the content of our moral obligations, but the way we experience them as binding, constraining, or limiting our activity. The fact (*Thatsache*) Fichte uses to set the stage for his deduction of the moral law is therefore the fact of normativity itself. It is an analogue of our representation of objectivity in the world, since we also experience the world as limiting us. And that is why the *System of Ethics* proceeds according to the principles of the *Wissenschaftslehre*. The aim of Part I is to trace our common consciousness of normativity to its higher (indeed highest) ground.

Of course, some of us may be content to treat this felt compulsion as a fact, without asking after its highest ground of possibility, and some of us may even decide to affirm it in an attitude of belief or faith (*Glaube*). This amounts to what Fichte calls *factual* or *common* cognition of our ethical nature, and he says quite explicitly that such cognition is all we need to cultivate “both a dutiful disposition and dutiful conduct” (GA I/5:34). The everyday phenomenology of moral compulsion indicates the presence of a practical imperative, and this imperative appears to be absolute (independent of extrinsic ends) and categorical (valid in all circumstances). Assenting to this appearance in an attitude of faith is sufficient for living a moral life, Fichte argues, because it grants this feeling priority over all other motives, desires, or inclinations that may call upon our attention. A deduction becomes pressing, then, only for someone who wants *genetic* or *scientific* cognition of our ethical nature. Such a person must “raise himself above the standpoint of ordinary consciousness” because he wants to know how this compulsion “originates” (GA I/5:34). Yet these two modes of cognition are not entirely separate. For Fichte, the kind of deduction appropriate to transcendental philosophy is one that vindicates the fact of normativity. Genetic cognition has the aim of uncovering the rational origin of this feeling in a way that defends, rather than deflates, our common moral consciousness.

But this raises an urgent question: How is such a defense possible? How are we to go about tracing the feeling of compulsion to its highest ground in the principle of I-hood? One obstacle standing in the way of such a deduction is that the principle of I-hood is, by Fichte’s own admission, unthinkable. It designates the “absolute identity of the subject and the object in the I,” but this identity, he is quick to point out, “can only be inferred” (GA I/5:21). In all cases consciousness requires a separation between what is subjective and what is objective: I am conscious of an object only insofar as I distinguish myself, as the one who is conscious, from the object of my consciousness—even if that object is myself (GA I/5:21; cf. GA I/4:242). Consequently, we cannot become conscious of the point where the subject and the object are

one and the same, and so we cannot demonstrate the first principle of the entire Doctrine of Science as an “immediate” fact of consciousness. For this reason I think it would be a mistake to assume that Fichte wants us to employ the principle of I-hood in a conventional, unilinear manner and proceed step-by-step to the feeling of compulsion. But then what role, if any, is this first principle suited to play? If we cannot comprehend the unity of the I as such, prior to its separation into what is subjective and what is objective, how can we hope to acquire genetic cognition of our ethical nature, as Fichte seeks to provide?

Fichte's Deduction of the Moral Law

The answer brings us directly to what is most innovative about Fichte's deduction: its three-part structure. The unthinkability of I-hood leads him to develop an unorthodox, multi-lateral strategy for deriving the feeling of compulsion.⁴ In this connection an important hint comes to light when Fichte describes the “path” his deduction will follow:

We will assign ourselves the task of thinking of ourselves under a certain specified condition and observing *how* we are required to think of ourselves under this condition. From the property of ourselves that we find in this way, we will then derive, as something necessary, the moral compulsion noted earlier. (GA I/5:35)⁵

More specifically, the method Fichte employs in §§1–3 of Part I involves issuing a *task*, seeking a *solution*, drawing a *result*, and then revealing a *limit* to that result, thereby motivating a *new task*⁶:

1. Our task in §1 is to isolate what is most essential to the self, and Fichte's solution is to approach the I under its objective aspect, as it is given in reflection (as *willing*). This leads him to the desired result: that what is most essential to the self is a tendency to self-activity. But the result is limited, since it does not show how we become conscious of this tendency (GA I/5:47).
2. Our task in §2 is then to show how we become conscious of our tendency to self-activity, and Fichte's solution is to approach the I anew under its subjective aspect, as it is engaged in reflection (as *intelligence*). This leads him to the desired result: that we become conscious of our tendency to

self-activity the moment we grasp our indeterminacy or lack of a pre-given nature (GA I/5:51).⁷

3. However, Fichte tells us that this result is also limited. While it shows how we become conscious of our capacity to generate action from ourselves, it does not yet reveal a positive determination of this capacity (GA I/5:52). For this reason Fichte formulates a new task in §3, to show how we become conscious of our tendency to self-activity, not as a merely possible mode of willing, but as an actual mode of willing. The task of §3 marks a decisive turning point in the *System of Ethics*, leading Fichte to argue, rather strikingly, that there is only one way our tendency to self-activity can manifest itself, namely, as a *drive* (*Trieb*), which he defines as “a real, inner explanatory ground of an actual self-activity” (GA I/5:55; cf. GA I/2:418). Fichte adds right away that, since the drive in question concerns our original self-activity, we must regard it as essential to the I as such, and here he offers an important remark: that this drive relates to the “entire I” (GA I/5:54). By this I take him to mean that when we consider an I divided by self-reflection, we now see that the I reflected upon is posited as a drive, that is, as an actual striving to self-activity, and that the I engaged in reflection is an intellect, which then subsumes this drive under a concept. The drive relates to the entire I, in other words, because it concerns both the I given in reflection and the I engaged in reflection, appearing first as a real ground of activity (objectively), and then as the very concept through which we direct our self-determination (subjectively) (GA I/5:56–57). But granting all this, we must still ask: How does the concept of a drive put us closer to the goal of solving the third task? What does this drive offer to consciousness, if not the awareness of a mere capacity (*Vermögen*) to determine ourselves freely?

Anticipating this question, Fichte explains that the drive to self-activity offers itself to consciousness as a thought (*Gedanke*) or manner of thinking (*Denken*), for the simple reason that it engages our power of intelligence.⁸ So it seems that all we must do in order to solve the task of §3 is to analyze this manner of thinking further, and that is what Fichte will soon recommend. But there is a problem at hand, as he is also ready to point out. The concept of a drive that relates to the entire I is precisely the concept of a drive that relates to the I as a subject–object unity, and Fichte reminds us once again that this unity is unthinkable (GA I/5:60). “The entire I is determined by the drive to absolute self-activity, and this determination is the thought we are considering. But the entire I cannot be grasped, and for this reason a determinacy of

the entire I cannot be grasped immediately either" (GA I/5:60). This means that if we are to analyze the manner of thinking manifesting from our drive to self-activity, we must take a multi-lateral approach—employing what Fichte now calls the “law of reciprocal interaction” (*Gesetze der Wechselwirkung*)—whereby we isolate the manner of thinking first in its subjective and objective aspects, and then put the two together synthetically. “One can approximate the determinacy of the entire I,” he writes, “only by means of a reciprocal determination of what is subjective by what is objective, and vice versa, and this is the path we shall take” (GA I/5:60).⁹

The Law for Freedom

Unfortunately, instead of moving directly to this path, Fichte raises the specter of an antinomy which, if left unresolved, would threaten the *System of Ethics* at its very foundation.¹⁰ The antinomy emerges from a possible objection one could level against the idea that a determinate thought or manner of thinking necessarily arises for the intellect. The problem is that, by Fichte's stated definition, the intellect is supposed to be free, agile, and spontaneous—the very characteristics that render it void of a pre-given nature—such that “no thoughts can ever *be* produced in it” (GA I/5:58). To say that a determinate thought necessarily arises for the intellect therefore appears to commit us to a pair of contradictory claims: that our drive to self-activity produces a thought in the intellect (the thesis), and that the intellect is absolutely free from such production (the antithesis). But Fichte says that when the thesis is properly qualified, “we will see that both [assertions] can very well stand alongside each other” (GA I/5:58). In this respect he thinks that the way to dissolve the antinomy is to apply what he later calls the “rules of synthetic method,” whereby we resolve the contradiction between the thesis and the antithesis through a higher synthesis, “in such a way that the two would be posited as one and the same” (GA I/5:104).

On my interpretation, Fichte arrives at this synthesis by invoking the law of reciprocal interaction mentioned above. It unfolds over the course of three steps:

1. In the first step, Fichte begins by inviting the reader to consider what is subjective in the manner of thinking arising from our drive to self-activity under the aspect of objectivity. The “essence” of objectivity, he explains, is what is fixed, unchangeable, and stable (GA I/5:60). So when we apply this

category to the manner of thinking in question, we get a command for the intellect *to give itself a fixed law*.

2. In the second step, Fichte invites the reader to consider what is objective in the manner of thinking arising from our drive to self-activity under the aspect of subjectivity. The “essence” of subjectivity, he explains, is what is free, agile, and spontaneous (GA I/5:61). So when we apply this category to the law just derived, we get a command for the intellect *to think of itself as free*.
3. In the third and final step, Fichte reminds us that we can approximate the unity of the two preceding thoughts “in accordance with the law of reciprocal interaction,” that is, “by thinking freedom as determining the law and the law as determining freedom” (GA I/5:64). When we then combine the objective aspect of the thought (that of the intellect giving itself a law) with the subjective aspect of the thought (that of the intellect thinking of itself as free), we get a command for the intellect *to determine itself by its own law of freedom* (GA I/5:64). As Fichte expresses this last point, speaking now to the reader: “When you think of yourself as free, you are required to think your freedom under a law; and when you think of this law, you are required to think of yourself as free” (GA I/5:64). And the key point Fichte has been preparing us for is the insight that freedom and morality “are not two thoughts, one of which would depend on the other” but are really two aspects of “one and the same thought” (*Ein und ebenderselbe Gedanke*) (GA I/5:65)—or what I am calling the identity thesis. Once we establish this thesis, any tension between freedom and morality dissolves, and we can put the specter of an antinomy to rest. There is nothing contradictory in the claim that our drive to self-activity produces a necessary manner of thinking—not when we see, having followed the course of Fichte’s deduction, that this manner of thinking is a law that the intellect gives to itself.

The Higher Synthesis

But how does the identity thesis bring Fichte’s deduction to a close? Recall what he says at the beginning of Part I: that

we shall assign ourselves the task of thinking of ourselves under a certain specified condition and observing *how* we are required to think of ourselves under this condition. From the property of ourselves that we find in this way, we will

then derive, as something necessary, the moral compulsion noted earlier.
(GA I/5:35)

The goal is to attain genetic cognition of our ethical nature, since we want to know where a shared feeling of “compulsion to act entirely apart from external ends” comes from. And Fichte’s point is that a successful deduction must trace all such feelings back to the principle of I-hood. Yet the reason why he adopts a multi-lateral strategy, I have argued, is that the principle of I-hood is an unthinkable unity of what is subjective and what is objective. So the only way we can attain genetic cognition of our ethical nature is to apply a synthetic method and reveal, through the law of reciprocal interaction, that we are required to think of ourselves under the law of our own freedom. Only then can we turn back to the “fact” Fichte introduced at the beginning of Part I. The necessity of thinking our freedom under a law (itself a mere aspect of the unity of the I) reveals the origin of the feeling of compulsion in ordinary moral life.

This completes Fichte’s deduction, which we may summarize¹¹ as follows (Fig. 11.1):

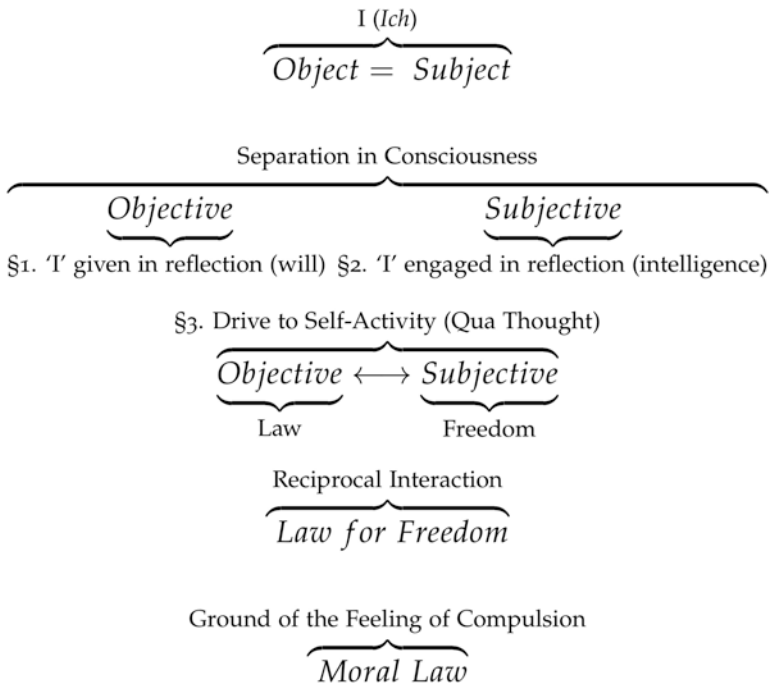


Fig. 11.1 Fichte’s deduction of the moral law

One advantage of this interpretation, if correct, is that it explains how we become conscious of our tendency to self-activity, not as a merely possible mode of willing, but as an actual mode of willing. Remember that what was missing from §2, and the reason why our analysis reached a limit, was that we only got as far as positing our capacity to act freely. This was important for illuminating the concept of freedom that we assign to the intellect: the freedom to produce action from itself. But this got us no further than the concept of an “empty, undetermined capacity of self-sufficiency” (GA I/5:63). “There lies in this concept,” Fichte explains, “not the least datum indicating *that* or *what kind of actuality* is to be thought” (GA I/5:63). As we discover, the “datum” by which we cognize ourselves as positively free only appears in §3, in the manner of thinking the intellect under its own law. For the law Fichte that introduces in this section arises from a real drive to self-activity, the expression of which is a command for the intellect to be free (i.e., to be absolutely self-sufficient).

A related advantage of this interpretation is that it explains why, after concluding his deduction, Fichte invokes Kant’s claim that consciousness of the moral law “discloses” our freedom to us (CPrR 5:29–30), or what I am calling the disclosure thesis. After saying that freedom and morality are “one and the same,” Fichte writes that in “many places Kant derives conviction in our freedom from consciousness of the moral law” (GA I/5:64), adding:

This is to be understood as follows. The appearance of freedom is an immediate fact of consciousness [*unmittelbares Factum des Bewusstseyns*], and by no means the consequence of another thought. However, as was recollected above, one could want to explain this appearance further and thereby change it into an illusion. That one does not explain this appearance further—there is no theoretical reason for this, but there is a practical one: the firm decision to grant primacy to practical reason, to hold the moral law [*das Sittengesetz*] as the true and final vocation of one’s being, and not to go beyond the moral law through rationalization. (GA I/5:65)

As this passage makes clear, Fichte interprets Kant’s disclosure thesis approvingly as a claim about the reason we have for assenting to the appearance of freedom. Our faith in this appearance can be derived, as he puts it, “from consciousness of the moral law” (GA I/5:65). In Kantian terms, this means that while freedom is the essence of the law, the law is the ground for cognizing freedom, for only the moral law reveals the positive determination of our tendency to self-activity.

Problems and Prospects

The textual evidence just reviewed makes it clear that there is, by Fichte's lights, a close affinity between his deduction of the moral law and Kant's disclosure thesis. However, what Kant actually says in the *Critique of Practical Reason* (1788) throws this affinity into question. After showing why freedom and morality "reciprocally imply each other" (CPrR 5:29), Kant asks where our "*cognition* of the unconditionally practical *starts*," whether from freedom or from the law itself (CPrR 5:29). He then proceeds to eliminate both freedom (on the grounds that freedom is not an object of experience), and nature (on the grounds that nature only teaches us the rule of causal mechanism), concluding that it must be the *moral law* which first "leads" us to a positive concept of freedom (CPrR 5:29–30). Kant prepares the reader for this claim in the Preface, where he explains why freedom is the *ratio essendi* of the moral law and the moral law the *ratio cognoscendi* of freedom: "For had not the moral law already been distinctly thought in our reason, we should never consider ourselves justified in *assuming* such a thing as freedom (even though it is not self-contradictory). But were there no freedom, the moral law would *not be encountered* at all in ourselves" (CPrR 5:4n).¹² While consciousness of the moral law is an underivable "fact of reason" (*Factum der Vernunft*), admitting of no further proof, Kant argues that we can appeal to this fact to justify our belief in freedom (CPrR 5:31).¹³

In light of such remarks, it is perhaps not surprising that many commentators have come to assume that Fichte rejects the disclosure thesis outright. After all, from what we have discussed so far, Fichte seems committed to the project of deriving consciousness of the moral law, in the manner of a strict deduction, and so he seems committed to going beyond Kant, who was content (rightly or wrongly) to regard such consciousness as the ultimate bedrock of his moral philosophy. Yet, in hindsight, this makes Fichte's reference to Kant at GA I/5:65 all the more enigmatic, since there he invokes the disclosure thesis with approval. Nor has this enigma escaped the attention of Fichte's critics: the passage at GA I/5:65 led one nineteenth-century reader—Christfried Albert Thilo—to argue that Fichte's invocation of Kant is *out of tune* with the entire aim and organization of his deduction.¹⁴ As Thilo sees things, instead of exposing the defect of presenting the moral law as a "fact of pure reason," we find Fichte stopping at a Kantian position and asserting "against his will, as it were [*gleichsamer wider seinen Willen*]" that "one has the moral law first and then freedom." Thilo goes even further and argues that Fichte's appeal to Kant undermines the cogency of his argument. For the apparent

aim of Part I is to deduce the moral law from the absolute freedom of the I; so, by now deriving this freedom from the moral law, Thilo alleges, “his deduction obviously turns in a circle and thus becomes superfluous [*so dreht sich seine Deduction offenbar im Kreise und macht sich damit überflüssig*].”¹⁵

By way of reply, I want to suggest that Fichte’s invocation of Kant is much less mysterious when we place it in the larger context of the book. To start with, we may recall that the task Fichte issued in §2, and then reissued in §3, was to show how we can become conscious of our tendency to self-activity (GA I/5:53). The reason why our analysis in §2 reached a limit was that it only gave us insight into our capacity for free action, and a capacity remains problematic without any “datum” pointing to its actuality. By shifting attention to the I as a subject–object unity in §3, Fichte was able to articulate this datum in terms of giving ourselves a fixed law, an insight which, he argued, we attain when we frame our capacity for free action under the aspect of objectivity. What this shows, in my view, is that behind Fichte’s claim that the unity of the I is unthinkable, he remains committed to the epistemic primacy of the moral law for specifying the essence of self-sufficiency.¹⁶ For like Kant, he thinks that the sole datum of the actuality of freedom comes from our awareness of a law to legislate ourselves. In this way Fichte combines—consistently, I would add—both the idea that freedom and morality are mutually interrelated aspects of the same thing (the identity thesis) and the idea that the moral law is the sole medium through which our consciousness of freedom becomes determinate (the disclosure thesis).

This is not to say that commentators have been entirely wrong to detect differences between Fichte’s strategy of moral justification and Kant’s, but I fear that they have not correctly identified the root of those differences. While Fichte accepts some version of the disclosure thesis, I read him as tacitly rejecting Kant’s view that freedom and morality stand in a relation of mutual conceptual entailment, for this assumes that freedom and morality are distinct thoughts sharing content and extension—the two criteria for analytic reciprocity.¹⁷ While Fichte is willing to follow Kant in identifying the moral law as the epistemic ground of freedom, he is not willing to accept what some scholars call Kant’s *reciprocity thesis*,¹⁸ because on his account we are not even dealing with an entailment relation here. On Fichte’s account, freedom (in the sense of sheer spontaneity) and morality (in the sense of legislation according to the concept of self-sufficiency) form a real synthetic whole, whose separation into subjective and objective parts is merely a product of abstract thinking. The method Fichte employs draws upon a law of reciprocal interaction in order to approach the unthinkable unity of the I. It is for this reason that Fichte offers a multilateral deduction in Part I of the *System of Ethics*, whose

final result is that freedom and morality are reciprocal aspects of a single thought.

But what are we to make Thilo's allegation that Fichte's deduction moves in a vicious circle? No one will deny that it is problematic to treat the moral law first as something to be *argued for*, and then use it as a basis to be *argued from*—since the first strategy regards the moral law as a conclusion, whereas the second strategy regards it as a presupposition. However, I do not think Fichte is guilty of committing this fallacy, and it is instructive to see why. Part I has both a moral starting point and moral terminus, but what many commentators overlook is that the two are distinct from each other. The starting point is our everyday moral phenomenology, or what Fichte calls:

Moral Compulsion: The *feeling* of having to perform some actions, simply for the sake of performing them, and the feeling of having to avoid other actions, simply for the sake of avoiding them.

By the end of Part I we are supposed to have acquired genetic cognition of this phenomenon, whereby we see it as the manifestation of a necessary mode of thinking our freedom under law—the ground of which we only apprehend, Fichte argues, from a philosophical point of view. The principle underlying the feeling of moral compulsion is what Fichte formulates as the moral law (*das Sittengesetz*):

Moral Law: The law the intellect *gives to itself*—namely, to determine its freedom in accordance with the concept of self-sufficiency without exception.

This shows us that both the “fact” at the starting point of the deduction, and the “ground” of this fact at the terminus, are different ways of approaching moral normativity as such.¹⁹ The difference is therefore explanatory: the starting point considers moral normativity from the viewpoint of *ordinary* consciousness, whereas the terminus considers it from the viewpoint of *transcendental* reflection. In this regard Fichte's deduction aspires to be internally self-grounding, since it does not seek to justify our experience of moral compulsion on the basis of morally-neutral or theoretical premises. Indeed, Fichte even warns the reader against “being misled—as has so often been the case—into wanting to provide a further explanation of our consciousness of having duties (for this is what the thought to be described will prove to be) and wanting to derive it from grounds outside of itself, which is impossible and which would violate the dignity and absoluteness of the law” (GA I/5:60).

When Fichte then says in agreement with Kant that conviction in our freedom comes from consciousness of the moral law, he is not guilty of arguing in a vicious circle. If we pause to reread the stretch of text I quoted above, it is clear that he is drawing upon the moral law (the terminus), and not the feeling of moral compulsion (the starting point), in an effort to justify our belief in absolute self-activity. Nor is there any inconsistency in this claim, since Fichte has already shown that morality and freedom are but two aspects of one and the same thought, viewed either objectively as a fixed law or subjectively as sheer spontaneity.²⁰ The moral law demands that we legislate ourselves according to the concept of self-sufficiency without exception. And this is just the objective manner of thinking our own freedom, which otherwise appears to us as a fact of consciousness. When the question then becomes, “On what basis should we should assent to this appearance?” it makes sense for Fichte to invoke the moral law, since this law is the datum for the positive determination of our freedom. That is why, if “one does not go beyond the moral law, then one also does not go beyond the appearance of freedom, which thereby becomes for us the truth” (GA I/5:65). The moral law in this way supports a fundamental decision for Fichte—one which his “entire philosophy is built upon” (GA I/5:43)—the decision to say, “I *am* free,” and not merely, “I *appear* to myself to be free” (GA I/5:65).

Conclusion: The Science of Ethics

Whenever interpreting a philosophical argument, it is important to ask what it ultimately aims to accomplish. On the reading I have defended in this chapter, Fichte’s deduction of the moral law seeks to trace our feeling of moral compulsion (as a “fact of consciousness”) to its highest ground, and the argument culminates in his thesis that morality and freedom are but two aspects of the I as such, considered either objectively or subjectively. For all its complexity, then, the goal of Fichte’s deduction is simply to vindicate our common consciousness of moral normativity by revealing its rational source. It aims at nothing more than knowledge of our ethical nature,²¹ and Fichte is clear that knowledge is not power (*Kraft*):

In this way, while we gain insight into the grounds [of this compulsion] by means of a deduction, we do not gain any power to change this compulsion, because it is our knowledge, not our power, that reaches this far, and because the whole relation is necessary—it is our own unchangeable nature itself. The

deduction therefore produces nothing more than theoretical cognition, and one must not expect anything more from it. (GA I/5:33)

At the same time, theoretical cognition of our ethical nature is not a small or insignificant achievement. For it is precisely this cognition that links the doctrine of ethics (*Sittenlehre*) to the doctrine of science (*Wissenschaftslehre*) and thereby brings a science of morality into being—"and science, wherever it is possible, is an end in itself" (GA I/5:33).²²

Notes

1. For clear statements to this effect, see Yukio Irie, "Der transzendente Beweis der Sittlichkeit bei Fichte," *Philosophia OSAKA* 1 (2006): 13; Jacinto Rivera de Rosales, "The Transcendental Deduction of the Categorical Imperative in Fichte's *System of Ethics*," *Philosophy Today* 52 (2008): 237; Reinhard Brandt, "Die Freiheit der Reflexion und die Furie des Deduzierens," in *Symposion: Johann Gottlieb Fichte: Herkunft und Ausstrahlung seines Denkens*, ed. Werner Beierwaltes and Erich Fuchs (Munich: Bayerische Akademie der Wissenschaften, 2009), 13; Walter Jaeschke and Andreas Arndt, *Die Klassische Deutsche Philosophie nach Kant: Systeme der reinen Vernunft und ihre Kritik 1785–1845* (Munich: C.H. Beck, 2012), 121–22; and Paul Guyer, "Fichte's Transcendental Ethics," in *The Transcendental Turn*, ed. Sebastian Gardner and Matthew Grist (Oxford: Oxford University Press, 2015), 146–47. For an important exception to this trend, to which I am indebted, see Allen W. Wood, *Fichte's Ethical Thought* (Oxford: Oxford University Press, 2016).
2. See Christfried Albert Thilo, "Die Grundirrhümer des Idealismus in ihrer Entwicklung von Kant bis Hegel," *Zeitschrift für exacte Philosophie im Sinne des neuern philosophischen Realismus* 1 (1861): 345. As we shall see, Thilo believed that Fichte held an inconsistent position, first seeking to derive the moral law from the absolute freedom of the I, and then reverting to a Kantian position and deriving freedom from consciousness of the moral law.
3. This helps to explain Fichte's otherwise confusing remark that a "doctrine of ethics" (*Sittenlehre*) is "a *theory of consciousness* of our moral nature in general and of our specific duties in particular" (GA I/5:35).
4. This distinction between a "unilinear" and "multilateral" style of deduction comes from an excellent essay by Daniel Breazeale, "Circles and Grounds," in *Thinking Through the Wissenschaftslehre: Themes from Fichte's Early Philosophy* (Oxford: Oxford University Press, 2013), 272–300, which traces a methodological shift between the early and late versions of Fichte's Jena system (294). Without going into this larger topic, I wish to apply Breazeale's distinction to

the specific context of Fichte's deduction of the moral law in the *System of Ethics*.

5. To be clear, the derivation proper concerns the *feeling* of compulsion. This is what requires a genetic proof. As we shall see, Fichte will also derive (in a thinner sense of the word) a *formula* of the moral law in terms of acting "according to the concept of self-sufficiency, absolutely and without exception" (GA I/5:69). This is not a genetic derivation, however, since the moral law turns out to be merely an objective manner of thinking our own freedom.
6. In lecture transcripts titled *The Doctrine of Science, New Method (Wissenschaftslehre nova methodo)* dating from 1796 to 1799, we find Fichte distinguishing three kinds of synthetic method: (1) "in which one proceeds from a contradiction and seeks to resolve it"; (2) "another method is: to begin by posing for oneself a principal task, and then seek to accomplish this task by introducing intermediate principles"; (3) "A third synthetic method is: to clarify gradually what remained previously obscure and indeterminate" (GA IV/2:107–108). Although the first procedure is the official methodology of Part I of the *System of Ethics*, Fichte will invoke the second at a critical juncture in §3, as we shall see below. For a helpful account of Fichte's methodology beyond the *System of Ethics*, see G. Anthony Bruno, "Genealogy and Jurisprudence in Fichte's Genetic Deduction of the Categories," *History of Philosophy Quarterly* 35 (2018): 77–96.
7. Fichte argues that what makes an intellect *free* to determine itself is that it has no pre-fixed or pre-given nature. It exists, as he puts it, "*prior* to its nature" (GA I/5:51; emphasis added).
8. Fichte explicitly denies that it can manifest as a feeling (*Gefühl*). For further discussion, see Andreas Schmidt, "Die Deduktion des Prinzips der Sittlichkeit (§§1–3)," in *Fichtes System der Sittenlehre: Ein kooperativer Kommentar*, ed. Jean-Christophe Merle and Andreas Schmidt (Frankfurt: Klostermann, 2015), 49.
9. As Fichte explains, while we can never think of what is subjective and objective in the I together, we can think of the two "*next* to each other [*nebeneinander*] and *after* each other [*Nacheinander*]; and through this *thinking one after each other* [*Nacheinanderdenken*]," he adds, "we make each of them reciprocally dependent [*wechselseitig... abhängig*] on the other" (GA I/5:56).
10. Although Fichte does not speak of an "antinomy" between a thesis and an antithesis, Wood has made a very compelling case for reading GA I/5:58 along these lines. See Wood, *Fichte's Ethical Thought*, 119.
11. My inspiration for this diagram comes from Kuno Fischer, although Fischer's original version is somewhat flawed, since below the first objective aspect of the I he subsumes "stuff" instead of "will." See Fischer, *Fichte und Seine Vorgänger*, 2nd ed. (Munich: Bassermann, 1874), 571.
12. This is Mary Gregor's translation in *Practical Philosophy*, ed. Allen W. Wood (Cambridge: Cambridge University Press, 1996).

13. As Kant puts it later on: "The moral law, which itself has no need of justifying grounds, proves not only the possibility but also the reality [of freedom] in beings who cognize this law as binding upon them" (CPrR 5:47). I discuss Kant's project of moral justification at greater length elsewhere. See Owen Ware, "Rethinking Kant's Fact of Reason," *Philosophers' Imprint* 14 (2014): 1–21; and Owen Ware, "Kant's Deductions of Morality and Freedom," *Canadian Journal of Philosophy* 47 (2017): 116–47.
14. Thilo, "Die Grundirrtümer des Idealismus," 345. With the exception of Wood (*Fichte's Ethical Thought*), Fichte's reference to the *Factum* of reason at GA I/5:65 is largely ignored by scholars. It goes unmentioned, for example, in Schmidt's otherwise thorough commentary on Part I ("Die Deduktion des Prinzips der Sittlichkeit"). Binkelman cites it, but only briefly: Christoph Binkelman, *Theorie der praktischen Freiheit: Fichte—Hegel* (Berlin: de Gruyter, 2007), 79–80. Although this topic goes beyond the scope of the present chapter, it is important to note in passing that the word *Factum* carries two distinct but related senses: (a) "something done" and (b) "something immediately present to consciousness." Kant's *Factum der Vernunft* arguably combines the two. For further discussion, see Ware, "Rethinking Kant's Fact of Reason," 2–9.
15. Thilo, "Die Grundirrtümer des Idealismus," 345.
16. In the "Second Introduction" to the *Attempt at a New Presentation of the Wissenschaftslehre* (1797), Fichte also insists that there is only one way to warrant faith (*Glaube*) in the reality of freedom, namely, "through the presentation of the moral law within us [*durch Aufweisung des SittenGestzes in uns*]" (GA I/4:219). "Intuition of self-activity and freedom are grounded in consciousness of this law, which is without doubt not derived from anything else, but is an immediate consciousness" (GA I/4:466). Therefore, it is "only through this medium of the moral law that I catch a glimpse of *myself*, and when I see *myself* in this way, I necessarily see myself as self-active" (GA I/4:219). Just how early this particular commitment goes back in Fichte's intellectual development remains a topic of scholarly dispute. For a clear overview, see Frederick C. Beiser, *German Idealism: The Struggle against Subjectivism, 1781–1801* (Cambridge: Harvard University Press, 2002), Part II.
17. I agree with Wood that if we interpret Kant's *Factum* as a *deed* of reason, whose normative *authority* we are immediately conscious of, "then Kant and Fichte are not far apart" (*Fichte's Ethical Thought*, 123). (See the footnote at GA I/2:396 for evidence that this is how Fichte read Kant's *Factum* too.) However, Wood goes on to explain Fichte's rejection of Kant's reciprocity thesis by focusing on the formula of autonomy.

Kant thinks freedom and the law are distinct (but co-implying) thoughts because he is referring to a specific law.... The formula of autonomy co-

implies freedom, at least freedom in the positive sense of the term (G 4:446–7, KpV 5:28–31), but it is not the same thought as freedom. Fichte’s principle of morality, however, has no specific content. It really is the same as Kant’s “fact [or deed] of reason.” The moral principle says only that wherever moral authority applies to an act, that act must be done. (*Fichte’s Ethical Thought*, 123)

While it is true that Fichte has yet to spell out the applicability or application of the moral law (two tasks he postpones for later in the book), he nevertheless derives a formula for the moral law in Part I, which he summarizes in a subsection titled “Description of the principle of morality according to this deduction” (GA I/5:59). In my view, Fichte denies the real conceptual separateness of freedom and morality on the grounds of his commitment to an absolutely unified first principle, which he thinks Kant *lacks*.

18. This label comes from Henry E. Allison, “Morality and Freedom: Kant’s Reciprocity Thesis,” *Philosophical Review* 95 (1986): 393–425.
19. Fichte devotes the final paragraph of Part I (GA I/5:70–71) to preventing certain “misunderstandings and objections” that may linger in the mind of the reader, and here he argues explicitly that the moral law (in its abstract formulation as a principle of self-sufficiency) is *not* a fact (*Thatsache*) of common consciousness (GA I/5:71). What *is* a *Thatsache*, he claims, is a feeling that certain actions are either obligatory or forbidden, without those actions bearing any connection to our self-interest (GA I/5:71). A surprising number of Fichte scholars conflate “compulsion” (or “conscience”) and the “moral law” in their treatments of Part I.
20. Nor does this conflict with Fichte’s earlier point about having factual cognition of our ethical nature, for there he is referring to the feeling of compulsion. At the level of common consciousness, attaching unconditional faith (*unbedingten Glauben*) to this feeling—and regarding it as an expression of our highest vocation (*höchste Bestimmung*)—is sufficient for having a dutiful disposition (*pflichtmässigen Gesinnung*) (GA I/5:14).
21. This feature of Fichte’s deduction is explored in further detail by Benjamin Crowe: “The Character of Fichte’s Metaethics,” in *Fichte’s System of Ethics: A Critical Guide*, ed. Stefano Bacin and Owen Ware (Cambridge: Cambridge University Press, forthcoming).
22. For feedback on earlier versions, I would like to thank Gabriele Gava, Steven Hoeltzel, and participants in my 2018 Fichte seminar at the University of Toronto. I owe a special debt of gratitude to Anthony Bruno and Kienhow Goh, whose astute critical observations were decisive in helping me refine the views I propose in this chapter.



12

Freedom as an End in Itself: Fichte on Ethical Duties

Paul Guyer

Johann Gottlieb Fichte published his *System of Ethics* (*Sittenlehre*) in 1798, thus some months after Kant published his *Doctrine of Virtue* (*Tugendlehre*), the second part of his *Metaphysik der Sitten*, in August 1797, although at about the same time that Kant published the two parts of the *Metaphysik der Sitten* (the other being the *Doctrine of Right* [*Rechtslehre*]) in a single volume. Fichte's own version of a philosophy of right, his *Foundations of Natural Right*, had already appeared in 1796, so that was certainly published before he had seen Kant's *Doctrine of Right*, but it might have been possible for him to have seen Kant's *Doctrine of Virtue* before producing his own system of ethics. However, the *System of Ethics* seems to have been based on lectures Fichte gave during 1796–1797, and although it does refer to specific works by Kant, it refers explicitly to none later than the *Religion within the Boundaries of Mere Reason* of 1793. So it seems likely that Fichte wrote his own *System of Ethics* before he could have read Kant's. Fichte's system of ethics is his own development of a doctrine of duties partly inspired by Kant's previously published moral philosophy, rather than a direct response to Kant's own doctrine of duties.

There are similarities between Fichte's and Kant's ethics, but also significant differences. The deepest similarity is that both philosophers regard freedom as the highest value to be realized through compliance with morality and specific duties, and there are further similarities between the lists of duties to self and

P. Guyer (✉)

Department of Philosophy, Brown University, Providence, RI, USA

e-mail: paul_guyer@brown.edu

to others that each philosopher develops on this basis. But there is also a fundamental difference between the two systems, namely, that while for Fichte freedom is the *sole end* of ethics, to which all specific ethical duties and indeed all particular human agents themselves are merely the *means*, for Kant the greatest consistent use of freedom is a *necessary* end that serves as the *framework* within which the *particular ends* of particular human beings who are also *ends in themselves* are to be sought. The difference can be captured by the comparison between Kant's "Formula of the Realm of Ends," according to which the goal or object of morality is "a whole of all ends in systematic connection (a whole both of rational beings as ends in themselves and of the ends of his own that each may set for himself)" (G 4:433), and the following statement of Fichte's view:

Everyone is an end, in the sense that everyone is a *means* for realizing reason. This is the ultimate and final end of each person's existence; this alone is why one is here, and if this were not the case, if this were not what ought to happen, then one would not need to exist at all. (SE 245 [GA I/5:230])

Fichte does not fail to recognize individual rights to pursue individual ends, subject to some condition of compatibility with others' pursuits of their ends; but for Fichte, that is the business of right, while ethics has nothing to do with the pursuit of individual ends, but only with the pursuit of freedom itself as an end. Kant's conception of duties of virtue as *ends that are also duties*, and in particular, his conception of *happiness* as the end of others that is also a duty for oneself, has no place in Fichte's ethics. This difference in their conceptions of the nature of ethical duties does not always lead to substantive differences, and in some ways Fichte's recognition of the ethical standing of individuals is even stronger than Kant's. But in some cases the underlying difference in approaches does lead to more substantive differences as well.¹

I begin with a brief review of Kant's account of the duties of virtue. I then explicate Fichte's parallel account. I conclude with comments on several cases in which the fundamental difference between their views leads to different results on particular moral issues.

Kant's Duties of Virtue

In the *Groundwork for the Metaphysics of Morals* of 1785, Kant presented what has come to be known as the "Formula of Humanity as an End in Itself" as the "ground of a possible categorical imperative" (G 4:428), thus presumably

as that formulation of the categorical imperative which is the foundation of the others, including the “Formula of the Realm of Ends” quoted above. The Formula of Humanity is: “So act that you use humanity, whether in your own person or that of any other, always at the same time as an end, never merely as a means” (G 4:428). Kant does not immediately define what he means by “humanity.” But in the Introduction to the 1797 Doctrine of Virtue of the *Metaphysics of Morals* (which, again, Fichte is unlikely to have seen when he was writing his own *System of Ethics*), Kant defines humanity as the capacity by which “alone” a human being “is capable of setting himself ends” (MM 6:387) or “the capacity to set oneself an end—any end whatsoever” (MM 6:392). If this is also what Kant meant by “humanity” in 1785, then the Formula of Humanity means that the capacity to set ends, both in oneself and in everyone else, should itself always be treated as an end, never merely as a means. In the *Groundwork* Kant also described humanity as “an objective end that, whatever ends we may have, ought as law to constitute the supreme limiting condition of all subjective ends” (G 4:431). This reveals what we might call Kant’s conception of the *duality* of ends in morality: the capacity to set ends is to be treated as an end *in itself*, something that is never to be acted against (that is, diminished or destroyed) and that also is to be perfected and promoted; but since it is, by definition, the capacity to set *particular* ends, the ends that it sets must also have moral significance, or count as moral reasons for their own preservation and promotion. This is why the Formula of the Realm of Ends enjoins us, as we have already seen, to treat as ends both “rational beings” and “the ends of his own that each may set himself” to the extent that the latter can form a “systematic whole” (G 4:433), that is, are jointly compatible.

Kant does not use the word “freedom” in these central pages of the *Groundwork*. But in other places, such as the lectures on ethics as he gave them from the mid-1770s until the mid-1780s, he did use that word; here he described the “essential ends of mankind” as “the condition under which alone the greatest use of freedom is possible, and under which it can be self-consistent,” and the “*principium* of all duties” as “the conformity of the use of freedom with the essential ends of mankind,” thus as the imperative “so to behave that any use of powers is compatible with the greatest use of them” (LE 27:346). These comments come in the course of Kant’s discussion of duties regarding oneself, so he is explicitly saying that *any* use of one’s own freedom must be consistent with the possibility of the *greatest* use of one’s own freedom, that is, each use of one’s freedom must preserve or enhance rather than destroy or diminish the possibility of the rest of one’s use of freedom. A similar analysis of the fundamental constraint on our other-regarding actions can

also be made. And since the kind of freedom that Kant has in mind here is precisely the freedom to set (and pursue) one's own ends, the requirement to treat the capacity to set one's own ends, whether in oneself or any other, always itself as an end and never merely a means, is equivalent to the requirement to make any use of freedom consistent with "the greatest use of freedom" (LE 27:346) in both oneself and others. For Kant, humanity and freedom are the same thing, and the same duality of ends will apply in the case of freedom as in the case of humanity: the *principium* of morality is to treat freedom both in oneself and in others as an essential end, but the particular ends set in the exercise of freedom also have essential moral standing. Perhaps this is why Kant talks of the "essential ends" of mankind in the plural rather than in the singular.

The ground for the duties that Kant enumerates in the *Metaphysics of Morals* is thus the freedom of human agents to set and pursue their own ends free from unjust interference by others and from being pushed around by their own impulses.² That the freedom of human agents to set and pursue their own ends is the topic of Kant's Doctrine of Right is explicit³; that it is the topic of the Doctrine of Virtue is mostly implicit in Kant's use of the terminology of humanity, although it becomes explicit in his discussion of our duties of love to others. Kant's overall argument in the *Metaphysics of Morals* proceeds in the following way. While in the *Groundwork* the phrase "metaphysics of morals" meant the derivation and establishment of the fundamental principle of morality entirely *a priori*, "completely cleansed of everything that may be only empirical" (G 4:389), in the later work "a metaphysics of morals cannot dispense with principles of application, and we shall often have to take as our object the particular *nature* of human beings, which is cognized only by experience, in order to *show* in it what can be inferred from universal moral principles" (MM 6:217). Metaphysics of morals in this sense derives specific duties for human beings by applying the *a priori* principle of morality, valid for any rational being, in light of certain empirical although obvious and fundamental facts about the human condition. These include the facts that human beings are *embodied* free and rational agents, whose bodies need to be nurtured and developed to become agents of their wills, and who as embodied agents can interact and interfere with each other in their cohabitation of the finite surface of a sphere any point of which can be reached from any other. The Doctrine of Right is founded on the "Universal Principle of Right," which states that "any action is *right* [or just] if it can coexist with everyone's freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone's freedom in accordance with a universal law" (MM 6:230), thus that everyone must be allowed as much freedom in

the external use of choice—the choice of actions potentially affecting others—as is compatible with an equal degree of freedom for all others. The Doctrine of Virtue is founded on the principle that there are two “ends that are also duties,” namely one’s own perfection and the happiness of others (MM 6:382–88). Kant explains the difference between the two domains by stating that, while in right “what end anyone wants to set for his action is left to his free choice” and the only constraint is that the “maxim of his action” must be able to “coexist with the freedom of every other in accordance with a universal law,” in ethics, by contrast, “the *concept of duty* will lead to ends and will have to establish *maxims* with respect to ends we *ought* to set ourselves, grounding them in accordance with moral principles” (MM 6:382), namely, the two overarching ends of one’s own perfection and the happiness of others. But this explanation does not fit Kant’s actual list of duties of virtue, for this list includes prohibitions of such self-regarding actions as suicide and self-mutilation as well as various forms of disrespect for others, such as arrogance and ridicule, that do not involve setting or promoting any particular ends although they do flow from the underlying requirement to treat all persons as ends in themselves. Kant’s actual criterion for the distinction between duties of right and of virtue is, rather, that although all moral duties flow from the fundamental principle of morality and compliance with them all could therefore be motivated by respect for that law, duties of right are a subset of our duties, specifically a subset of our duties towards others, that can also admit of an “external,” “aversive” incentive (MM 6:218–19), namely coercion, justified by the premise that “resistance that counteracts the hindering of an effect promotes this effect and is consistent with it” (MM 6:231). The wide range of our moral duties that are not properly enforced by external coercion (ultimately exercised by the state) may be enforced only by each agent’s own respect for the moral law. But again, both classes of duties are fully moral duties in Kant’s view.

The class of non-coercively enforceable duties, or “ethical duties” (*ethische Pflichten*), is actually broader than the list of the specific duties of virtue (*Tugendpflichten*) that fall under the two headings of one’s own perfection and the happiness of others (MM 6:383). Indeed, there are really three key concepts in Kant’s Doctrine of Virtue, namely the *obligation to be virtuous* (*Tugendverpflichtung*), virtue itself (*Tugend*), and the specific duties of virtue (*Tugendpflichten*). The difference between virtue and duties of virtue is straightforward. Duties of virtue are the specific duties or obligations that human beings have, because of the way that the fundamental principle of morality applies to our empirically known nature and condition, which are not coercively enforceable. Virtue itself, however, is not a specific duty, but is

rather “the moral capacity to constrain oneself” (MM 6:394), or the “fortitude” to withstand “what opposes the moral disposition *within us*” (MM 6:380). Both are specific to human beings: the duty of virtue to cultivate our bodily and mental powers, for example, depends on the fact of (human) nature that we are *embodied* free agents whose capacities (e.g., unlike those of insects) need to be developed; and the need for virtue itself depends upon the fact that we characteristically have inclinations that would lead us to ignore and violate our duty, inclinations which other sorts of free agents might not have and which we must learn to master. What Kant calls *Tugendverpflichtung*, which I translate as the “obligation to be virtuous,” and which Kant also calls “virtuous disposition,” is not equivalent to virtue or to the duties of virtue. It is rather the requirement that “an action in conformity with duty must also be done *from duty*,” which has “to do not so much with a certain end (matter, object of choice) as merely with *what is formal* in the moral determination of the will” (MM 6:383; cf. MM 6:394–95). This concerns the character of the agent’s *motivation*, and is what earns an agent “esteem,” in the terminology of the *Groundwork*, or what makes an agent’s action not merely dutiful but also “meritorious” in the language of the Doctrine of Virtue (MM 6:391). The difference between *Tugendverpflichtung* and *Tugendpflichten* is important for Kant, because it is what allows him to claim that the performance of *any* duty, even a duty of right that *can* be coercively enforced, can be meritorious when it is in fact “action springing from ... respect for law” (MM 6:394).

The derivation of the duties of right from the Universal Principle of Right’s command of maximal but equal freedom for all is clear. Kant’s derivation of the duties of virtue from the fundamental value of freedom is less clear, but his division of the duties of virtue into the two main classes of “ends that are also duties”—one’s own perfection and the happiness of others—does reveal that these duties are based on the unconditional value of humanity as the capacity of each to set his or her own ends, which is the same as freedom of choice: the goal of self-perfection is the perfection of one’s own capacity to set one’s own ends and of one’s capacities to pursue them effectively, while the duty to promote the happiness of others is the duty to help them realize their own, freely chosen ends. In the *Groundwork*, Kant says of the duties of self-perfection and of the promotion of the happiness of others that “to neglect these might admittedly be consistent with the *preservation* of humanity as an end in itself but not with the *furtherance* [or promotion: *Beförderung*] of this end” (G 4:430). If humanity as an end is nothing but the capacity to freely set ends, then this is to say that the freedom to set ends must be preserved and promoted. This is why the list of ethical duties that Kant actually provides includes duties of *omission*, such as the prohibition of suicide and self-

mutilation and the duties of “respect” towards others which prohibit arrogance, defamation, and ridicule, even though such duties of omission do not involve the *promotion* of an end, although the duties of *commission* that Kant enumerates, under the two classes of self-perfection and promoting the happiness of others, can be thought of as duties to promote objectively necessary ends. The solution to this puzzle is to recognize that Kant’s broad class of “ethical duties” includes duties to *preserve* freedom or the possibility of its exercise as well as duties to *promote* freedom and its exercise. Only the latter can correctly be called “duties of virtue,” in the special sense of duties to promote ends, but the former can also be included in the larger class of “ethical duties,” in the sense of duties to either preserve or promote freedom that cannot be coercively enforced. The duties of omission toward self and others can be understood as duties to preserve free agents who are ends in themselves, or to preserve their capacity to exercise the freedom that makes them ends in themselves, without being duties to promote any particular ends, while the duties of commission are duties to enhance the freedom to set and pursue particular ends, whether in one’s own case or that of others.

The first of these are *limiting* (negative) duties; the second *widening* (positive duties to oneself). Negative duties *forbid* a human being to act contrary to the **end** of his nature and so have to do merely with his moral *self-preservation*; positive duties, which *command* him to make a certain object of choice his end, concern his *perfecting* of himself. (MM 6:419)

Duties to oneself are thus divided into the negative duties of preserving one’s own freedom and the positive duties of perfecting one’s freedom, or the ability to set and pursue particular ends. In spite of Kant’s reference only to “moral *self-preservation*,” both classes of duty are also divided into those that regard one “both as an **animal** (natural) and a moral being or **only as a moral being**” (MM 6:420); the former concern the bodily conditions for the preservation or the perfection of one’s freedom, while the latter concern the qualities of one’s moral knowledge and will alone.

The negative duties or duties of omission “as an animal being” (MM §5) are, then, the prohibition of “killing oneself” (MM 6:422), “defiling oneself by lust” (MM 6:424), and “stupefying oneself by the excessive use of food or drink” (MM 6:427). Kant explicates suicide as the annihilation of “the subject of morality in one’s own person,” thereby rooting out “the existence of morality itself from the world” as far as that is one’s own power (MM 6:423), but a more straightforward explanation of the prohibition would be that suicide is the freely chosen act of destroying all possibility of one’s own further freedom.

Maiming oneself when not medically necessary for survival (e.g., castration for a singing career rather than amputation of a gangrenous limb to save one's life) would be "partially murdering oneself" (MM 6:423). These duties of omission fall under the category of ethical duty rather than duty of right because they do not necessarily restrict the freedom of others and therefore cannot be coercively prevented (although they may be when they do infringe the freedom of others, e.g., dependents) (MM 6:422). Defiling oneself by lust and stupefying oneself by excessive consumption of food or drink, in contrast, might not immediately destroy one's own existence as a free being, but by such indulgence one puts oneself into "a condition in which he is incapacitated, for a time, for actions that would require him to use his powers with skill and deliberation" (MM 6:427)—that is, one does not permanently destroy one's freedom but temporarily impairs it. Here again, Kant considers these to be vices only insofar as they affect one's own freedom, and he therefore does not regard them as fit subjects for juridical regulation (although, of course, in the modern world driving under the influence does put the lives and freedom of others at risk and is subjected to juridical regulation worldwide for that reason).

These negative duties toward oneself turn on the dependence of one's freedom and the possibility of its exercise on one's bodily or "animal" existence and health. The negative duties toward oneself "merely as a moral being" are the prohibition of lying (MM 6:429), avarice (MM 6:432), and servility (MM 6:434). Lying is not a violation of duty to *others* as long as one leaves them free to choose whether to believe one's lies (MM 6:238), but it "annihilates [one's own] dignity as a human being" because it "is directly opposed to the natural purposiveness of the speaker's capacity to communicate his thoughts" (MM 6:429), and thus deprives oneself of the ability to use that capacity freely and effectively in the pursuit of one's legitimate ends. Avarice restricts "*one's own* enjoyment of the means to good living so narrowly as to leave one's own true needs unsatisfied" (MM 6:432), which compromises one's ability to choose how to use one's means freely. And servility demonstrates that one is willing to be "valued merely as a means to the ends of others" (6:435), which is another way of compromising one's own freedom. In each of these cases, violation of the duty would not destroy one's own freedom outright but would be a free choice to compromise one's own freedom to use one's natural capacities or acquired means to set and pursue one's own ends.

Before he turns to the positive duties to perfect one's natural and moral capacities as means to the use of one's own freedom, Kant touches upon "the Human Being's Duty to Himself as His Own Innate Judge," or conscience (MM §13), the "First Command" to "*know* (scrutinize, fathom) *yourself*"

(MM §14–15), and our duty to take a non-destructive attitude toward non-human beings because of the natural influence of the attitude we take toward the non-human upon our attitude toward humans (MM §16–18). Conscience, self-knowledge, and not directly moral but morally efficacious attitudes to non-moral objects might seem like dispositions that we ought to perfect, thus items to be properly considered only in the next part of Kant's catalogue; but as we will also see in Fichte, the line between negative and positive duties is not rigid, so that we can have both a negative and perfect duty not to damage our natural predispositions and a positive and imperfect duty to perfect them—the latter duty being imperfect because it is open-ended, that is, there is no limit on how much we could perfect any disposition, although there will always be a limit on how far we do perfect it.

Be that as it may, Kant next turns, quite briefly, to our imperfect duties toward ourselves as both natural and moral beings. The principle of “a human being's duty to himself to develop and increase his **natural** perfection, that is, in a pragmatic respect” is that “as a being capable of ends (of making objects his ends), he must owe the use of his powers not merely to natural instinct but rather to the freedom by which he determines their scope.” The duties that arise from this principle are to perfect or cultivate one's “powers of spirit, mind, and body,” by which Kant means first the ability to reason, second other mental powers such as memory and imagination, and finally physical powers of the sort improved through “gymnastics in the strict sense” (MM 6:444–45). These sound like the powers that one needs to *pursue* one's freely set ends effectively rather than powers to *choose* or *set* one's ends in the first place. But Kant explicitly refers to the freedom to determine the “scope” of the use of one's powers, which sounds more like the freedom to *choose* one's own ends than the ability to pursue them effectively. However, these two apparent alternatives may be connected by the assumption that one cannot rationally set an end for which one does not (believe oneself to) have adequate means, so that expanding or perfecting one's own means to pursue ends is not merely instrumental to realizing ends already set, but in fact expands the range of ends that one can rationally choose for oneself.⁴

Finally, under the rubric of “a human being's duty to himself to increase his **moral** perfection, that is, for a moral purpose only,” Kant expounds the duty to perfect the “*purity* (*puritas moralis*) of one's disposition to duty” (MM 6:426). Unlike the other ethical duties and specifically the duties of virtue already discussed, this is not a duty to preserve or promote a specific physical or mental power, or even a specific moral power such as conscience or self-knowledge; it is rather the obligation to be virtuous itself—the singular *Tugendverpflichtung* rather than the plural *Tugendpflichten*. It does not add

any further particular duty to our moral to-do list, but rather reminds us of the disposition with which we must fulfill all our particular duties in order to earn moral esteem. It is a necessary condition of such esteem, but Kant classifies it as a “wide and imperfect” duty “in terms of its degree, because of the *frailty* (*fragilitas*) of human nature” (MM 6:446): no matter how much we have perfected the purity of our motivation, we can always do more, or no matter how often we have done the right thing for the right reason, further occasions on which we not only must do the right thing but also should do it for the right reason can and will still arise, as long as we live. Like all our other duties to ourselves, this duty too is specifically human: if we were saints or sages who were simply capable of no other motivation than respect for the moral law, we would not have the duty to “increase [our] **moral** perfection.” But we are not such beings.

Kant’s list of ethical duties to others is not explicitly organized around the distinction between negative, perfect duties and positive, imperfect duties that structured his exposition of the duties to self. Nor does Kant make the distinction between duties regarding our natural and our moral capacities that figured in his account of duties to self. The reason for the latter change is that the moral “*perfection* of another human being, as a person, consists just in this: that he *himself* is able to set his end in accordance with his own concepts of duty” (MM 6:386): one person cannot morally perfect another, but each must do it for himself. As for the former distinction, between perfect negative and imperfect positive duties, Kant’s discussion of ethical duties to others is in fact structured by that distinction, even though he does not say so. What he does say is that

the chief division can be that into duties to others by performing which you also put others under obligation and duties to others the observance of which does not result in obligation on the part of others.—Performing the first is *meritorious* ... but performing the second is fulfilling a duty *that is owed*.—*Love* and *respect* are the feelings that accompany the carrying out of these duties. (MM 6:448)

Naming the two classes of ethical duties to others after these two feelings, Kant divides them into duties of love and duties of respect. But as his distinction between meritorious and obligatory implies, the duties of love are positive, imperfect duties to be performed, while the duties of respect are negative, perfect duties: duties of omission, not to be violated. The duties of respect are our perfect duties toward others that are not, however, to be coercively enforced as duties of right.

Our positive duties of love towards others are the duties of beneficence, gratitude, and sympathy (MM 6:452). Here Kant seems to have replaced the *Groundwork's* single imperfect duty to others, the duty of beneficence, with three separate duties, but there is no substantive change in his view, just more detail. This is because the duties of gratitude and sympathy are primarily duties to cultivate certain feelings, namely, gratitude for past beneficence from others and sympathy toward those in need, as incentives to be beneficent toward particular people, namely past benefactors of one's own or those in particular need regardless of any past relation.⁵ So the fundamental duty of love remains that of beneficence. The question about this duty is exactly how it is connected to the principle of promoting freedom. Kant explicitly derives the duty of beneficence from the categorical imperative's requirement to act only on universalizable maxims, rather than from the status of humanity as an end in itself and the equation of humanity with freedom as the capacity to set one's own ends. His argument is that "I want everyone else to be benevolent toward me," but since I cannot morally act on that maxim unless I am prepared to see it universalized, then "I ought also to be benevolent toward everyone else" (MM 6:451); three sections later, in a fuller statement of this argument by universalization of one's own maxim, Kant makes it clear that what one wills for oneself and must therefore will for others is actual beneficence, not mere benevolence or good wishes:

For everyone who finds himself in need wishes to be helped by others. But if he lets his maxim of being unwilling to assist others in turn when they are in need become public, that is, makes this a universal permissive law, then everyone would likewise deny him assistance when he himself is in need, or at least would be authorized to deny it. Hence the maxim of self-interest would conflict with itself if it were made a universal law, that is, it is contrary to duty. Consequently the maxim of common interest, of beneficence toward those in need, is a universal duty of human beings, just because they are to be considered fellow human beings, rational beings with needs.... (MM 6:453)

Kant's reference to *needs* may make it sound as if this is an argument about *welfare* rather than *freedom*: I want the assistance of others when I need it for my own welfare, so in light of the norm of universalizability I ought to be prepared to offer assistance to others when they need it for their welfare. Kant's introductory remark that "*his own happiness* is an end that every human being has (by virtue of the impulses of his nature)" (MM 6:386) suggests the same: happiness seems like a merely natural goal, not an object of free choice. However, Kant's description of the happiness of others that I must make my

own end adds two important qualifications that make the connection to freedom clear: the happiness in question is “the happiness of *other* human beings, *whose* (permitted) *end I thus make my own end as well,*” and “it is for them to decide what they count as belonging to their happiness” (MM 6:386). There is an essential connection between anyone’s happiness and their *ends*: happiness is nothing other than the realization of one’s ends, and ends of course are freely chosen, not mere impulses. And that I am to help others realize their happiness only in accordance with *their* conception of happiness, not my own, makes their freedom of choice in setting their own ends at least a *necessary* condition of beneficence toward them: I am to assist others only in the realization of *their* freely chosen ends.

This may be as close as Kant comes to deriving the duty to assist others in the realization of their happiness from the fundamental command to promote freedom, although he could have made the general point here that I suggested in the above discussion of the duty of self-perfection, namely that expanding others’ *means* to pursuing their ends also expands the range of *ends* that they might reasonably set for themselves, and in that way positively promotes their freedom. It may seem disappointing that Kant did not make that argument explicit. But there is also a merit in the way that he does proceed: his insistence that I promote the happiness of others only on their own conception of their happiness makes it clear that *both* their freedom and their happiness are the objects of my duty. This is entirely reasonable if freedom is understood as the freedom to set one’s own ends; on this account of freedom, happiness will be the natural concomitant of freedom, at least under optimal conditions, in which we actually realize the goals we set for ourselves. This is why Kant had said in the *Critique of Pure Reason* that in a “moral world, in the concept of which we have abstracted from all hindrances to morality ... a system of happiness proportionately combined with morality can also be thought as necessary, since freedom, partly moved and partly restricted by moral laws, would itself be the cause of the general happiness” (A809/B837). From Kant’s point of view, freedom and happiness are closely connected, not strictly separated, and thus it would be a mistake to understand the duties of virtue as concerned solely with freedom to the exclusion of happiness.

This will be an essential point of contrast with Fichte. Before we turn to him at last, it might seem natural to complete the discussion of Kant’s list of ethical duties by examining his prohibition of the “vices of hatred,” namely envy, ingratitude, and malice, as the contraries of the positive duties of beneficence, gratitude, and sympathy (MM 6:458) and of the duties of respect proper—the prohibitions of arrogance, defamation, and ridicule (MM 6:465). But since there is no parallel to these in Fichte’s system of ethical duties, we

will forego that. The lesson to be taken from our discussion of Kant is that even if he does not always explicitly derive the duties of virtue from the fundamental requirement to preserve and promote freedom, the obligation to preserve or promote freedom on the part of every agent involved or affected by our actions always underlies the duties that Kant derives. Yet since freedom is the freedom to set our own ends, and happiness is the realization of our ends, there is always an intimate connection between freedom and happiness in Kant's analysis of the duties of virtue. This is the fundamental difference between his conception of the duties of virtue and Fichte's.

Fichte's Ethical Duties

Fichte also treats freedom as the "essential end" of mankind. But while Kant always thinks of freedom as instantiated in individuals and exercised in the pursuit of particular ends, and thus views the promotion of individual ends as part and parcel of the promotion of human freedom—indeed, even lets the promotion of ends rather than of freedom itself dominate his exposition of the duties of virtue—Fichte reifies freedom, treating freedom as the sole end of ethical duties and individuals and the development of their capacities as mere means to the promotion of freedom itself. One would never find statements like these in Kant, but they are representative of Fichte's approach: "I am *for myself*—i.e., before my own consciousness—only an instrument, a mere tool of the moral law, and by no means the end of the same.... Everyone is an end, in the sense that everyone is a *means* for realizing reason" (SE 244–45 [GA I/5:230–31]). Obviously treating oneself or others as mere means for realizing the moral law, reason, or freedom, is not the same thing as treating oneself or others as mere means to pleasure, and Fichte's approach does not always lead to substantive differences from Kant in his treatment of particular duties. But in some cases, treating individual human beings as mere means to the realization of a freedom or reason (Fichte shifts back and forth between the two) that is treated as if it could exist independently of the freedom of individuals does lead to different results.

A source of their difference is that while for Kant the *moral law* must be pure, that is, free from any empirical ground, and in order to earn "esteem" an agent's *motivation* to act as morality demands must likewise be pure, nothing but respect for the moral law (see G 4:400–401), for Fichte the *object* of morality must also be pure, and can be nothing but pure activity or freedom itself. For Kant, freedom, even in its "greatest possible" intra- and interpersonally self-consistent use, is always a *form* that is to be realized and maintained

in the *matter* of the pursuit of particular ends, whereas for Fichte freedom becomes the complete object of morality, both its form and its matter. This conception is developed in the first of the three parts of *System of Ethics*, the “Deduction of the Principle of Morality.” Fichte’s premise is that “nothing is absolute but pure activity, and all consciousness and all being is grounded upon this pure activity. In accordance with the laws of consciousness,” which Fichte has developed in his *Wissenschaftslehre*, “and, more specifically, in accordance with the basic law that an active being [*das Tätige*] can be viewed only as a unified subject (as an *I*),” Fichte continues, “this activity appears as an *efficacy exercised upon something outside me*” (SE 17 [GA I/5:29]). This suggests that the active agent is also always an embodied agent, embedded in a world of objects, and thus might further suggest that the agent always exercises his activity in some bodily intervention in the world, which would seem to lead to a position similar to Kant’s, according to which freedom is always expressed in the pursuit of particular objectives, not in the pursuit of itself, as if it were separate from the choice and pursuit of particular ends. And indeed Fichte often adopts this position. But here he continues that “all the things included in this appearance—from, at the one extreme, the end that is posited absolutely by myself, to, at the other extreme, the raw stuff of the world—are mediating elements of the same, and are hence themselves only appearances. Nothing is purely true but my self-sufficiency [*Selbständigkeit*]” (SE 17 [GA I/5:29–30]). Here what is for Kant the *noumenal* reality of absolute spontaneity *behind* our always-conditioned *phenomenal*, spatiotemporal actions and our goals regarding them is being transformed into the *sole* reality or truth, and as such the *sole* possible goal for genuinely moral action.

The goal of Fichte’s deduction of the moral law is to produce *theoretical cognition* of the moral law from the “*theory of our consciousness*” itself rather than starting from any indemonstrable practical or normative assumption (SE 21 [GA I/5:35]).⁶ Fichte wants to present his deduction as based in his *Wissenschaftslehre* rather than in traditional metaphysics, thus it is not to be based on a claim that “*this is how I am in and for myself*” but “simply, ‘*this is how I necessarily have to think of myself*’” (SE 22 [GA I/5:35–36]). But the way in which I have to think of myself, according to him, is the way Kant thinks of the noumenal self and will, namely, as pure spontaneity or freedom. The argument, greatly simplified, is then (1) that “I find myself *only* as willing” (SE 26 [GA I/5:38]), (2) that willing always seems to have some particular object, or at least that “all willing that is actually *perceivable* ... is necessarily a determinate willing, in which *something* is willed” (SE 29 [GA I/5:41]), but (3) “insofar as willing is something absolute and primary ... it cannot be explained on the basis of any influence of some thing outside the I, but only

the basis of the I itself; and this *absoluteness* of the I is what would remain following abstraction from everything foreign” (SE 30 [GA I/5:42]), thus (4)

THE ESSENTIAL CHARACTER OF THE I, THROUGH WHICH IT DISTINGUISHES ITSELF FROM EVERYTHING OUTSIDE IT, CONSISTS IN A TENDENCY TO SELF-ACTIVITY FOR SELF-ACTIVITY’S SAKE; AND THIS TENDENCY IS WHAT IS THOUGHT WHEN THE I IS THOUGHT OF IN AND FOR ITSELF, WITHOUT ANY RELATION TO SOMETHING OUTSIDE IT. (SE 34 [GA I/5:45])

The *perceivable* will always has some particular, external object, but the “essential” I and will has only its own self-activity for its object. Such self-activity is the same as freedom—“INSOFAR AS THE I ... INTUITS THE TENDENCY TO ABSOLUTE ACTIVITY AS ITSELF, IT POSITS ITSELF AS FREE” (SE 41 [GA I/5:51])—and (5) the moral law thus becomes: “we are supposed to determine ourselves consciously, purely and simply through concepts, indeed, in accordance with the concept of absolute self-activity” (SE 52 [GA I/5:61]). Fichte further states that “a rational being is *itself* supposed to produce everything that it is ever really to be.... This manner of existing can be none other than existing as an intellect in and with concepts” (SE 53 [GA I/5:62–63]). The production of freedom apart from any particular end thus becomes the sole object of Fichtean morality, at least at its most general level.

Fichte’s argument has a certain similarity to Kant’s first derivation of the categorical imperative in Section I of the *Groundwork*, where, from the common-sense assumption that acting out of duty is not acting out of inclination or for the sake of objects of inclination, he infers that it can only be acting in accordance with and out of respect for the purely formal law of acting only on maxims that one could also will to be universalized (G 4:400ff.). But whereas in the *Critique of Practical Reason* Kant had made it clear that this law does not describe the complete *object* of morality—that object is the highest good, which includes happiness, and thus the satisfaction of particular ends, as well (CPrR 5:110–11)—and whereas in *Religion within the Boundaries of Mere Reason* he had made clear that the moral law is only the *fundamental* maxim of morality, to govern the choice of more particular maxims and thus of particular ends (see Rel 6:36), Fichte has separated the proper self, “existing as an intellect in and with concepts,” from its particular ends or those of anyone else, and made freedom or absolute spontaneity not merely the fundamental maxim but also the complete object of morality. Thus “THE PRINCIPLE OF MORALITY IS THE NECESSARY THOUGHT OF

THE INTELLECT THAT IT OUGHT TO DETERMINE ITS FREEDOM IN ACCORDANCE WITH THE CONCEPT OF SELF-SUFFICIENCY, ABSOLUTELY AND WITHOUT EXCEPTION" (SE 60 [GA I/5:69]).

In the second part of the *System of Ethics*, which presents a "Deduction of the reality and applicability of the moral principle," Fichte argues that the moral will generates a "drive" of its own that can compete with other drives in our moral psychology. This can be regarded as his version of Kant's thesis that the determination of the will by the moral law generates a feeling of respect that can act as a counterweight to other feelings at the phenomenal level of action (CPrR 5:71–89). He also reiterates his initial claim in the "Deduction" that a rational will must will "SOMETHING OUTSIDE OF ITSELF TO WHICH THIS POWER IS DIRECTED" (SE 76 [GA I/5:83]). But in Part III of the work, the "Systematic Application of the Principle of Morality, or Ethics in the Narrower Sense," which presents his own catalogue of ethical duties parallel to Kant's Doctrine of Virtue, this condition will be satisfied by the argument that the moral will wills particular actions toward itself and others as *means* to the realization of its ultimate end of freedom or spontaneity as such, and thus that it treats itself and others as *instruments* for the realization of freedom as such.

Fichte's catalogue includes duties corresponding to Kant's general ethical obligation to be virtuous as well as to his specific duties of virtue. Fichte uses the distinction between form and matter to make his version of the distinction. The form of morality is that "the will gives itself its object absolutely" (SE 150 [GA I/5:148]), "in absolute opposition to any force of nature" (SE 152 [GA I/5:149]). This sounds like Kant, but Fichte also holds that "the moral law, however, is not a power of cognition, and therefore, by virtue of its very essence, it cannot produce [the] conviction" that a particular action is morally correct "by itself"; instead, it relies on my "present conviction" and "conscience" that a particular act is correct (SE 156–57 [GA I/5:153–54]). Thus, the formal condition of morality is to act in accordance with one's conscience and conviction, even though this always exposes the correctness of one's action to chance: "When I consider all of this—and it is my duty to take it into consideration,—I must either take a chance and act, or else I am not permitted to act at all but must spend my entire life in a state of indecision" (SE 156 [GA I/5:153]). Fichte's recognition that the best we can ever do is to act in accordance with our own best interpretation of what morality requires of us is attractive. But his insistence that the moral law itself is not a "power of cognition" and only tells us to act in accordance with our conscience not only repudiates Kant's view that the moral law is a form of "practical cognition,"⁷ as Fichte well knows, but also is undermined by his own detailed list of

our duties to both ourselves and others. Fichte does not present this list as simply his own conviction about what is right; it is presented as a philosophically necessary list of duties. Fichte may be entitled to interpret Kant's requirement that in order to earn moral esteem we act out of respect for the moral law itself as the requirement that we act in accordance with our conscience, but his procedure undercuts any claim that our conscience does not have considerable objective guidance.

Fichte's list of duties comes under the rubric of an account of the "Material Content of the Moral Law, or Systematic Survey of Our Duties" (SE 196 [GA I/5:189]). It is divided into two sections, the first of which argues that the material goal of virtue is self-sufficiency or freedom, and the second of which details the specific duties entailed by this general end (although there is a preliminary list of such duties in the first half of the treatment). At one level, Fichte describes the general end of duty in terms that recognize, indeed emphasize that it is the self-sufficiency or freedom *of individuals* that is at issue, in the first instance *oneself* but then also *others*.⁸ Here the argument is that

the way to discover the material content of the moral law is by synthetically uniting the concept of I-hood and the concept of absolute self-sufficiency. I am supposed to be a self-sufficient I; this is *my* final end. I am supposed to use things in any way that will increase this self-sufficiency; that is *their* final end. (SE 201 [GA I/5:193])

A "complete presentation of the conditions of I-hood" and self-sufficiency will thus provide "an exhaustive account of the content of the moral law" (SE 201 [GA I/5:193]). My own self-sufficiency is my final end, and the (Pickwickian) end of everything else is to be used as a mere means to my own freedom. That might be fine for land or trees or maybe even cows, but would seem to leave other *persons* in a precarious position, precisely that of being properly treated as mere means to *my* own end, *my* freedom, rather than as ends in their own right, or beings whose own self-sufficiency is a proper end. Fichte averts this result, however, with an argument that appeals to one more fully made in his *Foundations of Natural Right* than in the *System of Ethics*, namely that I can only be brought to recognize my own freedom and its status as my final end by a "summons" from another being whom I recognize as free (and must continue to recognize as free in order to continue to recognize myself as free). It is for this reason that

my I-hood, along with my self-sufficiency in general, is conditioned by the freedom of the other. It follows that my *drive to self-sufficiency* absolutely cannot aim

at annihilating the condition of its own possibility, that is, the freedom of the other.... This limitation of the drive [for self-sufficiency] therefore contains within itself an absolute prohibition against disturbing the freedom of the other, a command to consider the other as self-sufficiency, and absolutely not to use him as a means for my own ends.... The mere fact that I have posited even *one* individual outside of myself means that, among all the free actions that are possible, several have become impossible for me: namely, all of those that are conditions of the freedom that I ascribe to the other. (SE 210–11 [GA I/5:201–202])

This should remind us of Kant's Formula of Humanity, according to which I am always to treat both myself and others as ends in themselves and never merely as means. However, there are problems in Fichte's formulation. An obvious one is, How do I go from the recognition of *some* other as free as a condition of my own freedom to the necessary recognition of *all* others as free? A more subtle problem is revealed by Fichte's omission of Kant's "merely": for Kant I *can* use another as a means to my end, as long as I do not use him *merely* as a means but also treat him as an end in himself, that is, allow *him* to agree freely with the use I propose to make of him—and vice versa, of course. This is what happens when two parties freely enter into an agreement that each sees as to his own benefit: each is both free yet also a means to the end of the other. But this means that in a moral interaction *neither* party has "absolute" freedom; rather, each party freely agrees to limit his own freedom by regard for the freedom of the other, who likewise agrees to limit his own freedom by regard for the freedom of the other. Fichte makes it explicit that "I am required by virtue of the very essence of freedom itself to limit myself every time I act freely, thus keeping open the possibility that other possible free beings might act freely as well" (SE 212 [GA I/5:203]), but he does not explicitly state that the other possible beings must limit their own freedom as well. The greatest possible use of freedom for everybody, in Kant's terms, is never absolute freedom for anybody. That freedom is the *ultimate* value does not mean that it is ever *absolute*.

Perhaps Fichte means to get around these problems by submerging the freedom of each into the freedom of all, which would seem to have to make room for the freedom of each and thus for some limitation on the freedom of each. However, the way that he does this seems to end up separating freedom from individuality altogether and turning it into something that exists in its own right independently of individuals. Here is a crucial passage, indeed one in which Fichte tries to present his view as "compatible" with Kant's:

Kant has asserted that *every human being is himself an end*, and this assertion has received universal assent. This Kantian proposition is compatible with mine,

when the latter has been further elaborated. For every rational being outside me, to whom the moral law certainly addresses itself in the same way that it addresses itself to me, namely as the tool of the moral law, I am a member of the community of rational beings; hence I am, from his viewpoint, an end *for him*, just as *he* is, from my viewpoint, an end *for me*. For everyone, all others outside of oneself are ends, but no one is an end for himself. That viewpoint from which all individuals without exception are a final end is a standpoint that lies beyond all individual consciousness; it is a viewpoint from which the consciousness of all rational beings is united into one, as an object. Properly speaking, this is the viewpoint of God, for whom each rational being is an absolute and final end.... Everyone is an end, in the sense that everyone is a *means* for realizing reason. This is the ultimate and final end of each person's existence.... (SE 244–45 [GA I/5:230])

Fichte shifts from the idea that *every* person is an end both for himself and for others to the idea that *no one* is an end for himself, rather everyone is only a means for realizing reason, or freedom, as something that lies beyond individual consciousness altogether. And if no one is an end for himself, it is not clear that it makes any sense to think of anyone in himself as an end for others; rather, it seems to be reason or freedom in the abstract that is the only ultimate and final end of and for anyone, so that everyone is only a means for the realization of this abstract entity.

Thus Fichte's account is an instrumental one, according to which the fulfillment of duties to both self and others is a means to the promotion of freedom as such, although he does not always let this stand in the way of good sense. Fichte's instrumentalism is evident in his initial account of our duties regarding our own body, his parallel to Kant's duties toward ourselves as regards our animal nature. The non-controversial premise of Fichte's argument is that "I can act only by means of my body," but the controversial premise of his argument is that "my highest drive is the drive for absolute self-sufficiency," not even just *my own* self-sufficiency, and that the "preservation and maximal perfection of the body" is to be undertaken entirely and only in service of this end. "The sole end of all my care for my body absolutely ought to be and must be to transform the body into a suitable instrument of morality and to preserve it as such" (SE 205 [GA I/5:197]). This leads to three further duties, or a threefold characterization of this duty:

In this manner we obtain the following three material commands of ethics. The first of these commands is a negative one: our body absolutely may not be treated as a final end; i.e., it absolutely may not become an object of enjoyment for enjoyment's sake. The second command is a positive one: to the extent that

it is possible, the body ought to be cultivated in a manner that will make it suitable for all the possible ends of freedom.—Mortification of sensations and desires, weakening of force is absolutely contrary to duty. The third command is a limitative one: every enjoyment that cannot be related, with sincere conviction, to our efforts to cultivate our body in a suitable manner [in order to make it an instrument of freedom] is impermissible and contrary to the law. (SE 205 [GA I/5:197], translator's interpolation)

Here Fichte uses the Kantian division of the category of quality into reality, negation, and limitation. But otherwise his model is far more radical than Kant's. Kant has no objection to pleasure that does not compromise one's freedom or that of another; thus, for example, he allows the pleasure of sex within a marriage in which each partner treats both as ends in themselves, that is, within a framework of freedom, even when the possibility of conception is past and sex thus primarily serves the purpose of pleasure (MM 6:278). But Fichte's position is that bodily pleasure for its own sake is never permissible; all that is morally permissible is the use of one's own body as an instrument for the realization of freedom or self-sufficiency, with pleasure presumably permissible only as an unavoidable accompaniment of some form of self-use or -cultivation for that end. This is a more rigoristic conception of duty than Kant's.

In the second part of "Material Content," Fichte presents the following system of ethical duties. He divides duties into universal and particular duties. Particular duties are duties connected with particular roles in life, what Fichte conceives of as particular stations or "estates" in life. He assumes that "the final end of reason will not be advanced in an orderly manner" unless "different individuals divide among themselves the various things that have to happen in order to further reason's final end, with each person assuming responsibility on behalf of everyone else for a determinate position of what needs to be done" (SE 247 [GA I/5:232]), and from this infers that it is a duty for everyone to occupy that particular station or estate—artisan, civil servant, scholar, and so on—for which they are best suited and to do everything they can to fulfill this position as best as possible (SE 259 [GA I/5:243]). Duties of parents, children, employers, and so on would also be particular duties. Universal duties are those obligatory on everyone regardless of their position in life (thus the duty to occupy a particular position is itself a universal duty). Universal duties are in turn divided into "conditioned" and "immediate" ones. The principle of this division is not very clear, but the "universal immediate duties" include both the duty to make the moral law one's fundamental motivation—"The aim is not merely that nothing should occur except

what is good and in accordance with reason, i.e., that legality alone should rule, but rather that this should occur freely, in consequence of the moral law, and hence that genuine, true morality should rule” (SE 263 [GA I/5:246])—which one would have thought to be a “formal” rather than “material” duty; but also particular although negative duties not to destroy either the existence of free beings, oneself or others, thus the duties not to commit suicide or homicide, “because every human being is a means for the realization of the moral law” (SE 265 [GA I/5:248]). These of Fichte’s “universal immediate duties” seem to parallel Kant’s perfect but non-judicial, therefore ethical duties to oneself or others; but his examples slide from duties of omission to duties of commission. For since “I cannot very well will something conditioned without also willing the condition therefore” (i.e., I cannot will an end without willing some sufficient means to it), furthering “health, strength and preservation of [an] other’s body and life” becomes part of universal immediate duty regarding the other (SE 267 [GA I/5:250]), although this would go beyond merely not injuring the other’s bodily health and strength. Further, since “a condition for exercising ... causality” on another’s formal freedom “is that one possess correct knowledge of that upon which one is exercising an effect” (SE 269 [GA I/5:252]), developing one’s knowledge about others—about the effects of one’s action on others—becomes a duty to oneself. These would seem to be positive duties to develop means to moral ends, and thus to be conditioned rather than immediate duties.

The category of “universal conditioned duties” likewise seems to cross the line between negative and positive duties, or duties of omission and commission. The general principle of such duties is that “I am a tool of the moral law in the sensible world.”

If I am to be a tool of the moral law, then the necessary condition for my being such a tool must pertain; and if I think of myself as subject to the moral law, then I am commanded to realize to the best of my ability the condition necessary for the continued interaction between me and the world (both the sensible world and the rational world), for the moral law never commands the impossible. (SE 248 [GA I/5:233])

That the moral law never commands the impossible, thus that one must be able to do what one ought to do, is of course a Kantian principle, but here Fichte is not using it for a metaphysical proof of the freedom of the will but rather to make the reasonable point that in the face of the moral law one should not take apparent limits on what one can do as if they were insuperable, but should rather develop one’s abilities so that it will *become* possible for

one to do what one ought to do—or at least more of it, for this is clearly an imperfect duty. And thus Fichte reasonably subsumes positive duties under this rubric, such as the duty to “respect our *body* and promote its health and well-being in every way” so that it can be “a fitting tool for furthering the end of reason,” and likewise, “as regards the *mind*, the positive duty to exercise it constantly and regularly and to keep it occupied,” indeed even with “aesthetic pleasures and the fine arts, the moderate and appropriate employment of which enliven both body and soul and strengthen them for further efforts”—presumably further moral, not further aesthetic efforts (SE 257 [GA I/5:241]). However, this account of positive universal conditioned duties is preceded by an account of negative duties, namely the duties “*not to undertake anything that could, in your own estimation, endanger your own self-preservation*” (SE 250 [GA I/5:235]), whether that of body or mind. Here Fichte proscribes denying the body necessary nourishment, or fasting, as well as subjecting it to excessive nourishment, or intemperance, and prohibits “sexual depravity,” not because it treats the body as a mere means to pleasure but rather because it renders it unfit as a means to morality. He likewise proscribes “mental inactivity,” which will render the mind unfit as a tool of the moral law (SE 250–51 [GA I/5:235]). He then expounds the prohibition of suicide under the heading of a universal conditioned duty (SE 252–57 [GA I/5:236–40]), although that is also proscribed under the rubric of universal immediate duty (SE 266 [GA I/5:249]), along with homicide, both as instances of the absolute prohibition “from ever intentionally killing anyone” (SE 265 [GA I/5:248]).

Fichte’s distinction between universal immediate and conditioned duties is thus not entirely clear, although perhaps this should not be taken as a criticism: the line between duties of omission and commission may not be clear in fact. Apart from this issue, the general lines of Fichte’s account are pretty clear: we have duties both to preserve and to promote the existence and the possibility of the exercise of the freedom of both ourselves and others, and the conditions of the existence and the possibility of the exercise of freedom are both bodily and mental; thus we have duties both to preserve and to promote bodily and mental existence and good function. In this way, Fichte’s account resembles Kant’s. However, there remains this difference, at least in formulation: while for Kant it is always *persons* as individual free agents whose freedom is to be preserved and promoted, for Fichte it is *freedom itself* that is to be preserved and promoted. In many cases, this will be a distinction without a difference. But in several cases, the difference is more than merely verbal. Let us conclude by looking at a few such cases.

Material Differences Between Fichte and Kant

In spite of the general structure of his theory, in many cases Fichte perfectly well recognizes that individual human beings are *instances* of freedom rather than *instruments* of freedom, and should be treated accordingly. In particular, he is insistent that one must not attribute any special value or importance to *one's own* life, but that it is just one instance of freedom among others. Thus, in his discussion of the so-called “right of necessity” (as illustrated, for instance, by the case of two shipwreck victims struggling for a plank that is only adequate to float one of them),⁹ Fichte argues that one cannot make any special claim on one's own behalf, and instead should let nature take its course, letting whomever might survive do so. He especially argues that one cannot make consequentialist calculations in such a case, that is, claim that one person or the other should be saved because he might bring about greater good in the future, since what will happen in the future is always uncertain (SE 288–89 [GA I/5:268–69]). He also takes up cases in which the “lives of several of my fellow human beings are in danger ... but I cannot save them all,” and argues that although one's goal remains to save them all, nevertheless one must sequence one's efforts on the basis of such criteria as the helplessness of the others or particular duties one has to individuals among them, not because of mere preference but because of obligations one has undertaken to them, and if there are no such differences, he argues, then one should just begin with “the first person I can rescue” (SE 289 [GA I/5:269]). In such arguments, Fichte clearly treats people as particular instances of freedom, as many of whom as possible should be saved, rather than treating freedom as some abstract entity that can be served independently of free individuals.

One issue on which Fichte goes further than Kant is his treatment of property as a moral, not just juridical issue, bound up with our duty to beneficence. Kant treats these issues separately, arguing in his Doctrine of Right that we can make rightful property claims only where we can presume the assent of others to our claims in the form of an “omnilateral will” (MM 6:255–56), and in the Doctrine of Virtue that we must be beneficent to others because we would want their beneficence in case of our own need and must universalize this maxim (MM 6:450–51). Fichte merges the two issues, arguing that property in external objects is “the premise of all my acting in the sensible world” and thus a necessary instrument of my freedom, and then that, because “the freedom of everyone else is, for me, an end that is absolutely commanded by the moral law,” I have a duty to “institute the right of property” for all and to secure this right by establishing a state to which all can belong (SE 278–79

[GA I/5:259–60]).¹⁰ So Fichte infers that “every human being who has arrived at the age where he is able to use his own reason ought to possess some property,” and then explains the duty of beneficence (*Wohltätigkeit*) as “everyone’s duty to provide with property anyone whom he knows to be without property” (SE 281–82 [GA I/5:263]). Fichte’s argument is thus that we have a duty to promote the freedom of all by providing each with property that can be used as a means to the exercise of his or her freedom. Kant does not say that providing assistance to others need take the form of providing them with property; indeed, his notorious acceptance of the status of “passive” citizenship for women and wage-workers because they do not own the products of their own labor (MM 6:314–15) suggests that he does not think that those who have property have any obligation to provide property to those who do not. In this regard, Fichte seems to go further than Kant in an insistence upon individual freedom and the provision of its necessary conditions as the core of morality.

One place, however, where Fichte seems to treat freedom as an abstract entity for which individual freedom is only a means and for the sake of which it can be limited not by other instances of individual freedom but by the supposed needs of freedom as such is in his treatment of “estates.” The premise of his position on this issue is that “where there are particular estates, it is the absolute duty of each individual to be a member of one of these estates, i.e., to further the goal of reason in a particular way” (SE 259 [GA I/5:243]). To be sure, it could be held that as a matter of elementary metaphysics an individual agent can only further some general goal in some particular way. But Fichte limits the freedom of the individual in choosing the particular way in which he will promote the general end of reason:

It is a duty to base one’s choice of an estate not upon inclination, but rather upon one’s best conviction concerning the estate that is most precisely appropriate for one, taking into account the quantity of one’s forces, one’s education, and those external conditions over which one has some control. The aim of our lives is not to satisfy inclination but to further the end of reason, and every force in the sensible world ought to be employed for this aim in the most advantageous manner. (SE 260 [GA I/5:243–44])

Here Fichte reasons in the same way as in his argument that bodily pleasure can never be enjoyed for its own sake, but only as a by-product of furthering the abstract goal of freedom—being allowed to use sheer potential enjoyment of a particular occupation as a reason for selecting it is not considered to be *part* of individual freedom, as it might well be on other accounts. Further,

Fichte is here insisting upon precisely the kind of consequentialist calculation that he excluded in the case of the right of necessity: there one was not allowed to consider which person might make a greater contribution to morality or human welfare in the future but simply had to let nature take its course, but here Fichte insists that one must not allow nature, in the form of one's own inclination toward some particular occupation, to take its course but must instead calculate (as if that were possible) how one could make the greatest contribution to the promotion of reason and freedom. Fichte reinforces this restriction upon individual freedom in his concluding "Overview of particular duties," where he states:

The sole duty of everyone is to further the end of reason; the latter comprehends within itself all other ends; particular duties are duties only to the extent that they refer to the achievement of this main end. I ought to exercise the particular duty of my estate and profession not simply because I am supposed to do so, but because this allows me to promote the advance of reason from my present position. I ought to view a particular duty as a means for accomplishing the universal duty of all human beings, and absolutely not as an end [in its own right]; and in fulfilling the particular obligations of my duty and profession I do my duty purely and solely insofar as I fulfill these particular obligations *for the sake of duty in general*. (SE 308–309 [GA I/5:285–86])

Fichte goes on to subsume the duties of spouses, of parents and children, and of various professions—artisans, fine artists, scholars, state officials, and the "lower classes of people"—under this principle. There is a strong suggestion that individuals should not have much choice in the matter of their particular estates and professions, but should treat them as given by reason, as if it were God. Thus, "the dignity of these [lower] estates only increases if one considers—and allows them to consider—that humanity's progress toward the better has always depended on these estates in particular, and it will continue to do so." Fichte imposes upon individuals in the lower classes an "absolute duty ... to perfect and to advance their trade, since the progress of humanity as such is conditioned thereby" (SE 342 [GA I/5:314]), but he does not suggest an absolute freedom of individuals to try to *leave* their estate and find some other, or *a fortiori* any freedom to do so simply because they might like another occupation better. Here the freedom of individuals seems to be sacrificed to the abstraction of "the progress of humanity as such."¹¹

In the end, then, Fichte seems to be torn between a constitutive view of freedom as consisting in the equal maximal freedom of individuals and an instrumentalist view of individuals as mere means to freedom, reason, and

human progress, as if those were something over and above the freedom, reason, and progress of individuals. Sometimes Fichte's talk of freedom or reason as such can be taken as a harmless *façon de parler*, and sometimes he makes an even stronger case than Kant had done for maximizing while equalizing individual freedom. But sometimes he treats individual freedom as a mere means to some higher goal, which can be compromised in the name of that higher goal. To this reader, at least, the former tendency represents Fichte at his best, the latter does not.

Notes

1. In his brief account of Fichte's *System of Ethics*, Manfred Kuehn stresses the difference between Fichte and Kant more than the similarity; see *Johann Gottlieb Fichte: Ein deutscher Philosoph* (Munich: C. H. Beck, 2012), 374–75. Anthony J. La Vopa likewise stresses the difference: "Informing Fichte's idea of wholeness ... was a rigorism that may have been extreme even by Kantian standards"; see *Fichte: The Self and the Calling of Philosophy, 1762–1799* (Cambridge: Cambridge University Press, 2001), 221. I will argue that the relation between the two views is more nuanced than these authors suggest.
2. Whether such freedom requires the metaphysical freedom of the will or libertarianism that is argued to be possible in the *Critique of Pure Reason* and actual in the *Critique of Practical Reason* is a question that can be left aside here.
3. I have argued for the foundation of Kant's theory of right in his moral theory in Paul Guyer, "Kant's Deductions of the Principles of Right," in Mark Timmons, ed., *Kant's Metaphysics of Morals: Interpretative Essays* (Oxford: Oxford University Press, 2002), 24–64 (reprinted in Paul Guyer, *Kant's System of Nature and Freedom: Selected Essays* (Oxford: Clarendon Press, 2005), 198–242), and contrasted Kant's approach to a Fichtean approach to the philosophy of right in Paul Guyer, "The Twofold Morality of Kantian *Recht*: Once More Unto the Breach," *Kant-Studien* 107 (2016): 34–63.
4. I have developed this argument at greater length in Paul Guyer, "Setting and Pursuing Ends: Internal and External Freedom," in *Virtues of Freedom: Selected Essays on Kant* (Oxford: Oxford University Press, 2016), 87–104. A similar point has also been suggested by Robert N. Johnson in *Self-Improvement: A Essay in Kantian Ethics* (Oxford: Oxford University Press, 2011), 89–94.
5. For further discussion of the duty of sympathy, see Paul Guyer, "Kant on Moral Feelings: From the Lectures to the *Metaphysics of Morals*," in *Virtues of Freedom*, 235–59.
6. I have discussed Fichte's attempt at a deduction of the moral law more extensively in Paul Guyer, "Fichte's Transcendental Ethics," in *The Transcendental*

Turn, ed. Sebastian Gardner and Matthew Grist (Oxford: Oxford University Press, 2015), 135–58. For suggestions that Kant’s own approach might begin from the supposition of a specifically normative or practical, indemonstrable first principle, see his early prize essay, *Inquiry concerning the Distinctness of the Principles of Natural Theology and Morality* (Ak 2:299), and CPrR 5:31 (the “fact of reason” passage). However, one can also find suggestions of an alternative approach in Kant, namely a derivation of the moral law from the nature of reason as such, not specifically practical reason.

7. On the moral law as a form of cognition, see Stephen Engstrom, *The Form of Practical Knowledge: A Study of the Categorical Imperative* (Cambridge: Harvard University Press, 2009).
8. This aspect of Fichte’s account is stressed by Allen W. Wood in *Fichte’s Ethical Thought* (Oxford: Oxford University Press, 2016), especially chap. 7, “The Social Unity of Reason: The Human Vocation,” 211–50. In Wood’s view, Fichte’s conception of reason is fully particularized, thus to regard others “as ‘tools of reason’ is to regard them as tools of *their own* reason” only (228). I will suggest that Fichte’s conception is not so unequivocal as this.
9. Kant briefly discusses this in the Doctrine of Right (MM 6:235–36), which Fichte could have seen before finishing his *System*, rather than in the Doctrine of Virtue.
10. Fichte does not appear to mean by this that everyone is obliged to institute a single, worldwide state, and his subsequent conception of the “closed commercial state” (*geschlossenes Handelstaat*) would confirm that this is not what he has in mind.
11. Wood tries to remove the sting from Fichte’s account of the estates by arguing that it includes a proto-Marxist suggestion that the working class can ultimately be *aufgehoben* (Wood, *Fichte’s Ethical Thought*, 247). The present passages do not bear that interpretation out.



13

Fichte on Freedom

Wayne Martin

In the spring of 1795, as he was completing the first systematic presentation of the foundations of his *Wissenschaftslehre*, Fichte wrote to the Danish poet Jens Baggesen, with whom he had become acquainted in Zurich. The letter contained a famous boast:

I would accept a pension from the nation of France, which is just beginning to turn its attention toward the arts and sciences. This, I believe, would be appropriate for France. *My system is the first system of freedom.* Just as France has freed man from external shackles, so my system frees him from the fetters of things in themselves, which is to say, from those external influences with which all previous systems—including the Kantian—have more-or-less fettered man. Indeed the first principle of my system presents man as an independent being. (EPW 385 [GA III/2, no. 282a], emphasis added)

Fichte's *Wissenschaftslehre* has been intensively studied by scholars in the intervening centuries, with increasing sophistication. But how should we make sense of this extraordinary boast? And what exactly is the conception of freedom with which Fichte's system operates?

The topic of freedom is central in Fichte's writings, from early to late, and across an astonishing variety of different topics. It figures in his account of agency and imputation, to be sure, and in what we might call his philosophy of mind. He grapples with the metaphysical problem of freedom and

W. Martin (✉)

School of Philosophy and Art History, University of Essex, Colchester, UK

e-mail: wmartin@essex.ac.uk

determinism, but the topic also figures centrally in his ethics, in his political philosophy, in his epistemology, in his theories of education and academic research, in his economic philosophy, in his theory of international relations and his account of human history, in his theory of nationhood—even in his philosophy of mathematics! Needless to say, I cannot hope to cover all these issues here. I propose instead to focus on one small but foundational piece of the puzzle: the emergence and early development of Fichte's mature thinking about freedom of will—starting with the earliest surviving traces of his struggles with this issue and leading up to the time of the 1795 boast to Baggesen.

Given the evident importance of our topic within Fichte's corpus, and despite the considerable scholarly attention that has been paid to his philosophy in recent decades, there is something of a paucity of scholarship that bears squarely on Fichte's theory of freedom. The recent *Cambridge Companion to Fichte* includes no essay specifically devoted to this topic¹; neither does the *Bloomsbury Companion*² nor the important recent collection of Daniel Breazeale's papers.³ One commentator who has devoted considerable attention to the topic is Allen W. Wood.⁴ I propose to take my bearings from one detail in his treatment. For Wood, the heart of Fichte's theory of freedom lies in his doctrine of "absolute freedom"—a phrase that appears in a number of places in the corpus, notably in an important early letter which we shall have occasion to examine below. For now, I simply take note of an anomaly in the textual evidence that Wood cites in attributing this doctrine to Fichte.

Wood attributes to Fichte the thesis that "The I *is* ... absolutely free" and that "it *is* not caused by anything..."⁵ But in support of this attribution, Wood cites a passage in which Fichte writes, "I myself *am supposed to be* the ultimate ground of the change that has occurred" (SE 9 [GA I/5:23], emphasis added).⁶ Wood claims that "[the I's] acts *can* depend on nothing but themselves."⁷ But in the passage that Wood cites, Fichte writes that "the I ... *puts itself forward* as something self-sufficient" (SE 37 [GA I/5:48], emphasis added).⁸ The terrain that I explore in what follows can usefully be indicated with reference to these subtle differences in the modality with which Fichte's claims about freedom are advanced. My proposal is that Fichte's most important original contributions to the theory of freedom lie in the space marked out by three propositions: (1) that I *am* absolutely free; (2) that I ought (*soll*) to be absolutely free; and (3) that I put myself forward (*sich hinstellen*) as free. Somewhere within that modally complex triangle, we might also hope to discover something about what it means *to posit myself* (*sich setzen*) as free.

In surveying this conceptual space, I adopt a historical strategy. Fichte approaches the topic of freedom with the zeal of a convert, so I propose to examine the traces of his conversion to the cause. I shall argue that the early

history of Fichte's thinking about freedom is best reconstructed by dividing it into four phases: an early uncompromising adherence to a thoroughgoing determinism; conversion to an orthodox Kantian position on the problem of freedom and determinism; an encounter with a sophisticated skeptical critic of the Kantian position; and, finally, the emergence of a mature and recognizably post-Kantian approach to the issue. Before embarking on this historical reconstruction, however, we need to begin by establishing a benchmark for our survey.

A Kantian Benchmark

Fichte's thinking about freedom, particularly in the Jena period, is deeply wrapped up with Kant's thinking about freedom. Obviously Kant's theory of freedom is a huge topic in its own right.⁹ But for our benchmarking exercise, we can take our orientation from the first six paragraphs of *The Critique of Practical Reason* (CPrR 5:3–6). As we shall see, this text had an enormous impact on Fichte. Its opening pages also serve as an elegant synopsis of four key points that will matter to us in what follows.

(1) *A division of labor between theoretical and practical reason.* The *Critique of Practical Reason* is of course the second of Kant's three critiques. But the book opens by reflecting back on the first critique, and in particular on what Kant refers to as "the *Critique* of speculative reason" (CPrR 5:8).¹⁰ Kant's claim is that his critical work with respect to the topic of freedom is essentially distributed: distributed between the first and second critiques, and distributed between theoretical and practical reason.

In the first *Critique* Kant claims only to have established the modest result that freedom is *possible*, by showing that the idea of freedom is not hopelessly mired in contradiction. Specifically, he claims to have shown that the threat of contradiction encountered in the Third Antinomy can be disarmed. (In the Third Antinomy Kant examines the putative contradiction between the freedom of the will and the determinism of nature.) It is only in the practical philosophy, and relying on what Kant calls "the moral use of reason," that assent to the reality of freedom can be shown to be rationally warranted—as what Kant calls a "postulate of practical reason" (see, for example, CPrR 5:132). The details of this "practical proof" of freedom are fiercely disputed among scholars (and frequently revisited and refined by Kant himself), but there seem to be at least two key ingredients. First, in an encounter with the unconditional demand of the moral law, I at the same time encounter myself as free. Second, in understanding the *status* of the moral law, I come to recognize the autonomy of pure practical reason.

Those two formulations may sound cryptic, and they are framed in jargon internal to Kant's project. So it may help to hazard a more intuitive characterization of what is at stake. As regards the first point: to find myself as the addressee of an unconditional moral demand is to discover that I ought to act in a way that is not simply determined by my strongest inclinations and which may indeed run contrary to my inclinations. If "ought" implies "can," then it follows that I *can* act in a way that is not simply determined by my strongest inclinations. Therefore I am free, in the sense that I have the ability to act in a way that is determined by the moral law and not by my inclinations. That is the first point. The second point is that in reflecting on the distinctive *authority* of the moral law, with its unconditional demand, I come to realize that practical reason has the ability to command with an authority that rests on nothing other than itself. In this consists the *autonomy* of pure practical reason.

(2) *Dualism*. As we have just noted, one crucial ingredient in Kant's theory of freedom lies in his disarming of the Third Antinomy, which threatens contradiction precisely over the issue of freedom. According to the thesis of the Third Antinomy there is freedom; according to the antithesis, there is no freedom. The details of Kant's resolution of the Third Antinomy are once again a matter of scholarly dispute. But all the interpretations involve appeal to some form (or forms) of dualism—not to the substance dualism of Descartes, to be sure, but to a dualism of appearances and things in themselves, of a sensible and a supersensible (intelligible) reality, and of theoretical and practical reason. Roughly speaking, Kant's strategy for dealing with the *prima facie* tension between natural causal determination and freedom is to allocate the former to the sensible world of appearances and the latter to a supersensible domain of things as they are in themselves.

(3) *The inscrutability of freedom*. Although Kant is rightly celebrated as a champion of the Enlightenment, there is an important respect in which his theory of freedom remains concealed in darkness. It is of course part of the overall Kantian strategy in philosophy to demarcate what human reason is capable of *knowing* from what is *thinkable* but nonetheless lies beyond the reach of understanding or cognition. This strategy is central to the strategic Kantian détente over freedom. Kant explicitly claims both that "freedom is real" (CPrR 5:4) and that we are rationally warranted (even rationally obliged) in assenting to its reality. But at the same time he insists that we can know exactly nothing about how we are free. As he puts the point in the opening paragraphs of the second *Critique*, "we know [*wissen*] ... though without having any insight [*ohne ... einzusehen*]" (CPrR 5:4). In precisely this sense, on Kant's position, freedom must remain obscure to us.¹¹

(4) *Incompatibilism*. Discussions of the metaphysics of freedom have long been structured around a contrast between compatibilists, who hold that freedom and natural causal determinism are compossible, and incompatibilists, who hold that freedom and natural causal determinism are inconsistent with one another. There is an important sense in which Kant can be categorized as a compatibilist, as Wood has argued.¹² That is, the overall Kantian story is meant to show how we can assent to both the reality of freedom and to a thoroughgoing determinism of natural causality, provided that each are allocated and confined to their respective domains. But as Wood also recognized, there is a potent strain of incompatibilism within the Kantian story. In particular, Kant insists that freedom can never be understood or accommodated within the empirical chain of cause and effect. Wood himself goes so far as to describe Kantian free will as “an exception to the natural mechanism.”¹³

These several components of Kant’s position can be seen at work in an important footnote at the end of the first six paragraphs of the second critique:

The union of causality as freedom with causality as the mechanism of nature, the first being given through the moral law and the latter through the natural law, and both as related to the same subject, man, is impossible unless man is conceived by our consciousness as a being in itself in relation to the former, but by empirical reason as appearance in relation to the latter. Otherwise the contradiction of reason is unavoidable. (CPrR 5:6n)

Notice the way in which Kant here frames the challenge about free will and determinism as a matter of *uniting two forms of legislation*: the moral law, which governs freedom, and the natural law, which regulates natural causal relations. For Kant, the moral law is a law of “ought”: it tells us how things should be, and addresses human agents as free beings. The natural law tells us how things are, and leaves no room for them to be otherwise. The challenge is to make sense of the interaction of these two forms of legislation as relating to “the same subject, man.” As we shall see, this framing of the issue was to figure centrally in Fichte’s own grappling with the problems of human freedom.

Deism and Determinism

Fichte arrived at his mature views about freedom following an earlier period during which he advocated a form of thoroughgoing determinism, even fatalism. Fichte never published during this early period, so our knowledge of his

early views is based on a handful of surviving unpublished materials. In his letter to Achelis in late 1790, he reflects retrospectively on the matter:

I especially owe it to you to confess that I now believe wholeheartedly in human freedom and realize full well that duty, virtue and morality are all possible only if freedom is presupposed. I realized this truth very well before—perhaps I said as much to you—but I felt that the entire sequence of my inferences forced me to reject morality. (EPW 361 [GA III/1:193])

So what was the “sequence of inferences” that led Fichte to his early fatalism? As it happens, his *Nachlaß* includes a remarkable short text which records these inferences in some detail. The original document seems to have been composed early in the summer of 1790; Fichte’s editors later gave it the title *Some Aphorisms Concerning Religion and Deism* (GA II/1:287–91).¹⁴

The *Aphorisms* comprise just eighteen numbered remarks. The principal philosophical conclusion they stake out is a form of deism. Deism is a form of “natural religion”; that is, it renounces appeal to “revealed religion” (i.e., forms of religious belief based on sacred texts or inspiration) and claims to rely only on philosophical and scientific reasoning. Philosophically, deism accepts (indeed claims to *prove*) that the natural world is a divine creation. But the deist denies that this creator God intervenes in its creation—which follows a course that is strictly determined by the laws of nature, which God established and natural science endeavors to disclose. In his *Aphorisms*, Fichte does not offer any arguments for deism; he simply reports a set of deistic conclusions as the inevitable outcome of reasoning from first principles. His main aim in the *Aphorisms* is to demonstrate, contrary to common understanding, that deistic doctrines are consistent with the core philosophical doctrines of Christianity.

Most important for our purposes is Fichte’s fifteenth aphorism, in which he recounts his deistic credo and its strictly necessitarian consequences.

(a) There is an eternal being, whose existence and manner of existence is necessary. (b) The world arises in accordance with and by means of the eternal and necessary thoughts of this being. (c) Every alteration in this world must have a cause sufficient to determine it to be necessarily just what it is.—This first cause of every alteration is the original thought of the Deity. (d) Every thinking and sensing being must also exist necessarily as it exists—Neither its action nor its suffering can, without contradiction, be other than it is. (e) What ordinary human sensibility calls ‘sin’ is something that arises from the necessarily, larger or smaller, limitation of finite beings. This has necessary consequences for the

state of such beings, consequences that are just as necessary as the existence of God and just as ineradicable. (GA II/1:290)

These enumerated doctrines are broadly rooted in a form of pre-Critical rationalism of the sort associated both with the Leibnizian tradition and with the reception of Spinoza in Germany at the time. Fichte's main point is that they also bear a close resemblance to forms of predestinarian theology in the Protestant tradition.

In his *Aphorisms*, Fichte insists that this body of doctrine is the only consistent result at which one can arrive if one "proceeds in a straight line with one's reflections, without glancing either right or left or worrying about where one will arrive" (GA II/1:289). The implication is that belief in human freedom is never actually the product of rational reflection, but rather the result of a kind of wishful thinking or affect that distracts us from consistent reasoning from first principles. In a footnote, Fichte applies this lesson to a book that he had recently been reading with one of his private students: *The Critique of Pure Reason*.

I know that philosophers who arrive at other results can demonstrate theirs just as acutely. But I also know that, in the continuing series of their inferences [they] occasional[ly] make an inner stop and begin a new series with new principles which they somehow obtain. This is the case, for example, with the most acute defender of freedom that there has ever been, to whom in Kant's antinomies, etc. the concept of freedom as such is given from somewhere else (undoubtedly from sentiment). In his proof, this defender of freedom does nothing but justify and clarify this concept. In contrast, he would never come upon such a concept within the undisturbed course of his inferences from the first principles of human cognition. (GA II/1:288–90n)

From this remarkable note, we can see, first of all, that Fichte's commitment to thoroughgoing determinism was not shaken by his study of Kant's first *Critique*. It must be noted, however, that his reading of Kant's antinomies is not accurate: Kant there traces the idea of freedom, not to sentiment, but rather to the rational idea of the unconditioned (A558/B586). So Fichte had yet to appreciate the distinctive shape and force of the Kantian position. But it is also worth appreciating Fichte's description of a process whereby a philosopher inquiring in this domain might "make an inner stop," and "begin a new series with new principles." In the context of the *Aphorisms* this is clearly intended as a kind of ad hominem critique—as if rationalist defenders of freedom lacked the courage and determination to think through the fatalistic

consequences of their first principles. But as we shall see, it also serves as an apt description of the process that Fichte himself would soon undergo—making an inner stop and beginning a new series of philosophical reflections from a principle of freedom.

Freedom and Revelation

Fichte's conversion to the Kantian cause seems to have occurred in the summer of 1790—the same summer during which he had composed his *Aphorisms*. As we have seen, the *Aphorisms* already reflected some familiarity with Kant's treatment of freedom in the first *Critique*, but it was only when Fichte studied the second *Critique* that his views were fundamentally altered. As he wrote to Weisshuhn in August or September, 1790:

I have been living in a new world ever since reading the *Critique of Practical Reason*. Propositions which I thought could never be overturned have been overturned for me. Things have been proven to me which I thought could never be proven—for example the concept of absolute freedom, the concept of duty, etc.—and I feel all the happier for it. It is unbelievable how much respect for mankind and how much strength this system gives us. (EPW 357 [GA III/1, no. 63])

Over the course of the following years, we find Fichte working through this transformative insight, and coming to terms with the conception of “absolute freedom” to which Kant had led him.

The most important early trace of this process of appropriation can be found already in an unlikely place: Fichte's first published book, *Attempt at a Critique of All Revelation*, which he composed in just six weeks while visiting Königsberg in the summer of 1791. The book applies the methods of the critical philosophy to a topic which Kant himself had not yet squarely addressed: the authority of revealed religion. Fichte famously attempted to steer a middle path on this sensitive subject. He defended revealed religion from its more radical enlightenment critics, many of whom saw in it nothing more than ancient and dogmatic superstition. But at the same time he insisted that any purported revelation must always be subjected to what he called “the tribunal of practical reason”—essentially by testing its ethical content against the touchstone of the moral law (ACR 131–32 [GA I/1:113–14]).

So where and how does the theory of freedom play a role in Fichte's account of the authority of revelation? The answer is surprising but illuminating. In a

section of the text devoted to “The Physical Possibility of Revelation,” Fichte defends the possibility of revealed religion against two kinds of critics. One set of critics offer debunking naturalistic explanations of supposedly miraculous events in which God reportedly revealed himself to man. The others challenge the metaphysical coherence of revealed religion, insofar as it would require “a supernatural effect in the world of sense” (ACR 87 [GA I/1:69]). In short, if everything in the natural/sensible world happens in accordance with deterministic natural laws, then (according to this line of criticism) divine intervention in the natural order is physically and metaphysically impossible.

As Fichte’s discussion of these deistic objections unfolds, however, it soon becomes clear that the philosophical theology serves in part as a proxy for an exploration of a conundrum in the Kantian account of freedom. This is because the possibility of divine revelation and the exercise of (Kantian) freedom seem to involve a common transcendental structure. In both cases something supernatural and supersensible (God, in the one case; human free will in the other) purportedly brings about a change in the natural, sensible world.

The a priori concept of revelation ... anticipates a supernatural effect in the world of sense. But one might ask in this connection: Is this even possible in general? Is it conceivable in general that something outside nature would have a causality within nature? We will answer this question, partly in order to bring somewhat more light, if possible, ... to the still obscure teaching about the possible compatibility of necessity according to natural law and freedom according to moral laws.... (ACR 87 [GA I/1:69])

In the course of the immediately ensuing discussion (ACR 87–88 [GA I/1:69–70]), we find clear evidence of Fichte’s adherence to key tenets of the Kantian position on freedom: the division of labor between theoretical and practical philosophy (“[freedom] is the first postulate that practical reason makes *a priori*”); dualism (“[a free will] is not a part of nature at all but rather something supersensuous”); and incompatibilism (“As long as we are talking only about explanation of nature, we are absolutely not allowed to assume a causality through freedom, because the whole of natural philosophy knows nothing of any such causality”).

But Fichte also clearly signals (to Kant himself, in the first instance, for whom the book was originally composed¹⁵) that the Kantian account of freedom as yet lacks a satisfactory articulation. A first indication of Fichte’s complaint can be found in his remark about the “still obscure teaching” about the “compatibility” (*Beisammenstehens*) of freedom and natural necessity. This was a topic to which Kant himself had returned in the recently-published

Critique of the Power of Judgment, which Fichte had in turn subjected to close scrutiny.¹⁶ Fichte seems to be signalling a degree of dissatisfaction with Kant's latest analysis. But there is also an important clue here suggesting that Fichte seeks to mark a principled limit to Kant's appeal to the inscrutability of freedom. This point deserves particular scrutiny, as it concerns a matter that would continue to exercise Fichte's attention.

As we have seen, Kant's solution to the Third Antinomy requires that the free exercise of the will be allocated to the supersensible world, hence beyond the reach of insight or cognition. We are justified, on practical grounds, in postulating the *existence* of a free will, but we can in principle say nothing about *how* the will is free. Up to a point, Fichte is ready to go along with this strategic appeal to inscrutability. But as he indicates in the passage just cited, he also feels the need to "bring somewhat more light" to this corner of the Kantian system. A crucial passage distinguishes two discrete commitments of the Kantian position.

It is one thing to say that the will, as the higher faculty of desire, is free; for if this means what it says—that the will does not stand under natural laws—then it is immediately plausible, because the will, as higher faculty, is not a part of nature at all but rather something supersensuous. But it is quite another thing to say that such a determination of the will *becomes causality in the world of sense*, in which case we require, of course, that something standing under natural laws should be determined by something that is not a part of nature. [This] *appears to be contradictory and to annul the concept of natural necessity*, which after all makes possible the concept of a nature in general in the first place. (ACR 87–88 [GA I/1:69–70], emphasis added)¹⁷

Even from this very early stage in his "Critical period," we can here see Fichte grappling with a hard problem internal to the Kantian theory of freedom. The orthodox Kantian accommodation over freedom seems to depend for its viability on the idea that a supersensible cause can have an effect in the sensible world. Without such an effect, Kant's exalted free will would seem to be effectively impotent. But if we allow for such an effect, then we seem to "annul" the concept of natural necessity. In modern terms, the natural/sensible world would not exhibit causal closure.¹⁸ In Kantian terms, we would be committed to two apparently inconsistent claims. Kant's principle of natural determination, which "suffers no violation" (A536/B564),¹⁹ holds that natural effects are necessitated by their natural causes. But if certain kinds of natural events also require supersensible causation, we would have to conclude that the natural causes were not, on their own, necessitating. In this looming contradiction we find the limit of Fichte's tolerance for inscrutability. There may indeed be

good reason to deny that we have insight into the workings of the free act of willing. What reason cannot tolerate is a relapse into antinomy.²⁰

So how does Fichte propose to save the day? Over the course of a few paragraphs, he surveys a number of possible solutions. He considers the possibility of abandoning the principle of causal closure for the natural world.²¹ He draws a distinction between the *form* and the *matter* of a natural effect, and explores an associated distinction between two forms of natural explanation.²² But Fichte's most pregnant suggestion is frankly speculative and explicitly dialectical:

Now the possibility of this agreement of two legislations entirely independent of each other can be conceived in no other way than by their common dependence on a higher legislation that underlies both but which is entirely inaccessible to us. If we were able to take [this] principle as a basis for a world view [*Welt-Anschauung*], then according to this principle the very same effect which appears to us as *contingent* (as free according to the moral law in relation to the world of sense, and traced back to the causality of reason) would also be cognized as wholly *necessary*. (ACR 88 [GA I/1:70], translation altered, emphasis added)

Applied to the case of divine revelation, Fichte's thought seems to be that God could create the natural world in such a way that the laws of nature operate to produce (for example) an Egyptian shrub which, at just the appropriate moment, bursts into flames in such a way as to emit sounds that appear to Moses as words in the Hebrew language. That admittedly unusual episode would be at the same time *both necessary and contingent*. It would be wholly subsumable under natural laws, and so could be "cognized as wholly necessary." But that would be entirely consistent with the possibility that the same event can be seen as the effect of God's free and rational exercise of will, and so within that frame of reference appears as contingent.

This model has one obvious application against the "debunking" critics whom Fichte seeks to keep at bay in philosophical theology. For on this accounting, the fact that some episode admits of a naturalistic explanation does not itself rule out the possibility that it is *also* an instance of divine revelation. Fichte thinks that it also helps with the other critics, by exhibiting one way in which a supernatural cause could have natural effects *without compromising the principle of natural necessity*.

Thus it is surely conceivable that God has interwoven the first natural cause of a certain appearance that was in accord with one of his moral intentions into the plan of the whole at the very beginning. ... In this case the appearance would

be explained wholly and perfectly from the laws of nature, right up to the supernatural origin of nature itself as a whole, ... and nevertheless it would also be viewed simultaneously as being effected by the causality of a divine concept of the moral purpose thereby to be achieved. (ACR 89 [GA I/1:71–72])

In effect God *configures* the natural order, rather than *violating* it, in order to realize his will. The result? At least in this unusual situation, “an effect ... can indeed be effected entirely naturally, and yet at the same time supernaturally, i.e., by the causality of his freedom in accordance with the concept of a moral intention” (ACR 91 [GA I/1:73]).

From within this speculative worldview, which he insists can never yield knowledge, Fichte claims to have found at least one dialectical solution to the problem of the “two legislations”: “God is to be thought of, in accordance with the postulates of reason, as that being who determines nature in conformity with the moral law. In him, therefore, is the union of both legislations, and that principle on which they mutually depend underlies his world view” (ACR 89 [GA I/1:71]). Of course at this point we might well protest that this is all well and good for God, whose unique role as creator provides the resources to square this particular circle. But how does Fichte think that this resolution somehow “brings light” to the compatibility of *human* freedom and natural necessity? What happens if we substitute “man” for “God” in this speculative formula? Do we have to become gods in order to be free?

Alas the *Revelation* book never squarely addresses these questions, and we are left with little more than hints. A new section on “The Theory of the Will” was added to the second edition (ACR 9–28 [GA I/1:135–53]), revisiting a variant of the same problem. I cannot undertake here to unravel the considerable complexities of the analysis that Fichte offers there; it was at any event soon overtaken by other developments in his thinking—of which more below. But a few details from the added section are at least worth noting. He writes there of the intrinsic fragility of the “lovely dream in which we fancied ourselves unshackled for a moment from the chain of natural necessity” (ACR 22 [GA I/1:146]). And he concludes by describing the dependency of that dream on the idea that “that which was to be determined was empirical but that which determined was purely spiritual” (ACR 28 [GA I/1:153]). What is perhaps most tantalizing is his description of the neglected body of theory where the missing doctrine must lie; he describes it as an account of “the development of the positive determination of the sensuous impulse through the moral law” (ACR 24n [GA I/1:149n]). As we shall see, this distinctive form of “development,” and its connection to the possibility of freedom, would continue to occupy his attention.

Encounter with a Skeptical Critic

The second edition of Fichte's book on revelation was published in time for the Easter Book Fair in 1793. Among the other new philosophy books also on sale there was a work by a young and unknown author, C. A. L. Creuzer. The title: *Skeptical Observations Concerning Freedom of the Will, with Reference to the Most Recent Theories Thereof*.²³ The editors of the *Allgemeine Literatur-Zeitung*, an influential scholarly periodical, invited Fichte to review it.²⁴

In our own contemporary philosophical discourse we tend to think of the skeptic about free will as someone who either doubts or denies that free will exists. But Creuzer was a skeptic of a different variety, and his skeptical arguments clearly showed that Kant had influenced even those whom he had failed to convince. Creuzer's claim was not that freedom does not exist, but rather that the problem of free will defies satisfactory philosophical resolution and leads inexorably to unavoidable contradictions. The book is informed by an extensive survey of the history of philosophical treatments of freedom, and by one master argument: according to Creuzer, purported philosophical solutions to the "great riddle of freedom of the will" either satisfy the demands of theoretical reason or they satisfy the demands of practical reason; they can never satisfy both.²⁵ The book in this sense develops a form of critical skepticism about the power of reason as such—taking the problem of freedom as its test case, and arguing that reason fails the test.

In making out this argument, Creuzer's survey starts with the ancients and concludes with "the most recent theories." Among those most recent theories, one in particular occupied his attention: the Kantian position, particularly as interpreted by Karl Leonhard Reinhold—one of Kant's leading early advocates and interpreters. In 1793, Reinhold had recently published a second series of his popular and influential *Letters on the Kantian Philosophy*²⁶; the eighth letter in this second series offered Reinhold's reconstruction of the Kantian theory of free will. In his reconstruction, Reinhold articulated a distinction that was implicit but not yet fully articulated in Kant's own writings about freedom: the distinction between the autonomy of the will (*Wille*) and the power of what he described as *Willkür*—a capacity for arbitrary or elective choice. Kantian freedom, for Reinhold, comprised a combination of these two "fundamental faculties" (*Grundvermögen*) or forms of "self-activity" (*Selbsttätigkeit*). On Reinhold's reconstruction of Kant's position, the autonomous will (*Wille*) carries out a legislative function: demanding action in accordance with the moral law. But in the face of this self-legislative imperative, the agent still has the power of choice (*Willkür*)—electing either to fulfill or not to fulfill the moral demand.²⁷ Reinhold famously argues that it is only

in virtue of this power of elective choice (*Willkür*) that contra-moral actions can genuinely be imputed to an individual person.²⁸

Creuzer treats this “most recent theory” of freedom as grist for his skeptical mill. He dubs it “transcendental indifferentism”—*transcendental* because it locates the exercise of the free will beyond the natural/empirical domain; *indifferentism* because it postulates a will that has the power to choose in either one of two wholly opposed ways. Applying his master argument, he insists that indifferentism is a violation of the principle of sufficient reason, and hence fails to satisfy the demands of theoretical reason. If *Willkür* can choose in either of two diametrically opposed ways, then it follows that there is no sufficient reason for it to choose in the way that it ultimately does.

In his review, Fichte offers a rather dismissive response to Creuzer’s objection, insisting that the principle of sufficient reason “can by no means be applied to the ... act of willing” (RC 294 [GA I/2:10]). And he goes on to make some characteristically scathing remarks about Creuzer himself. But he also uses the occasion of Creuzer’s critique in order to explore the issue which clearly continued to exercise him. Although generally defending Reinhold, he presses one key question about this transcendently indifferent power of elective choice: *Is it or is it not the cause of changes in the sensible world?* (RC 293–94 [GA I/2:10]). The question probes at the heart of the dualism that, as we have seen, forms a crucial plank of the Kantian position on freedom. If our power of elective choice is allocated to a supersensible or “intelligible” domain, then how can we make sense of its role in the sensible, empirical, natural world of appearances where exercises of human agency unfold? Fichte’s question creates a dilemma which by now should be familiar. If Reinhold answers no (that is, if a supersensible “self-determining” is *not* thought to cause some sensible action), then *Willkür* is in danger of becoming a fifth wheel in the theory of agency. If the answer is yes (that is, if sensible actions are imputed to supersensible causes), then Reinhold—according to Fichte—“draws something intelligible down into the series of natural causes” (RC 294 [GA I/2:10]), making *Willkür* party to natural causal relations and hence governed by natural necessity.

In the face of this dilemma, we might expect those sympathetic to Kant to seek accommodation on the second horn. But in a remarkable twist at the end of his review, Fichte himself endorses the *negative* answer to his own question. He accepts the basic framework of Reinhold’s theory, but he insists that Reinhold has erred in treating elective choice (*Willkür*) as the cause of our empirical actions, bemoaning the “misunderstanding” in “assuming that freedom could ... be a cause in the sensible world” (RC 294 [GA I/2:10]). He describes the act of willing as “a unified, simple, and completely isolated action,”

and he insists that any appearance (such as an empirically observable action of a human body) must have its “actual real ground in a preceding appearance ... in accordance with the law of natural causality” (RC 294 [GA I/2:11], emphasis added).

With this move, Fichte seems to paint himself into a corner. His position in the *Creuzer* review seems to accept Kantian dualism, while denying that there is a causal connection between the postulated free act of willing and any empirical event in the natural world. He thereby creates for himself a particularly extreme version of the “two legislations” problem. His proposed escape once again appeals to a “higher law”—but this time with all the signs of a *deus ex machina*:

For *determinate being*, some actual real ground in a preceding appearance must be assumed, in accordance with the law of natural causality. However, insofar as the determinate being produced through the causality of nature is supposed to be *in harmony with* the act of free determination (a harmony that, for the sake of a moral world order, also must be assumed), the ground of such harmony can be assumed to lie neither in nature, which exercises no causality over freedom, nor in freedom, which has no causality within nature, but only in a higher law, which subsumes and unifies both freedom and nature—in, as it were, a *predetermined harmony* of determinations through freedom with determinations through the laws of nature. (RC 294 [GA I/2:11], emphasis added)

To all appearances, Fichte here seems to be multiplying postulates upon postulates, while reaching back into the old pre-Critical rationalist playbook in order to balance the accounts with an appeal to divinely preestablished harmony. Having postulated a supersensible exercise of freedom for the sake of a moral world order, he now goes on to postulate a harmony between the supersensible domain and the natural world. And in order to explain the possibility of such a harmony, he postulates a “higher law” which can “predetermine” it in the absence of real causal interaction between the natural and the supersensible domains.

Freedom and the Foundations of the *Wissenschaftslehre*

In 1794, Fichte moved to Jena to begin a tumultuous tenure in his first regular academic post. His notoriously dense first lecture courses (1794–1795) laid out the foundations of his new philosophical system, or *Wissenschaftslehre*

(WL 87–286 [GA I/2:247–451]). Given what we have seen so far, it may be surprising to find that there is little extended discussion of Kant’s Third Antinomy in Fichte’s Jena writings.²⁹ But Fichte’s comparative silence about the antinomies is perhaps best understood as strategic. In the early years at Jena, Fichte continued to position himself publicly as a faithful interpreter of Kant’s Critical philosophy. But as we have seen in his boasting letter to Baggesen, he also increasingly maintains that his system dispenses with appeal to Kant’s controversial concept of things in themselves. Having adopted this stance, the Third Antinomy becomes something of an embarrassment for Fichte, given that Kant’s own solution is so explicitly and emphatically reliant on appeal to things in themselves. But this only serves to sharpen the substantive question: If indeed Fichte’s new system “frees [us] from the fetters of things in themselves,” then just how does he now propose to manage the Third Antinomy?

The absence of explicit discussion of the Third Antinomy should not be taken as an indication that Fichte had moved on from the conundrum that had engaged him. Indeed it would be more accurate to say that his thinking on this topic permeates the *Wissenschaftslehre*, particularly in this first presentation. When we look to its basic logical architecture, what we find, in effect, is a maximally abstract restatement of an antinomy—with two fundamental principles together generating a contradiction (WL 91–106 [GA I/2:255–68]). In the letter to Baggesen, Fichte describes the first principle as a principle of freedom (“the first principle of my system presents man as an independent being”); in the lecture course this takes the form of the principle of the I’s self-positing. But this principle sits alongside a second principle (the principle of the counter-positing of the not-I), which opposes and contradicts it. The work of the lecture course is governed throughout by the tension, variously specified and articulated, between these two first principles—the thesis and antithesis of Fichte’s core antinomy.

If we allow ourselves to be guided by Fichte’s earlier engagement with antinomy, then we should know what to be looking for next. In the face of a contradiction between a law of freedom (the self-positing I) and a law of nature (the opposed not-I), we should expect Fichte to be looking for a “higher legislation” that unites the two domains. It is worth noting that such a strategy, were it to succeed, would substantially qualify the dualism that we have found in Kant’s treatment of freedom. No longer would we be faced with two opposed and irreconcilable domains; instead, the two would each constitute parts of a single larger domain, regulated by a single unified law. So is there such a “higher legislation” among the fundamental principles of the

Wissenschaftslehre? The crucial clue comes with Fichte's introduction of his third fundamental principle, which takes the form of a *decree*: "We have in mind the following: the task which it [the third principle] poses for action is determinately given by the two propositions preceding, but not the resolution of the same. The latter is achieved unconditionally and absolutely by a decree of reason [*Machtspruch der Vernunft*]" (WL 106 [GA I/2:268]). So what is the content of this antinomy-resolving decree? What is the task which it poses for action? And how, if at all, might such a decree provide a resolution to the conundrum which threatened Kant's position?

Further specification of the decree is provided later in the same lecture course, in a passage which Fichte introduces as addressing "the truly supreme problem which embraces all others." This supreme problem has a familiar ring: "How can the I have an effect [*einwirken*] directly on the not-I, or the not-I on the I, when both are held to be utterly opposed to each other?" (WL 137 [GA I/2:300], translation modified). This is clearly a restatement, now in Fichte's idiosyncratic technical vocabulary, of the problem he had been probing in Kant's theory of freedom. His proposed solution is nothing if not bold: "And so it would go on forever, if the knot were not cut, rather than loosed, by an absolute decree of reason, which the philosopher does not pronounce, but merely proclaims: since there is no way of reconciling the not-I with the I, *let there be no not-I at all!*" (WL 137 [GA I/2:301], emphasis added).

This is an explosive passage that must certainly be handled with care. Fichte has sometimes mistakenly been understood as a proponent of a form of essentially solipsistic idealism that would deny the existence of any not-I, insisting that the I somehow exhausts the totality of reality. This "decree of reason" might be taken as fodder for this interpretation. But closer consideration conclusively rules this out. The key point, as we have seen, is that Fichte insists that the decree of reason corresponds to a *task*, and demands *action*. If there were no not-I, then there would be no work involved in fulfilling the decree. Solipsistic idealism is therefore a red herring. It would also be misleading to hear the decree as calling for some kind of act of annihilation, as if we are to destroy the not-I wherever we encounter it—whatever that would mean. A better way to think about the decree is as a call for a thoroughgoing *domestication* of the not-I: working on the not-I in order, progressively, to give it the form of the I. Or, to use language that Fichte preferred: our task with respect to the not-I must be to *cultivate* it.

Support for this interpretation of the decree can be found in Fichte's very first lecture at Jena—not in one of the technical, "private" lectures on the

Wissenschaftslehre, but in the controversial public lecture series that was advertised under the heading *Morality for Scholars* and later published under the title “Some Lectures on the Scholar’s Vocation” (EPW 144–84 [GA I/3:25–68]). These lectures touched on a number of the principal themes and doctrines from the *Wissenschaftslehre*, albeit expressed in less abstract and more accessible language, and delivered in the form of oratory that was expressly designed to inspire.

The key passage for our purposes comes at the rhetorical heart of the first of these public lectures, where we find a variant on the dialectical progression that we have traced both in Kant’s antinomy and in the *Wissenschaftslehre* itself.

The will is of course free within its own domain.... But feeling, as well as representation (which presupposes feeling), is not something free, but depends instead upon things external to the I.... If the I nevertheless ought always to be at one with itself in this respect too, then it must strive to act directly upon those very things upon which human feeling and representation depend. Man must try to modify these things. He must attempt to bring them into harmony with the pure form of the I. (EPW 149 [GA I/3:30–31])

For Fichte, freedom ultimately requires a form of harmony between “things” and “the pure form of the I.” But this harmony is not some metaphysical fact established in advance by God.³⁰ It is the *telos* or aim for a distinctive form of work (“man must ... modify ... things”) to be undertaken by human beings. The decree of reason calls for transformative work on nature (including human nature)—work that is oriented by the ultimate goal of overcoming the divide between freedom and nature by transforming nature (and the not-I more broadly) into something that is no longer antithetical to freedom. Fichte is insistent that “mere will” cannot suffice for such a task, in part because our empirical nature has a “bent” of its own. But he now claims that there is a higher—albeit secular—power that has the potential to reshape our empirical bent. Fichte introduces a technical name for that force: *Kultur*—that is, “culture” or “civilization.” Developing a suggestion from Kant (CJ 5:429–34), Fichte analyses this cultural force in terms of two kinds of skill (*Geschichtlichkeit*). One set of skills is *manual* in the literal set of the word: the ability “to modify and alter external things in accordance with our concepts.” The other is *moral*: “the skill to suppress and eradicate erroneous inclinations which originate in us prior to the awakening of our reason and the sense of our own spontaneity” (EPW 150 [GA I/3:31]). Through the development and exercise of these two skills, we can rise to the challenge of the “decree of reason,” even if we can never hope fully to satisfy it.

Conclusion: The Realization of Freedom and the Vocation of Man

It is certainly not incorrect to say, with suitable qualifications, that Fichte held that man *is* free. In fact he insisted on it. Fichte subscribed to the Kantian doctrine of the spontaneous will, which he saw at work in a variety of characteristically human activities: the exercise of free imagination, of free abstraction, of free judgment, all of which manifest a power of spontaneous choice (WL 214 [GA I/2:380]). He also held that natural drives and somatic inclinations are of themselves incapable of determining a self-conscious human being to act.³¹ To think otherwise, he argued, was a dangerous form of false consciousness. But Fichte also insisted that spontaneous mental acts can never of themselves suffice for *realizing* human freedom—that is, for making freedom *real* as opposed to merely *ideal*. Real human actions involve the motions of natural human bodies, themselves acting in a natural and social environment. Meaningful human freedom therefore requires not only *freedom of choice*; it requires a form of freedom that unfolds in the world.

In Fichte's earliest writings on freedom, we find him wrestling with this conundrum in a frankly theological idiom. He constructs a speculative and dialectical model of the coincidence of divine freedom and natural necessity, and he evokes an image of nature standing in divinely ordained harmony with freedom. But the "system of freedom" that Fichte has in mind in his letter to Baggesen does not turn on theological premises; it rests rather on a wholly secular "decree of reason." Real human freedom will be found neither in an unknowable God nor among inscrutable things in themselves, but in a suitably transformed (and knowable) natural and socio-political reality that it is not opposed to human freedom but figures rather as its native and essential sphere of activity.

This more substantial form of freedom is not a fact that can straightforwardly be ascribed to human beings; it is rather an end that pertains essentially to our vocation ("I ought *to be* free") and a status to which we claim title ("I *put myself forward* as free"). To be a self-positing I in Fichte's sense is always already to have claimed title to the status of freedom, and to have done so without having any independent ground or warrant for doing so (WL 114–15 [GA I/2:276–77]). But that claim itself is not self-validating; it is a gambit that calls for a distinctive form of work in which our claim upon the status of freedom can be vindicated.³² A principal aim of Fichte's "system of freedom" was to provide a deduction of this distinctive work—a form of freedom which is "imposed on us as our highest practical goal," albeit one which we "can never, in principle, attain" (WL 115 [GA I/2:277]).³³

Notes

1. David James and Günter Zöller, eds., *The Cambridge Companion to Fichte* (Cambridge: Cambridge University Press, 2016).
2. Marina Bykova, ed., *The Bloomsbury Companion to Fichte* (London: Bloomsbury, forthcoming).
3. Daniel Breazeale, *Thinking Through the Wissenschaftslehre: Themes from Fichte's Early Philosophy* (Oxford: Oxford University Press, 2013).
4. Wood discusses Fichte's treatment of freedom in several articles and essays with substantially overlapping content. In particular, see: Allen W. Wood, "Fichte's Absolute Freedom," *Yearbook of German Idealism* 9 (2011): 100–129; Allen W. Wood, "Freedom and Intersubjectivity," in *Fichte's Ethical Thought* (Oxford: Oxford University Press, 2016), 65–100. For other discussions, see: Allen W. Wood, *The Free Development of Each: Studies on Freedom, Right, and Ethics in Classical German Philosophy* (Oxford: Oxford University Press, 2014); Allen W. Wood, "Von der Natur zur Freiheit," in *Fichte: System der Sittenlehre: ein Kooperativer Kommentar*, ed. Jean-Christophe Merle and Andreas Schmidt (Frankfurt: Klostermann, 2015), 93–108.
5. Wood, "Freedom and Intersubjectivity," 67, emphasis added.
6. The verb is "*seyn soll*." On Fichte's distinctive reliance on forms of the verb *sollen*, see Wayne Martin, "Fichtes Transzendente Phänomenologie der Wirksamkeit" in Merle and Schmidt, *Fichte: System der Sittenlehre*, esp. 35–38.
7. Wood, "Freedom and Intersubjectivity," 67, emphasis added.
8. The verb here is *stellt sich selbst hin*, which is a formulation also found in other passages that Wood cites, for example at SE 42 (GA I/5:52): "*Das Ich stellt sich selbst selbstständig hin*."
9. For important scholarly treatments, see Wood's classic paper on the topic: "Kant's Compatibilism," in *Self and Nature in Kant's Philosophy*, ed. Allen W. Wood (Ithaca: Cornell University Press, 1984), 73–101. See also Henry Allison's landmark book: *Kant's Theory of Freedom* (Cambridge: Cambridge University Press, 1990).
10. "Critique of speculative reason" is not the title of any of Kant's books. It is the name of a project that is carried out in *The Critique of Pure Reason*.
11. For other passages expressing Kant's commitment to "the inscrutability of the idea of freedom," see: G 4:458–62; CPrR 5:46–47; Rel 6:138; CJ 5:275.
12. Wood, "Kant's Compatibilism."
13. Wood, "Freedom and Intersubjectivity," 67.
14. To the best of my knowledge there is no published translation of the aphorisms. I am grateful to Daniel Breazeale for sharing his unpublished translation, on which I have relied in the extracts cited here.
15. For the corresponding passage in the manuscript that Fichte originally delivered personally to Kant, see GA II/2:63.

16. For Kant's discussion, see in particular CJ 5:174–76. For Fichte's early (1790–1791?) unpublished commentary on the third *Critique*, see GA II/1:325–73.
17. I have altered Green's translation of this passage, which follows the second edition, in order to follow Fichte's original text.
18. On the concept of causal closure, see Barbara Montero, "Varieties of Causal Closure" in *Physicalism and Mental Causation: The Metaphysics of Mind and Action*, ed. Sven Walter and Heinz-Dieter Heckmann (Exeter: Imprint Academic, 2003), 173–87.
19. I have corrected the Guyer/Wood translation, which mistakenly omits the word "no." See also A542/B570: "under no pretext can any departure be allowed or any appearance exempted."
20. On the limits of inscrutability as applied to this antinomy, see Fabian Freyenhagen, "Reasoning Takes Time: On Allison and the Timelessness of the Intelligible Self," *Kantian Review* 13, no. 2 (2008): 67–84.
21. "As soon as we take into consideration a causality through freedom, we must assume that not all appearances in the world of sense are necessary according to natural law alone" (ACR 88 [GA I/1:70–71]).
22. "We must not explain them all *from* the laws of nature, but rather some merely *according to* natural laws" (ACR 88 [GAI/1:71]).
23. C. A. L. Creuzer, *Skeptische Betrachtungen über die Freyheit des Willens mit Hinsicht auf die neuesten Theorien über dieselbe* (Giessen: Heyer, 1793).
24. I provide a fuller account of Creuzer's book and Fichte's review in Wayne Martin, "Fichte's Creuzer Review and the Transformation of the Free Will Problem," *European Journal of Philosophy* 26, no. 2 (2018): 717–29.
25. "All recent attempts to solve the great riddle of freedom of the will lead in the end to the same result; practical and speculative reason seem to be thoroughly irreconcilable [*durchaus unvereinbar*] with respect to freedom" (Creuzer, *Skeptische Betrachtungen*, 160).
26. Karl Leonhard Reinhold, *Briefe über die Kantische Philosophie, Zweiter Band* (Leipzig: Göschen, 1792).
27. In his review, Fichte summarized Reinhold's definition as follows: "Freedom of the will is: the power or faculty [*Vermögen*] to determine oneself, through absolute self-activity, to obey or not to obey the ethical law; that is the faculty to determine oneself to act in one of two diametrically opposed ways" (RC 292 [GA I/2:8]).
28. Reinhold: "As soon as it is assumed that the freedom of *pure willing* consists solely in the self-activity of practical reason, then one must immediately concede that *impure willing*, which is not produced by practical reason, is in no way free" (*Briefe II*, 267–68).
29. The 1794–1795 lectures include one parenthetical comment about the antinomies, although tellingly it does appear at a critical juncture in the text: the

transition from the theoretical to the practical portion of WL (WL 217 [GA I/2:384]).

30. On the difference between Leibnizian “preestablished harmony” and Fichte’s “predetermined harmony” see Martin, “Fichte’s Creuzer Review,” 725.
31. See, for example, SE 128 (GA I/5:129): “The last member in that [natural] chain is a drive, but it is also only a *drive*, and as such, has no causality in a spiritual being. In this way freedom can be rendered comprehensible even from the perspective of the philosophy of nature.” For discussion see Michelle Kosch, “Formal Freedom in Fichte’s *System of Ethics*,” *Yearbook of German Idealism* 9 (2011): 150–68.
32. For further discussion of the connection between freedom and work in Fichte, see Wayne Martin, “Fichte’s Transcendental Deduction of Private Property,” in *Fichte’s Foundations of Natural Right: A Critical Guide*, ed. Gabriel Gottlieb (Cambridge: Cambridge University Press, 2016), 157–76; Wayne Martin, “Fichte’s Wild Metaphysical Yarn,” *Philosophical Topics* 43, no. 1–2 (2015): 87–96.
33. Earlier versions of this paper were presented to the German Idealism Postgraduate Seminar at the University of Toronto and to a meeting of the University of Essex German Idealism Reading Group. I am grateful for useful feedback from these audiences.

Part V

Political and Social Theory



14

Fichte on Property Rights and Coercion

Nedim Nomer

Commentators on Fichte's social and political writings disagree on, among other things, certain elementary aspects of his theory of right. One such disagreement concerns the content of what Fichte takes to be the most basic of persons' rights: the right to property. For some scholars, Fichte defines this right in terms of exclusive individual ownership of bits of the material world, in line with his stipulation that the subjection of a part of the sensible world to one's own ends is necessary for free agency.¹ Other scholars, by contrast, argue that free agency, on Fichte's account, entails above all acting on self-given ends or norms rather than possession of material things; thus, a property right on Fichte's account is best understood as the right to labor under conditions that ensure one's subsistence as a free being.² Another disagreement involves Fichte's account of the possibility of a society in which persons can enjoy property rights. Some scholars argue that such a society emerges from a social contract that is freely negotiated and agreed upon by all the parties.³ Others claim that, in Fichte's view, persons would not freely choose to respect one another's rights; so the possibility of the rightful coexistence of persons in a society is contingent upon the existence of an omnipotent state that uses coercion to ensure compliance with the principles of right.⁴

In this chapter I argue that these disagreements stem from partial representations of Fichte's ideas, since a cohesive analysis of these ideas reveals that Fichte himself does not see any necessary conflict between different types of

N. Nomer (✉)

Political Science and Philosophy, Sabanci University, Istanbul, Turkey

e-mail: nnomer@sabanciuniv.edu

property right, or between freedom and coercion. For Fichte, all property rights are “grounded in” the concept of a “sphere” of the sensible world known to a person, which is and remains “subject to” that person’s ends, and which may not be “disturbed” by any other person (FNR 183 [GA I/4:20]; GA II/13:221).⁵ Note that this concept of a personal sphere of freedom provides no information about the makeup of the sensible world in which such freedom can be enjoyed; nor does this concept specify what it means to subject such a sphere to one’s own ends. This is because, I suggest, Fichte realizes that these questions have different answers in different social contexts (CCS 130 [GA I/7:85–86]). That is, he recognizes that while having a sphere of freedom in one social context may mean being able to enjoy a material object exclusively, in another context it can amount to a license to pursue a specific occupation. In yet other contexts, having such a sphere may also include the right to privacy. This means that the concept of a sphere of freedom lends itself to several different kinds of property rights without being reducible to any one of them.⁶

Fichte also does not think that coercion rules out freedom. The assumption that Fichte believes in this dichotomy leads commentators to differ over the question of whether, in his view, compliance with the principles of right is voluntary or imposed by a coercive state.⁷ Contrary to this common assumption, I argue that coercion for Fichte is not only compatible with freedom, but also plays a key role in the formation of rightful relations among persons. Coercion, for Fichte, is not always a lawful sanction of a state; it may also be used by unauthorized individuals for any end they deem necessary. In the latter sense, coercion is simply the experience of having one’s external freedom (i.e., one’s bodily movements) resisted or restricted by another person, or a group of persons, without permission (FNR 63–64 [GA I/3:366–67]). In any event, Fichte does not believe that coercion makes it impossible for the person subjected to it to resist or repulse it; nor, therefore, does it render a person unable to exercise choice (FNR, 62–65 [GA I/3:368–71]). In fact, Fichte believes that the experience of extra-legal coercion, or the likelihood thereof, is what ultimately induces persons to will to live by the principles of right (FNR 127, 167 [GA I/3:427, I/4:6–7]). The idea here is that coercion among persons makes the parties realize that they are all free beings that can always think and act in different ways, and therefore that it is possible and best for all to live alongside one another without interfering with one another’s freedom (FNR 83–84, 128–29 [GA I/3:388, 428–29]).

The question that arises here is: Why does Fichte think that coercion, or its likelihood, is necessary for compliance with the norms of right, especially

those regarding the definition and distribution of property rights? Why doesn't he suppose, instead, that persons would embrace such norms for what they are or purport to be, namely, safeguards of the freedom of all? The answer to this question does not lie, as some scholars claim,⁸ in Fichte's assumption that persons are motivated only by self-interest, since according to Fichte there could be selfish reasons to be part of a regime of rights (FNR 134 [GA I/3:433]). The answer, I suggest, is provided by what Fichte takes to be the basic fact of social life, namely that the actions of different individuals in a social setting always have a tendency to clash, regardless of the intentions of the individuals involved. In the first pages of the *Foundations of Natural Right*, Fichte calls attention to this fact by stating that wherever persons come into contact with one another, their "effects" are "capable of influencing, mutually disturbing, and impeding one another" (FNR 9–10 [GA I/3:320]). He then makes it the main goal of his theory of right to address this fact by showing that it is possible for persons to coexist in peace as free beings. Thus, throughout the *Foundations* and in other writings, Fichte portrays the basic function of rights as the resolution of disputes among persons about who gets what (FNR 166 [GA I/4:6]; GA I/7:87; GA II/13:221). Unless an "equilibrium of right" is established by the parties, Fichte warns, such disputes lead to violent conflict, that is, a relentless cycle of mutual coercion (FNR 166 [GA I/4:6–7]). In order to reach such an equilibrium, the parties need to accommodate one another's expressed claims to property (FNR 117–23, 167 [GA I/3:419–25, I/4:7]). This means that the circumstances of disputes or conflicts about who is entitled to what are definitive of the property rights that enable the parties, hitherto in conflict, to coexist in peace. Hence, Fichte takes coercion, or the threat of it, to be crucial not just for the compliance with a regime of property rights but also for the establishment of such a regime.

In line with these points, in what follows I consider Fichtean property rights as context-sensitive norms for resolving disputes over who is entitled to what that arise among persons in particular social settings, rather than as general stipulations about the best way of coordinating the external freedoms of persons in any society. First I look at what Fichte has to say about the general nature of the right to property. Then I look at the varieties of property rights that persons can enjoy in an actual society. Finally I look at the role of coercion, or the likelihood thereof, in the determination of the contents of these rights. My analysis draws on the *Closed Commercial State* (1800), and the *Doctrine of Right* (1812) as well as on the *Foundations of Natural Right* (1796/1797).

Property Right in the “Broadest Sense”

In the introduction of the *Foundations*, Fichte describes property as a “range of free actions” that is accorded to a person in a society (FNR 15 [GA I/3:327]). He also submits, however, that in order to prevent conflicts among those actions, the members of a society must have or reach a common understanding on what is rightful property. Hence, Fichte characterizes the “social contract” on property rights as the foundation of “civil legislation” (FNR 183 [GA I/4:20]). It is no accident, then, that he devotes a substantial portion of his social and political writings to reflecting on the possible content of the social contract on property rights in a rational society. In the *Foundations*, he focuses on, and compares, the property rights mainly of farmers, artisans, wage laborers, and merchants (FNR 210–46 [GA I/4:20–48]). In the *Closed Commercial State* he expands on these rights, and suggests further that the official functions of civil servants, and the learned pursuits of scholars and fine artists, must also be included in the property arrangements of a society (CCS 113, 193 [GA I/7:74, 136–37]). In the latter book and in the *Doctrine of Right*, Fichte emphasizes the importance of leisure for both the physical well-being and the spiritual self-development of human beings, and argues that leisure can be treated as a matter of property rights (GA II/13:238–42). And in all three books, Fichte often refers to what he calls the “absolute property rights” of persons; these are rights that persons enjoy “outside state supervision,” such as the right to privacy in one’s home, and the right to enjoy as one sees fit material objects (such as clothing and valuables) that one purchases “with money for one’s private use” (FNR 209–12 [GA I/4:43–46]).

These are some examples of the property rights that are considered in the texts indicated. Given the notable differences between these rights, it may seem tempting to conclude that Fichte does not have in mind a coherent general understanding of the right to property. Yet this conclusion is not warranted, because Fichte believes not only that all property rights have a common ground, but also that such rights have some shared qualities. So it is possible and meaningful for Fichte to speak of the right to property in its “broadest sense” (FNR 168 [GA I/4:8]).

As indicated earlier, all property rights for Fichte are grounded in the concept of a sphere of freedom. For Fichte, this concept provides, and rests on, the concept of original right as “a cause in the sensible world and never something caused” (FNR 103 [GA I/3:404]). The concept of original right is in turn “contained in” the concept of personhood, in that the concept of original right points to the external conditions for the “continued existence” (*sinnliche*

Selbsterhaltung) of persons (FNR 87, 104, 107–108 [GA I/3:390, 404, 408]). By the “continued existence” of a person, Fichte does not mean only the preservation of the physical body or the satisfaction of one’s primary needs, but also the continuation of the ability to set and pursue one’s own ends (FNR 20 [GA I/3:331]). As he puts it, “We do not regard continued existence as an absolute end, but as a means to an end. . . . All human beings desire life for the sake of something; the nobler in order to go on doing, the less noble in order to go on enjoying” (FNR 107 [GA I/3:408]). As the external condition of such agency, the concept of original right stipulates that each person must have a “continuing reciprocal interaction between his body and the sensible world” in ways that are “determined and determinable solely by his freely constructed concept of such a world” (FNR 107 [GA I/3:408]). For Fichte, this is a complex right made up of two rights: (1) the right of every person to the “inviolability” of his or her body, and (2) the right of every person to the “continued existence of his or her free influence within the entire sensible world” (FNR 108 [GA I/3:409]).

To understand the nature of the relation between the concept of original right and that of a sphere of freedom, we must consider two further points that Fichte makes about the former. The first is that although Fichte sees a conceptual difference between the two parts of the original right (namely, the right to the inviolability of the body and the right to have free influence in the sensible world), he also believes that these two rights are bound together in practice. This is simply because a person undertakes an action in the sensible world and so makes an impact upon that world either by moving his or her body from one physical location to another, or by transferring some material object(s) from one location to another, or by doing both simultaneously (FNR, 56–57; 103–106; [GA I/3:363–65, 405–408]). Thus, a person can be prevented from participating in the sensible world in ways he or she intends or plans by confining that person to a site without any means of escape. To be able to act freely in the sensible world, therefore, a person needs to have unfettered access to a physical space, and/or to various objects or tools in that space. This is not to say that having causality in the sensible world is reducible to having access to, and being confined to, a circumscribed geographic location. Recall that the concept of original right allows persons to have “influence within the entire sensible world.” Hence, a person must be free to pursue his or her ends wherever and however these ends are attainable. Fichte’s point, in any case, remains the same: freedom of action in the sensible world cannot be secured without also securing the spatial and material components of such freedom. For Fichte this is partly what it means to have a “sphere” of freedom in the sensible world (GA I/4:5–6).

Fichte's second point concerns the nature of the freedom involved in being a "cause in the sensible world." For Fichte, such freedom does not consist simply in pursuing or actualizing a particular end, or a set of ends; it also requires that, before taking any action, one must be in a position to choose the ends and means of one's actions from a plurality of alternatives (FNR 33, 105 [GA I/3:343, 406]). The idea here is that the freedom to "refrain from" actions that present themselves as options is part of what it means to be the cause of one's determinations in the sensible world. Fichte therefore submits that a person's sphere of freedom must be defined in terms of "all of the possible free actions" of that person, and not in terms of the actions that are carried out by that person (FNR 56 [GA I/3:363]). Fichte also takes care to note, however, that a person cannot be said to have free causality in the sensible world simply by virtue of having some alternatives for action, whatever those may be. If the alternatives are imposed or defined by another, then one cannot see oneself as the cause of one's deeds in the sensible world; so, one must have control over the nature of the action-alternatives that one has. In Fichte's words, the person must determine "the quality and quantity" of his or her activities (FNR 103 [GA I/3:405]). This is another way of saying that the person must be able to define the boundaries of the sphere of freedom within which he or she acts.

In short: the sphere of freedom is a set of action-possibilities defined by a person such that when this person engages in any of these actions, his or her related bodily movements in the sensible world are not impeded by others. On Fichte's account, one cannot be or recognize oneself as the cause of one's determinations in the sensible world without enjoying such a sphere of inviolability. By the same token, the enjoyment of such a sphere is a necessary condition for the continued existence of oneself as a person.

Be that as it may, Fichte declares that the original right to exercise causality in the sensible world has "no real meaning" and that no human being has original rights, for "there is no condition in which original rights exist" (FNR 101–102 [GA I/3:403]). Fichte qualifies this declaration by pointing out that the original right is only a concept, a theoretical construct, "created for the sake of a science of right," not a determinate legal right that one can claim against others in a society. In other words, this concept provides a philosophical grounding for the rights that persons are to enjoy in actual societies, but does not itself function as such a right. For Fichte, this is evidenced by the fact that the concept of original right indicates what "in general" belongs to the freedom of a person "without considering the necessary limitations imposed by the rights of others" (FNR 101 [GA I/3:403]). Also, while this concept requires *that* every person must enjoy a sphere of freedom in the sensible

world, it leaves open the question of *how far* a person's sphere is to extend. In theory, therefore, a person's sphere of freedom could encompass the "entire region of the world known" to that person (FNR 105, 110 [GA I/3:40 412]).

But how can Fichte believe that the concept of original right is suited to explaining or justifying the determination of the rights of persons in actual societies, while also maintaining that this concept allows each person to lay claim as his or her sphere of freedom to the "entire region of the world" known to him or her?⁹ Doesn't this concept in fact make it impossible for persons to coexist in peace within a society, by making collisions among personal spheres of freedom unavoidable? Fichte is well aware of this dilemma that his concept of original right creates, and formulates the problem here as follows: If the freedom of a person "were infinite as described above, then the freedom of all, except for that of a single individual, would be canceled. Then freedom itself, even its physical existence, would be annihilated" (FNR 109 [GA I/3:411]). According to Fichte, however, this dilemma is not insoluble, and the solution lies in realizing that the conflicts among persons about the boundaries of their spheres of freedom are (or can be) conducive to, or constitutive of, rightful relations among persons rather than destructive of such relations. He makes this point in the passage below:

In order for a contract to be possible, both parties must will to enter into a contract concerning either their already conflicting claims or their claims that might possibly conflict in the future; moreover, the two parties must will that each of them, for his part, will yield in his claims to the disputed objects until their two claims can coexist. If only one of the two, or if neither, wants to enter into a contract, then no contract is possible and war will inevitably result. According to the law of right, the rational being is required to will to enter into a contract, and so there is a right of coercion that can force each person to do so. (Admittedly, this right of coercion cannot actually be applied, since it is impossible to determine how far a person is to yield in his claims.) ... Thus the second requirement for a contract to take place is that the *wills of two parties be united for the purpose of peaceably resolving their dispute over rights*: since this unity of will determines the form of a contract, we shall call it *the formally common will*. A further requirement for the possibility of contract is that both parties limit the private wills they initially have to the point where these wills are no longer in conflict. ... We shall refer to this unity of wills as *the materially common will*. (FNR 166–67 [GA I/4:6])

This passage is situated in a section of the *Foundations* where Fichte explores the possibility of "relations of right" in a society. There, his general claim is that a social contract concerning property rights is indispensable for both the

formation and stability of such relations. In the passage above, Fichte proposes that social contracts are not made in a vacuum; they are needed and formed only where there exists, or may exist in the foreseeable future, a “dispute” (*Streit*) among persons regarding an “object” of common interest. Fichte does not specify here the nature of the objects that tend to generate disputes among persons. In the lines preceding the above passage, however, he makes clear that here he is referring to a dispute that arises among persons because each party wills to “possess this or that thing as his property” (FNR 166 [GA I/4:6]). That is, this is a dispute about property rights over “things” that can be allocated to persons one by one. For Fichte, the prime function of the social contract is to resolve such disputes. This means that the Fichtean social contract is not a hypothetical agreement among the inhabitants of an imaginary state of nature; rather, it is a mechanism for resolving disputes that arise among persons about particular objects in specific social settings. This is a point that Fichte makes and emphasizes in all of his writings on right (see also, for example, CCS 131 [GA I/7:85]; GA II/13:221).

Fichte suggests here that in order to form a social contract on property rights, the parties to a dispute need to attend to two sets of considerations. The first set of considerations pertains to the nature of a social order that is not organized around a social contract on property rights. In the absence of such a contract, nobody could reliably enjoy property rights, since it would be uncertain who is entitled to what (FNR 109, 113 [GA I/3:410–11, 414]). This being the case, each person would unilaterally lay claim to some part of the sensible world and be prepared to use force to protect it from the infringements of others. In Fichte’s words, each would be prepared to use his or her “right of coercion” against others to make them respect his or her “claim” of property. On Fichte’s account, the right of coercion is “grounded in” the original right to have free causality in the sensible world (FNR 88–89, 109 [GA I/3:392, 410]), which means that one is entitled to use coercion when one’s original right is either violated or under threat of violation. It is not hard to grasp why Fichte believes that in the absence of a social contract on property rights, individuals would take themselves to be entitled to use coercion against one another, for there would be no public institution to defend anyone’s original right to free efficacy. Hence, this would be a social setting that is marked either by violent conflicts among persons or by the constant possibility of such conflicts. Note that when Fichte here appeals to the original rights of persons, he is not referring to the abstract concept of such rights, but to the “claims” that persons actually make to “possess something” in an actual society. It is equally crucial to realize, however, that there is a parallel between the concept of original right and such claims. In Fichte’s view, the claims that

persons make to possess something are nothing but expressions of their “will” to be able to conduct themselves in the sensible world without being obstructed by others (FNR 184 [GA I/4:20–22]). That is, people demand property rights in order to engage in “free action in the sensible world,” which amounts to property “in the broadest sense of the word” (FNR 168 [GA I/4:8]). The parallel between the concept of original right and the claims that people actually make to some property is not hard to discern. We have seen that the concept of original right relates to the concept of the personal sphere of freedom as an end relates to its means: to exercise free causality in the sensible world, one needs to enjoy an inviolable sphere of freedom in that world, and this is what property rights ensure. It is now clear that the concept of original right is to be treated, as I believe Fichte does treat it, as a conceptual representation of the claims that persons in actual societies make to the recognition by others of their property rights.

For Fichte, a second set of considerations that facilitate the formation of a social contract on property rights in a social setting concerns the mentality that is involved in the making of such a contract. In the passage cited above, Fichte clearly takes the view that the property rights of persons in an actual society cannot be derived from the “private wills” of persons, since the private will of a person cannot move or bind others. That is why Fichte argues, in the passage cited earlier, that unilateral application of the “right of coercion” cannot settle disputes about property rights. So, a person acquires a right not by unilaterally claiming it, but only when others can be obligated to recognize that right (FNR 114 [GA I/3:415]). Yet this is possible only if the claimer of the right in turn recognizes the similar claims of others. In practice, this means that nobody can claim to own the entire sensible world without leaving some room for others; otherwise one would find oneself in conflict with every other person. So the possibility of establishing enduring relations of right in a social setting requires that each “yield in” his property claims to a point where the property claims of the parties no longer clash (cf. FNR 115 [GA I/3:416]). To achieve that, each must be willing to negotiate with, and make concessions to, others. Fichte calls the shared willingness to participate in such negotiations “the formally common will” (FNR 167 [GA I/4:6]), since what is required for such negotiations to get underway is *that* each is willing to participate in them whatever the outcome may be. Of course, a lasting peace among persons can be established only if the parties indeed reach a commonly acceptable definition and distribution of property rights, which would constitute what Fichte calls “the materially common will” (FNR 167 [GA I/4:6]).

So far we have considered how, on Fichte’s account, persons can come to enjoy property rights in an actual society. This account has two parts. The first

is a portrayal of the concept of original right and its relation to the concept of a personal sphere of freedom. I have suggested that the latter specifies the condition of the former; that is, the enjoyment of a sphere of freedom makes the exercise of free causality in the sensible world possible. I have also argued that, for Fichte, the property claims made by persons in actual societies can be understood in light of the concept of original right, and thus as demands to enjoy an inviolable sphere of freedom in the sensible world. The second part of Fichte's account demonstrates, however, that what ultimately defines the property rights of persons is not their private wills to possess such a sphere, but, rather, a commonly negotiated resolution of their disputes or conflicts about who is entitled to what.

But our analysis so far only addresses Fichte's general account of the determination of property rights, without identifying the concrete liberties, objects, or amenities which may fall under such rights in actual societies. We must now examine Fichte's remarks on different kinds of property rights, in order to assess the extent to which his general theory helps us to understand the determination of property rights in actual societies. After all, if Fichte believes that, in theory, the disputes among persons about the permissible range of freedom in a social setting are key to defining the property rights that can be upheld in that setting, he might still concede, as some commentators have argued, that in reality such disputes can never be resolved "peaceably" by the parties and therefore can be brought to an end only through the use of force by the state. Secondly, it is still possible that Fichte subscribes to a particular, universally applicable type of property right. That is, although his concept of a personal sphere of freedom can lend itself to different definitions of a property right, Fichte may still believe, as some commentators have contended, that there is only one particular basic way in which the right to property is to be defined in actual societies. In the remainder of this chapter, I try to fill in these gaps in our reconstruction of Fichte's account of property rights by considering what he has to say about property rights in actual societies, and about the circumstances of disputes or conflicts that are constitutive of these rights.

Fichteian Property Rights

Although the concept of an original right to have absolute causality in the sensible world is not a specific legal right to be, do, or have something, Fichte takes this concept to provide the basis for understanding and justifying the property rights of individuals. Textual support for this claim can be found in the section of the *Foundations* devoted to spelling out this concept, where

Fichte writes, “There is no separate right of self-preservation; for it is merely contingent that, in a particular instance, we happen to be using our body as a tool, or things as means, for the end of securing the existence of our body” (FNR 108 [GA I/3:409]). The basic message of this statement is that in order to secure one’s continued existence as a freely acting body in the sensible world, one needs to be free and safe to engage in either of two types of activities: either to move one’s body from one place to another, or to utilize a material thing in so doing. Notice that these two types of activity are accommodated by Fichte’s concept of the personal sphere of freedom. Relatedly, the distinction between these two types of activity provides a framework for defining the property rights of persons, since they call attention to two types of right that must be accorded to persons in a society insofar as they are regarded as embodied, self-determining beings; these two types of right are (1) the right to certain kinds of free activity, and (2) the right to use certain material objects. Fichte develops this bipartite division of rights into a general catalog in the *Closed Commercial State*:

Our theory posits the first and original property, the basis of all others, in *an exclusive right to a determinate free activity*. This free activity can be determinable, and determined, in one of three ways. Either solely through the *objects it acts upon*. This is the case, for example, with the right to undertake *whatever one may wish in and with a certain area* and keep the rest of the human race from modifying this area in any way ... This area could ... be called the *property* of the one who has been granted the right, though *strictly speaking* his property consists solely in his *exclusive right to every possible modification* of this area. In actual life I am not familiar with any example of such an unlimited right to property. Or, secondly, this free activity is determined only through itself, only through its own form (its kind and manner, its purpose, and so forth), without any regard to the object it acts upon: the right to conduct exclusively a certain art (to manufacture clothing, shoes and the like for others) and to keep everyone else from practicing the same art. Here we have property without possession of any *kind*. Or finally, this free activity is determined by *both*: through its own form and through the object that it acts upon: the right to undertake a specific act upon an object, and to exclude all other men from the same use of the same object. In this case too, an object can ... be called the property of the one who has been granted the title of right, although strictly speaking his property consists in only in the exclusive right to a certain free action toward this object. The exclusive right of the farmer to cultivate grain on his piece of land is of such a kind. (CCS 130 [GA I/7:85–86])

This passage contains the core of what Fichte has to say about property right in his principal writings. Remarkably, the general claim he advances in

this passage is fully consistent with more recent accounts of property rights. This is the claim that a property right does not consist in a “two-place relation” between a person and an object, which can be an activity, occupation, or material thing; rather, a property right in fact defines the nature of the relation between the right-holder and others.¹⁰ More specifically, the basic function of someone’s right to an object, whatever it may be, is to constrain the kinds of claims that others are allowed to make over that object. For instance, if someone has the right to use a particular material object, this right does not describe the isolated relation between this person and the object in question; rather, it “excludes” other persons from accessing the object at the same time or in the same way. Similarly, if someone has the right to conduct a certain art, such as dressmaking, it is not the case that this person may conduct this art regardless of what others do; rather, in a Fichtean society, there would be a society-wide division of labor whereby some would be entitled to work in a particular profession, while others are allowed to pursue other types of work so that the economically productive activities of different individuals can concur and complement one another. It is therefore misleading to suggest that “for Fichte, all rights refer to actions, never to things.”¹¹ As Fichte makes clear in the above passage, rights can refer to actions, to material things, or to both at the same time; what defines a right is not the particular nature of the object of that right, but the way in which the right defines the relation between the right-holder and others while the right-holder exercises that particular right.

Fichte indicates his reasons for endorsing this particular view of property rights in the lines preceding the passage above. There he tries to motivate his own view by contrasting it with the ancient doctrine of feudal land tenure, according to which a tenure-holder not only is the “only proprietor” of a piece of land and everything in it, but also has the sole authority to set the conditions under which other individuals live and work on that land. Fichte rejects this doctrine for its “one-sidedness and incompleteness when applied to actual life” (CCS 130 [GA I/7:85]). The emphasis here is on “when applied to actual life.” That is, Fichte does not think that this doctrine is intrinsically flawed, but rather that it allows only a minority of human beings to own land. So, this doctrine can hold in “actual life” only on the assumption that the rest of humanity will not contest the land tenure rights of the few (CCS 131 [GA I/7:87]). In Fichte’s view, this is the assumption that makes this theory “one-sided” and “incomplete,” and therefore vulnerable to being rejected in actual life by those who are disadvantaged by it, as exemplified by the French Revolution.

For Fichte, what distinguishes his view of property rights from the doctrine he rejects is that his view does not assume away the constant contestability of

any regime of property rights; on the contrary, his view takes as its premise that all rights to property are susceptible to the “active expression of the force” of those who are disadvantaged by them, or of those who disagree with them in principle, and therefore that property rights are sustained only on the condition that conflicts about the “objects in dispute” are resolved in a mutually acceptable way (CCS 131 [GA I/7:87]). One result of this view of property rights, Fichte points out, is that “there is no property of land” (CCS 130 [GA I/7:86]; GA II/13:242). He explains this result in the *Foundations* as follows: “Land is humanity’s common support in the sensible world, the condition of humanity’s existence in space and thus of its entire sensible existence,” so it must be shared by all (FNR 189–90 [GA I/4:26]). This does not mean, however, that land can only be held jointly, like streets and parks, or that soil may never be the object of individualized property rights. According to Fichte, individual exclusive right over land is not impossible; a farmer’s right to cultivate a “particular piece of land” and to “exclude” all others in so doing is such a right (FNR 190 [GA I/4:26]). Fichte takes care to add, however, that a farmer may have this right only on the condition that his particular use of that piece of land does not make it impossible for others who also need it for their livelihood, such as animal breeders, to use the same piece of land. Notice that the rights of farmers and those of animal breeders are only to particular “uses” of a piece of land that are compatible with one another; they are not ownership rights as defined by the feudal land tenure regime, which authorizes property owners to prevent all others from accessing a piece of land in any way. A second, yet related, difference between Fichte’s view of property rights and the land tenure regime is that the former, before supporting any actual regime of property rights, constrains the “effects” that a person’s enjoyment of a particular property right has on others: Fichte’s view does not support possible or actual exercises of a right that would be detrimental to the freedom of others (CCS 131 [GA I/7:87]). For example, a tailor’s exclusive right to produce and sell clothing to others does not entitle him to withhold distribution of products to others so as to cause an “artificial rise” in the price of these goods and make a profit at the expense of others (CCS 102 [GA I/7:63]). Ultimately, then, Fichte’s view of property rights does not concern itself with the nature of the objects of such rights; nor is it important for this view precisely how a right-holder relates to the object of his or her right; what matters, rather, are the “effects” that the right-holder’s use of the object in question has on others. That is why in his catalog of property rights Fichte stresses that a property right defines the set of actions that a right-holder is allowed to undertake in a society, whatever the object(s) of that right may be.

To bring into sharper focus the real-society implications of Fichte's catalog of property rights, let me now consider in some detail some examples from each category of rights in that catalog, starting with the last. The last category comprises cases of the right to "free activity determined both through its own form and through the object that it acts upon." This is the character of the rights of "producers" and "artisans" who make up what Fichte takes to be the two pillars of a semi-industrialized commercial society (CCS 95–108 [GA I/7:56–70]; FNR 188–206 [GA I/4:24–41]; GA II/13:232–42). Fichte's elaboration of the rights of such individuals, and for that matter all members of a society, makes it clear that they are not only right-holders but also bearers of certain civic obligations (*Verbindlichkeiten*). And if they are not willing to take on such obligations, they may be coerced to do so (FNR 206 [GA I/4:24]; CCS 103 [GA I/7:64]; GA II/13:210–11). Producers, such as agriculturalists and animal breeders, have the "exclusive right to extract the products of nature" that are essential for the physical sustenance of the whole of society. Given the importance of such products, Fichte observes, the members of a society would seek the most efficient way of providing them. In a relatively large society, this would be the division of labor; thus, only some members of the society would be assigned the exclusive task as well as the right to provide them, while others would be given other tasks and corresponding rights (CCS 97 [GA I/7:56–58]). Accordingly, the farmers would have to refrain from processing their produce for the purpose of retail, since the latter tasks, namely the processing of raw materials and their sale in the relevant markets, will be carried out by "producers" and "merchants" respectively. Depending on the fertility of the farmed lands and the existing agricultural technologies, the farmers must produce enough not only to feed themselves but also all others in society (GA II/13:235). Yet when they have done so, they are not allowed to keep their surplus produce in storage so as to bring about an artificial increase in the price of such goods.

Similar considerations apply to artisans as well. Fichte divides artisans into two groups; "those who own the materials on which they work" and "those who merely expend their labor but do not own the materials on which they work" (FNR 203 [GA I/4:38]). While the members of both groups have the same exclusive right to conduct a certain craft, only those in the first group have the additional exclusive right to use the tools and raw materials fundamental to their trade. Yet artisans in both groups are obligated to remain within the bounds of their trade: they may not be involved in the provision of raw materials or in the sale of their products, which is the right of merchants. Also, they may not refuse to sell their products to merchants in order to artificially reduce the supply of these goods and so increase their price.

Let us now turn to the second category of rights in Fichte's catalog, namely rights to a "free activity [which] is determined only through itself without any regard to the object it acts upon" (CCS 130 [GA I/7:85–86]). Artisans who are licensed to conduct a certain craft exclusively without owning the materials they work with, or produce, have this kind of property right. State officials, teachers, and wage laborers are also among the holders of this kind of right. The property rights of these individuals refer only to the "actions" they are permitted to undertake, not to the material objects they may come into contact with. There is, however, a crucial difference between the groups of right-holders just listed. Wage laborers, depending on the nature of their employment, can directly contribute to the material sustenance or well-being of a society, whereas public officials and teachers are not in a position to do so. For an example of such wage laborers, Fichte talks about individuals hired by the state to work on mines (FNR 193 [GA I/4:29]). According to Fichte, mines are best viewed and treated as common property, since they are pivotal for the sustenance of the entire society. Hence, Fichte argues, instead of privatizing mines, the state should take upon itself the task of extracting from them by hiring free laborers who are willing to do so. In contrast, the activities of public officials or teachers have no relevance for the material subsistence of society; the former are responsible for state administration and law enforcement, and the latter contribute to the spiritual development of the members of society. There is, however, something in common to the property rights of all these individuals—that is, wage laborers, public officials, and teachers: they require a certain degree of affluence in society, so that there is enough money in circulation to compensate for their rightful activities. That is, to be able to pay the salaries of these individuals, the materially productive groups in society must be able to generate material resources or values that go well beyond what they themselves require to survive and well beyond what the society as a whole requires to meet its primary needs (CCS 98 [GA I/7:60]; GA II/13:240–42). Therefore, part of the "surplus" resources (*Überschuß*) they produce, or their monetary value, must be given to the state in the form of taxes so that it can pay the salaries of its employees.

This brings us to the first kind of rights in Fichte's catalog, namely, the kind that entitles a person "to undertake whatever one may wish in and with a certain area" (CCS 130 [GA I/7:85]). This also requires some degree of public as well as private affluence. Fichte quickly points out that he is not aware of any example of "such an unlimited right to property." Still, he sometimes thematizes a type of property right that comes close to being an example of such rights, namely the right to "absolute property." Fichte considers the right to own a house and the right to privacy in one's house as instances of the

absolute property right (FNR 209–11 [GA I/4:43–46]; GA II/13:264). The right to privacy denotes an absence of duties towards others, including the state: “The lock on my door is the boundary line between state and private authority,” so in one’s house one is “beyond the state’s supervisory authority” (FNR 211 [GA I/4:45]). Note that, so defined, privacy is not an exercise-concept; rather it indicates a state of immunity from the sight and demands of others. For Fichte, one may acquire the right to privacy only after having labored (for oneself and for society) and after having paid one’s taxes to the state. The reason why Fichte does not consider the absolute right to own a house, or to privacy, as examples of the right “to do whatever one may wish in and with a certain area” is because there are limits to what one may do even in one’s house; for example, one may not kill or assault anyone therein. Also, one is not allowed to store marketable goods there in order to artificially raise their price in the market.

To fully grasp the nature of a Fichtean regime of property rights, however, we need to consider two provisos that for Fichte must be met by any such regime. The first is that although most of the activities of right-holders will be devoted to providing for the material sustenance of their society and of themselves, nobody should be expected to work under duress like a pack animal; rather, each should be able to “labor without fear, with pleasure and joy, and have time left over to raise his spirit and eye to the heavens” (CCS 110 [GA I/7:71]). For Fichte, this is possible when the existing regime of property rights supports fair living and working conditions (CCS 99 [GA I/7:60–61]). Also, depending on the productivity level of the overall economy, each must be able to enjoy some leisure time (GA II/13:230; CCS 106, 114 [GA I/7:68, 74]). Fichte’s second proviso is that nobody should be unable to make a living from the activities that define his or her occupation under a regime of property rights (FNR 185 [GA I/4:22–23]). For this would mean that the conditions of this person’s “continued existence” as a free being are not ensured by that regime and therefore that this regime “is completely canceled with respect to him” (FNR 185 [GA I/4:22]). This person would then be entitled to a “repartitioning” of property rights in that society, and would have the “absolute right of coercion” to demand it, because as far as this person is concerned, the existing regime of rights would have failed to ensure the peaceful and rightful coexistence of persons.

Having considered these examples of Fichtean property rights, one may have the impression that the Fichtean regime of such rights is intended for, and is applicable only in, a relatively affluent, semi-industrialized, commercial society the likes of which were taking shape in Europe at the end of the eigh-

teenth century, that is, in Fichte's own time.¹² However, if my analysis of Fichte's remarks on property rights so far is accurate, then this impression underrates the range of applicability of his remarks. While it may be true that Fichte wished to propose an account of property rights that was applicable to the social and historical setting in which he lived, it does not follow that this is the only setting to which his account can be applied. I have argued that Fichte sees property rights as context-sensitive mechanisms for resolving the disputes about who is entitled to what that arise in particular social settings. That is why, while identifying the property rights that persons are to enjoy in a society, he takes care to emphasize the historical and economic contingencies that play a role in defining these rights, such as the fertility of arable lands, the existing agricultural technologies, the efficiency and productivity of the overall economic system, and so forth. Relatedly, he points out that some of the rights that merchants and artisans, for example, enjoy in a relatively affluent society would not exist in a relatively poor, economically unproductive society where a subsistence economy prevails; this would be a society where "each man sits alone in front of his hearth, and slowly carves, with great effort and unsatisfactory tools, a pair of miserable shoes" (CCS 111 [GA I/7:72]). Also, this would be a society where there can be neither wage laborers, nor much time for leisure. At the same time, however, Fichte wants his account of property rights to have a broader appeal and applicability. As we have seen, this account is based on an understanding of the general nature of the claims of freedom that persons make in any society. More precisely, this account does not simply consist of a portrayal of the determinate property rights of the members of a particular, historically conditioned society; rather, it is concerned with the conditions for the continued existence of personhood and free efficacy in the sensible world generally. It is also essential to keep in mind that for Fichte, no regime of right is immune to the possibility of injustice, and that it is always possible "for several persons to unite against one or against several weaker ones in order to oppress them with their common power" (FNR 137 [GA I/4:436]).¹³ It is no accident, then, that Fichte casts persons' "right of coercion" against others—that is, their right to defend their claim to a sphere of freedom—as an "absolute" right, that is, a right that is never entirely given up in any society.

But wouldn't the constant presence of the right of coercion of persons make impossible the formation of stable, peaceful regimes of property rights, without the coercive intervention of an omnipotent state, as some commentators have claimed? I think not. Fichte's answer to this question can be found in the passage where he describes this right as absolute, to which I now turn.

The Absolute Right of Coercion

Fichte refers to the absolute right of coercion of persons in the context of describing the nature of the complaint that a person would have about a regime of property rights which did not ensure his or her continued existence. Let us now look at this passage more closely:

All property rights are grounded in the contract of all with all, which states: “We are all entitled to keep this, on the condition that we let you have what is yours.” Therefore, if someone is unable to make a living from his labor, he has not been given what is absolutely his, and therefore the contract is completely canceled with respect to him, and from that moment on he is no longer obligated by right to recognize anyone else’s property. Now in order to prevent property rights from being destabilized in this way, all the others must (as a matter of right and as a result of the civil contract) relinquish a portion of their own property, until he is able to live. . . . The executive power is as responsible for such repartitioning as it is for all the other branches of government, and the poor (those of course who have entered the civil contract) have an absolute right of coercion to such assistance. (FNR 186 [GA I/4:22–23])

Fichte is not talking here about an ordinary legal procedure that is undertaken to compensate for the violation of an already specified and recognized property right of a person; rather, he is addressing the possibility of redesigning an entire regime of rights. This possibility is raised and demanded by individuals or groups who cannot make a living under the existing regime, that is, by the poor, since the regime in place has failed to grant them the liberties that they require in order to provide for their own continued existence. So this regime has failed to properly implement the basic principle of all sustainable social contracts concerning property rights, namely: “We are all entitled to keep this, on the condition that we let you have what is yours.” Fichte thus implies that this situation can be construed as a failure on the part of the state: not only has the state failed to meet the needs of some of its members to provide for their continued existence; it has also failed to bring the condition of these individuals to the attention of the rest of the society. So it is the poor who, by invoking their “absolute right of coercion,” request a “repartitioning” of property rights in society.

Note also that by recognizing the absolute right of coercion of the poor, Fichte also concedes that these individuals have a right to use force against the beneficiaries of the existing regime of property rights—for example, to take their property and positions by force, which of course would destabilize the entire regime. Yet the poor’s application of the right of coercion in this way

could be conducive to the formation of a stable, commonly acceptable regime of rights only if they take what is rightfully and “absolutely” theirs. Once a society is destabilized, however, there can be no guarantee that they will indeed be able to secure what is their due. So they stand to gain more by merely invoking their defensive right of coercion to assistance. The beneficiaries of the current regime of property rights also have more to lose than to gain from social instability. Fichte thus argues that instead of responding by force to the call of the poor for the repartitioning of property rights, the beneficiaries of the current regime should “yield in their claim” to their current privileges. Fichte thus supposes that once the parties realize the potential dangers of civil conflict, they will see that the safest and most sustainable way of solving the problem of injustice in society is the collective and peaceful redefinition of the terms of their social contract on private property. And I take this supposition to be the key to understanding why Fichte believes that coercion, or the possibility thereof, can be conducive to the formation of a commonly acceptable regime of property rights that can obligate all.

Notes

1. See Alan Patten, “Hegel’s Justification of Private Property,” *History of Political Thought* 16, no.4 (1995): 576–600 (esp. 590); Bruce Merrill, “Fichte’s Materialism,” in *Rights, Bodies and Recognition*, ed. Tom Rockmore and Daniel Breazeale (Hampshire: Ashgate, 2006), 107–16 (esp. 109).
2. See Allen W. Wood, *Fichte’s Ethical Thought* (Oxford: Oxford University Press, 2016), 281; David James, *Fichte’s Social and Political Philosophy* (Cambridge: Cambridge University Press, 2011), 33.
3. See Michael Nance, “Freedom, Coercion, and the Relation of Right,” in *Fichte’s Foundations of Natural Right. A Critical Guide*, ed. Gabriel Gottlieb (Cambridge: Cambridge University Press, 2017), 196–217 (esp. 197).
4. See Robert R. Williams, “Recognition, Right, and Social Contract,” in Rockmore and Breazeale, *Rights, Bodies and Recognition*, 34.
5. See also pp. 162–64 in Wayne Martin, “Fichte’s Transcendental Deduction of Private Property,” in *Fichte’s Foundations of Natural Right. A Critical Guide*, ed. Gabriel Gottlieb (Cambridge: Cambridge University Press, 2017), 157–76.
6. See also Nedim Nomer, “Fichte and the Idea of Liberal Socialism,” *The Journal of Political Philosophy* 13, no.1 (2005): 53–73. For a plausible argument that Fichte is committed to a particular well-defined, socially and historically situated, and legally enforceable notion of property right, see Michael Nance, “Property and Economic Planning in Fichte’s Contractualism,” *European Journal of Philosophy* (forthcoming; early view: <https://doi.org/10.1111/ejop.12446>).

7. See Nance, "Freedom, Coercion, and the Relation of Right," 211.
8. James Alexander Clarke, "Fichte and Hegel on Recognition," *British Journal for the History of Philosophy* 17, no.2 (2009): 365–85 (esp. 367); James, *Fichte's Social and Political Philosophy*, 119.
9. Rolf-Peter Horstmann, "Theorie des Urrechts," in *Johann Gottlieb Fichte. Grundlage des Naturrechts*, ed. Jean-Christophe Merle (Berlin: Akademie Verlag, 2001), 115.
10. Jeremy Waldron, *Right to Private Property* (New York: Oxford University Press, 1988), 27.
11. Wood, *Fichte's Ethical Thought*, 281.
12. Cf. Isaac Nakhimovsky, *The Closed Commercial State: Perpetual Peace and Commercial Society from Rousseau to Fichte* (Princeton: Princeton University Press, 2011), 132.
13. See also Nedim Nomer, "Fichte and the Relationship between Self-Positing and Rights," *Journal of the History of Philosophy* 48, no.4 (2010): 469–90 (esp. 478–79).



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Fichte's Theory of the State in the *Foundations of Natural Right*

James A. Clarke

In this chapter, I provide an introduction to Fichte's 1796/1797 *Foundations of Natural Right* (hereafter, "the *Foundations*") that focuses on Fichte's account of the structure, functions, and limits of the state. There are two reasons for this focus. First, I think that Fichte's account of the structures, functions, and limits of the state constitutes the core of his theory of right¹ in the *Foundations* and contains many philosophically intriguing claims. Second, Fichte's account raises a problem that has greatly exercised commentators on the *Foundations*, but which has been somewhat neglected in recent English-language scholarship. The problem, stated simply, is that although Fichte aims to derive the legal and political conditions of individual freedom, the state that he actually derives seems liable to threaten and restrict individual freedom. This problem is often associated with Fichte's infamous account of the "police" (*Polizei*), an account that alarmed Fichte's own students and was roundly criticized by Hegel. But it is also raised, in a less acute form, by the extensive powers that Fichte's theory of right confers on the "executive" or government.

In what follows, I explore this problem by considering both the extent of the power that Fichte confers on the government and the limits that he places on such power. In the first three sections, I discuss Fichte's methodology, his theory of the social contract, and his account of the powers of government. I then turn, in the fourth section, to a critical examination of Fichte's theory of the institution that is supposed to serve as a bulwark against despotism and to

J. A. Clarke (✉)

Department of Philosophy, University of York, York, UK

e-mail: james.a.clarke@york.ac.uk

protect individual freedom: the “ephorate.” In the fifth and final section, I discuss Fichte’s account of the police and consider whether it can be defended. I conclude that an adequate defense of Fichte would require a substantial revision to his theory of the state.

Fichte’s Methodology

Before we can discuss Fichte’s theory of the state in the *Foundations*, we need to briefly discuss his methodology. One of the striking features of Fichte’s approach to the theory of right is that he claims that it should be *independent* of moral theory (where “moral theory” denotes Kantian moral theory) (FNR 10–11 [GA I/3:320–21]).² This “independence thesis” states that the fundamental tasks of the theory of right should be discharged without any reliance—whether implicit or explicit—on the concepts and principles of Kantian moral theory.³

Fichte’s independence thesis is closely related to his commitment to methodological egoism (FNR 134 [GA I/3:433–34]). Methodological egoism is the *assumption*, adopted for the purposes of political theory and institutional design, that human beings are motivated solely by self-interest. (It is *not* to be confused with psychological egoism, which is the empirical claim that all human beings are, as a matter of fact, motivated solely by self-interest.) To assume that human beings are motivated solely by self-interest is to assume that they are not sensitive to, or motivated by, moral considerations. It is also to assume that they would violate one another’s rights and freedoms if they believed that doing so would promote their self-interest. Unfortunately, Fichte does not provide an explicit account of what self-interest *is*. However, it seems to involve intelligent, “long-range” deliberation about what is in one’s interests (it is therefore a species of “enlightened self-interest”) and a fundamental, overriding concern for the *security* (*Sicherheit*) of one’s own rights and freedoms (FNR 96–97, 123–25, 127 [GA I/3:398–99, 423–25, 427]).

Fichte’s methodological egoism has two important consequences for his theory of right. First, it leads him to place considerable emphasis on the use of coercion as a means of ensuring compliance with law. The connection between methodological egoism and coercion is obvious: If one assumes that all human beings are motivated solely by self-interest and are, consequently, disposed to deviate from the laws of a rightful society⁴ whenever it is in their interest to do so, then one must find some way of making them comply with those laws. Since human beings are, given this assumption, motivated solely by self-interest, the most obvious way to ensure compliance is to establish a

system of coercive sanctions that makes failure to comply prejudicial to their self-interest. Second, Fichte's conception of self-interest leads him to emphasize the role of a desire for security in individuals' political deliberations and to link freedom and rights closely with security. The upshot of this is that the individuals who are the object of Fichte's political theory do not just want freedom; they want a freedom that is fully guaranteed and secure for the future.

The Social Contract

With these considerations in mind, let us turn to the argument of the *Foundations*. Fichte opens the *Foundations* with the "Deduction of the Concept of Right." The deduction aims to show that standing in a norm-governed relationship with another individual is a necessary condition of self-consciousness. In this relationship, each individual recognizes the other by restricting its freedom so that the other can enjoy an exclusive sphere of freedom. The norm governing this relationship (which is *not* a moral norm) is expressed in the law or rule of right: "limit your freedom through the concept of the freedom of all other persons with whom you come into contact" (FNR 10 [GA I/3:320]; see also FNR 14, 49, 82, 102, 109 [GA I/3:326, 358, 387, 404, 411]).

In section §9 of the *Foundations*, Fichte deepens his account of the relationship of right by deducing a set of abstract "original rights" as necessary conditions of "personality" or "individuality." His argument, very roughly, is that original rights protect the perimeter of an individual's sphere of freedom (thereby guaranteeing the individual's exclusive possession of it) and enable the individual to effectively realize its freely chosen ends and projects. Fichte's original rights are the right to the "inviolability" and continued existence of one's body and the rights to property and self-preservation.⁵ Fichte has a rather heterodox conception of the right to property: it is ultimately the right to exclusively undertake an activity for the sake of procuring the necessary conditions of one's continued and effective agency.

Fichte argues that if individuals are to enjoy their rights and be secure in their possession of them, they must contract to form a state. This is so for two reasons. First, because the right to property is ultimately the right to exclusively undertake a certain kind of activity, individuals must—if they are to respect each other's exclusive spheres of freedom—come to an agreement (establish a contract) about who does what activity. Secondly, although individuals possess a right of coercion against each other if they violate one another's rights, Fichte argues that the attempt to exercise this right outside of the

state is liable to result in a Hobbesian war of all against all. In order to avoid such an outcome, individuals agree to transfer the right of coercion to an impartial third party—the state—who will exercise it on their behalf. This party both judges when individuals' rights have been violated and punishes rights violations.

The social or "civil" contract is an actual contract (as opposed to a hypothetical one), which itself comprises three contracts: the property contract; the protection contract; and the unification contract (FNR 135, 170, 168–82 [GA I/3:434; GA I/4:9, 8–20]). (Following Ingeborg Maus, these are perhaps best thought of as three aspects or "moments" of the one contract.⁶) These three contracts do not simply confer legitimacy on the state; they also determine its legitimate functions and provide the basis for "civil legislation" (the body of legislation regulating the disposition of property and economic activity). Let us quickly review each contract in turn.

In the property contract, I agree with each other individual to recognize his property on the condition that he recognizes my property. Recognizing another individual's property involves acknowledging and respecting his exclusive right to undertake a particular activity or occupation (FNR 168–70 [GA I/4:8–9]). The property contract thus makes each individual's abstract right to property concrete by transforming it into a cluster of positive rights related to a particular occupation. Fichte also argues—under the heading of the "spirit of the property contract"—that individuals enter this contract on the understanding that they will be able to live adequately from the occupation that they have chosen, and that in contracting they guarantee to one another that this is the case. This means that should an individual be unable to live off his labor, he will have a right to welfare assistance and his fellow citizens will have an obligation to assist him (FNR §18). This obligation is ultimately transferred to the state at the conclusion of the civil contract.

Fichte argues that the property contract is insufficient by itself. This is because although individuals have agreed to recognize, and thus refrain from violating, each other's property rights, they have not agreed to help protect each other against rights violations. Since individuals are motivated by a self-interested concern for their own security, they desire this protection and thus enter into the protection contract, in which each individual agrees with each other individual to protect him on the condition that he provides protection in turn.

Fichte claims that the protection contract, so conceived, is unrealizable and "completely null and empty" (FNR 172 [GA I/4:11]). His argument for this claim can be simplified as follows. The protection contract, like the property contract, is "conditional," in that an individual is (legally) obligated to fulfill his promise only if he can be certain that the other party will fulfill theirs.

Now, whereas the other's compliance with the property contract is proven simply by the fact that he refrains from violating my rights, I cannot know that the other complies with the protection contract until an attack on my rights actually takes place. Given this, I have no guarantee that the other will fulfil his part of the bargain, and I therefore am under no obligation to fulfil my part by providing protection if he needs it. The protection contract therefore faces a fundamental problem.

Fichte's solution to this problem is the unification contract, in which everyone fulfils their obligations "up front" by contributing to the establishment and maintenance of a "protective power"—the state authority—that will *guarantee* the protection of any individual who requires it. Of particular interest here is Fichte's account of the deliberative situation of individuals at the point of contracting (FNR 175–76 [GA I/4:13–14]). Fichte argues that each individual deliberates from a position of ignorance in that he does not know *who* will need protection and will thus benefit from the contract. (The concept of who will require protection "hovers" over the members of the community and may alight on any one of them.) However, it *could* be the deliberating individual who will require protection, and he therefore "gladly" contributes to establishing and maintaining a protective power that will guarantee the security of the rights and freedoms of *each* individual. All of the self-interested individuals who enter the contract will that the security of the rights and freedoms of each individual be guaranteed, and to that extent, they possess a "common" or general will.

The civil contract not only justifies the existence of the state; it also determines its legitimate functions. The state must guarantee that each of its citizens is protected against rights violations, where this involves deterring potential criminals and detecting and punishing all crime. The state must also guarantee that each citizen is able to live off his chosen occupation. In contracting, individuals confer these functions on the state. They also determine and agree to the "constitution" of the state—that is, a set of rules that specify the composition and structure of government and measures for preventing despotic rule. Clearly, this raises the question of what a "rational" constitution should look like.

The Powers of Government

Fichte begins to answer this question in §16 of the *Foundations*, in which he outlines the minimal conditions for a rational constitution. Fichte's discussion is animated by a concern to *constrain* governmental power and to prevent

despotic, arbitrary rule. It is, he claims, a fundamental requirement of a rational constitution that “whoever administers public power must be made absolutely accountable” for violations of right and injustice. And he defines a “despotism” as a constitution in which this is not the case (FNR 141 [GA I/3:440]). In order to hold the government accountable, a specific, coercively backed, constitutional law must be established: the “constitutional law of right” (*Constitutionsgesetz des Rechts*). This law states that the government has violated its mandate to protect citizens if it has (a) failed to resolve a legal case within the time limit specified for that kind of case; or (b) proceeded inconsistently, where “inconsistency” covers acts of injustice towards individual citizens (FNR 147–50 [GA I/3:445–48]).

Fichte’s concern to prevent despotism leads him to reject “democracy ... in the proper sense,” by which he means a constitution in which the populace exercises executive power—that is, governs. His argument turns on the thought that if the populace were to govern unjustly or badly, they would be judges in their own case and could not be expected to impartially judge their own actions and to abide by their judgments. Since democracy cannot satisfy the fundamental requirement of a rational constitution, the populace must, if they are to establish a rational constitution, transfer and alienate power and authority to “representatives” (“executive officials [*Executores*]”) who govern on their behalf. These representatives control the government or executive (FNR 14, 139–41 [GA I/3:325, 438–40]).

Since the representatives assume absolute responsibility and accountability for ensuring that right and security prevail, they must, Fichte argues, be given the power that they deem necessary to achieve this. He further argues that what are traditionally identified as the three “powers” or functions of government—the executive power, the legislative power, and the judicial power—must be wielded by, and concentrated in, the government or executive, which is a unified system of institutions or “branches.” (Fichte does not, regrettably, provide a detailed account of the internal structure of the executive and of the relationship between its constituent branches, but it is reasonable to assume that it is a unified, hierarchical organization in which power is exerted from top to bottom and in which the lower branches are accountable to the higher ones.)

Why does Fichte think that the executive possesses not only the executive power, but also the judicial and legislative powers? With regard to the judicial power, Fichte argues that citizens have, as a result of the civil contract, subjected their judgments concerning right “unreservedly” to the judgment of the executive. Consequently, the executive is the ultimate judicial authority, and its judgments are unappealable (FNR 146, 148 [GA I/3:444, 446]). With

regard to the legislative power, Fichte argues that since the executive is absolutely responsible for ensuring that right prevails, it must not simply execute or implement the law, but must also make it, where this includes drafting individual laws and ordinances.⁷ The citizens exert no democratic influence (in the modern sense of “democratic”) on the process of positive legislation, and the laws that are enacted by the executive can only be repealed by the executive.

In addition to, and partly in virtue of, the three powers of government that it exercises, the government also possesses powers that relate specifically to the functions assigned to the state in the civil contract. Thus, the government has powers to exert extensive control over citizens' economic activity to ensure that each can live off his labor. The government also has powers to institute a system of coercive law to ensure the security of each citizen's rights. In this connection, Fichte asserts that those who administer public power must “have the power and the right to keep watch over citizens' conduct; they have *police power and police legislation*” (FNR 146 [GA I/3:444]).

The extensive power and unappealable authority that is transferred to the government might be thought troubling. Fichte insists that this transfer of power and authority is justified and legitimate because it is authorized by citizens in the civil contract. But the extent of the powers conferred on the government, and the fact that its judgments are unappealable, raises the possibility that those powers could be abused by a corrupt government, so that citizens, far from enjoying secure freedom, would be vulnerable to the arbitrary power of their rulers. Moreover, Fichte's claim that the three powers of government are all wielded by, and concentrated in, one monolithic institution—the executive or government—rules out a classical strategy for constraining government and holding it accountable—namely, the doctrine of the separation of powers. How, given these commitments, can Fichte's theory of the state provide a bulwark against despotism and tyranny? How can the government possess such extensive power and yet, as Fichte insists, be held *absolutely accountable* for its actions?

The Theory of the Ephorate

Fichte's answer to these questions is his theory of the ephorate. Before considering that theory, it will be helpful to review the theory that he rejects—the doctrine of the separation of powers—and his reasons for rejecting it.

The doctrine of the separation of powers is associated with the political theory of Locke and Montesquieu. It turns on the thought that despotic

government is greatly enabled if the three powers or functions of government are concentrated in the hands of one person or in one institution. If the institution responsible for implementing the law also makes it, and is also responsible for interpreting the law and adjudicating legal disputes, then this institution wields unfettered arbitrary power over citizens and can do with them as it pleases. To prevent such a situation, the doctrine of the separation of powers recommends that the various powers or functions of government be assigned to institutional bodies (“branches”) that enjoy a considerable degree of independence in relation to each other: the legislature, the executive, and the judiciary. It also recommends that the relationships between branches are structured so that they can exert a positive “checking” influence on each other: thus, for example, the executive is often given a power of veto over the legislature.

The doctrine just described is sometimes referred to as the “partial” or “checks and balances” doctrine of the separation of powers. It is to be contrasted with the “pure doctrine.” The pure doctrine holds that the separation must be “absolute” or “strict” in the sense that the assigning of a power to a branch completely precludes it from exercising the functions of another branch (or its functions being exercised by another branch) or any of its personnel being members of another branch.⁸ This “pure doctrine” is often thought implausible because it makes it hard to understand how the branches of government could check one another in a meaningful, effective way. Thus, for example, it would appear to rule out an executive power of veto since in exercising that power the executive is effectively exercising a (restricted) legislative function.⁹

Fichte rejects both versions of the doctrine of the separation of powers. I think that there are three reasons why he does so. First, as we have seen, Fichte holds that all of the powers of government are concentrated in the executive branch. The executive is responsible not only for implementing the law but also for drafting individual laws and ordinances. It also holds supreme judicial power, and its judgments are unappealable.

Second, Fichte’s rejection of the doctrine might be motivated by the concern that any checking of, or interference with, one branch of government by another might interrupt the administration of right—something that he is keen to avoid (FNR 16, 138–39, 145–46, 153 [GA I/3:327–28, 437–38, 444, 451]).

Third, Fichte appears to be committed to the “absolute” or “strict” conception of the separation of powers that is endorsed by the pure version of the doctrine. This commitment is discernible in the fact that some of his arguments against the doctrine of the separation of powers rely on the thought

that if one branch can check another by exercising the other's functions, then the two are not separate. Thus, Fichte argues that the branch charged with executing the judiciary's verdicts—what he calls the “executive in the narrower sense”—cannot have the right to veto those verdicts since, if it does, it “is itself a judicial power, and indeed has ultimate authority [*sogar in der letzten Instanz*], and the two powers are . . . not separate” (FNR 142 [GA I/3:441]). This kind of argument rules out the partial, checks and balances doctrine of the separation of powers, but it does not, by itself, rule out the pure doctrine, which holds that the legislature, executive, and judiciary must be absolutely separate. (That is ruled out by Fichte's claim that the powers are all concentrated in the executive.) It is important to note, in this connection, that a commitment to an “absolute” conception of the separation of powers is not only visible in Fichte's critique of the doctrine of the separation of powers. It is also visible in his *alternative* to it—the theory of the ephorate—which is framed in terms of a strict separation between two “powers” and their personnel. With this in mind, let us turn to a discussion of that theory.

Fichte's theory of the ephorate draws upon, and develops, an alternative tradition of thinking about resistance to tyranny and despotic rule. Central to this tradition is the concept of a corporate body—the ephorate—that is charged with monitoring and supervising the government and is endowed with powers to resist it where necessary. The tradition is represented by writers such as Althusius, Du Plessy-Mornais, and Mariana, and it can be traced back to Calvin's 1536 *Institutes of the Christian Religion*.¹⁰

On Fichte's version of the theory, it is a “fundamental law” of any rational constitution that the ephorate and the executive (understood as the “public power in all its branches”) are two absolutely separate and opposed powers (FNR 141–43 [GA I/3:440–41]). Fichte defines the “*ephorate*, in the broadest sense” as the right to “*oversee and judge how the executive power is administered*” (FNR 141 [GA I/3:440]). This right resides with the populace as holders of the common will. However, once the populace has contracted to establish a state, they transfer the common will to the executive and become an aggregate of subjects subordinated to it. Fichte therefore argues that the exercise of this right must—in the first instance—be transferred and delegated to the ephorate understood in a narrow sense. The ephorate in this sense is a corps of officials (“ephors”), who are completely separate from the executive, and who are charged with monitoring the government to see whether it has violated the constitutional law of right. The ephors are elected by the people, who, Fichte claims, should elect “old, mature” men (FNR 154, 159 [GA I/3:451, 455–56]).

What can the ephorate do if it discovers that the executive has violated the constitutional law of right? Fichte claims that the ephorate has “*absolutely no executive power*” (FNR 151 [GA I/3:449]). This means that the ephorate cannot overturn a particular judicial verdict, or veto or repeal an unjust piece of legislation. If it could, it would not—given the assumption of an “absolute” separation of powers—be a power separate from the executive. However, although the ephorate has no executive power, it has an “*absolutely prohibitive power*.” This means that although the ephorate cannot exert a “local” influence on *particular* verdicts or laws of the executive, it can exert a “global” influence on the *whole* system of government by declaring all governmental procedures, decisions, and judgments to be henceforth null and void (FNR 151 [GA I/3:449]). It does this by pronouncing a “state interdict.” The state interdict declares a state of constitutional emergency¹¹ and convenes the populace (who were previously isolated subjects, subordinated to the executive) to judge whether the executive has violated the constitution. Fichte conceives of the proceedings as a trial in which the ephorate is the plaintiff, the executive the defendant, and the populace the judge. The populace votes on the verdict and the vote must be unanimous. Should the populace find the executive guilty, it will be deposed and its members (the executive officials) charged with high treason and punished. (The default punishment for high treason is exile, but this might, under certain conditions, be commuted to imprisonment in a “correctional penitentiary [*Besserungshaus*].”¹²) Should the populace find the executive innocent, the ephors will be charged with high treason and punished.

Fichte’s methodological egoism compels him to consider the situation in which a corrupt ephorate combines with a corrupt executive to oppress the citizens. In such a situation, Fichte argues, one of two things will happen: either the resulting injustice will be so intolerable that the people will rise up and depose the government, or one or more private persons will incite the people to rise up. In the latter case, the inciters are initially *de facto* rebels because the government has presumptive absolute authority as the bearer of the common will. However, should the inciters succeed in getting the people to rise up and depose the government, they will be retroactively exonerated. Should the people not rise up, or should the people rise up but find the government innocent, the inciters will be condemned as rebels (FNR 160–61 [GA I/3:457–58]).

Fichte’s theory of the ephorate aims to provide an effective bulwark against despotic and tyrannical government. What are we to make of it? There are (at least) two worries that one might have, both of which relate to its practicability.

The first, voiced by Hegel in his 1802/1803 essay on natural right, is that given the extensive power conferred on the executive, it could simply suppress or crush the ephorate and, if necessary, the populace. Fichte has a ready answer to this worry, in that he argues (a) that any attack by the executive on an ephor should trigger the interdict, and (b) that the executive must never be able to acquire enough power to resist the power of the populace (FNR 156–57 [GA I/3:453–54]).¹³

The second worry relates to the ephorate's effectiveness in curbing a despotic executive and protecting individuals' rights and freedoms. As noted, Fichte conceives of the ephorate as a power strictly separate from the executive in the sense that it cannot check the executive by discharging any of the executive's particular functions. This means that the ephorate cannot remedy an individual case of injustice by overturning a verdict; nor can it veto or repeal a particular unjust law. It seems that it can only respond to such individual cases at a "global" level by raising the interdict and suspending the overall functioning of the executive. This appears to drastically limit the ephorate's ability to limit and control the government's activity and to address individual cases of abuses of power. It seems that the only legal remedy for such cases involves plunging the nation into a constitutional crisis. The interdict, one might think, is a blunt instrument.

One response to this worry would be to appeal to Fichte's claim that the ephorate will "probably" negotiate with the executive before raising the interdict in order to persuade it to take corrective measures (FNR 154 [GA I/3:451]). This suggests that the ephorate might influence the executive at a "local" level by urging it to repeal unjust laws or to review particular cases. Presumably, Fichte thinks that the threat of raising the interdict would play an important role in this negotiation. But the kind of influence that such negotiation can exert is clearly weaker and far less reliable than that exerted by the exercise of powers, enshrined in constitutional law, to veto particular legislative proposals, repeal unjust laws, and overturn particular judicial verdicts. For in the process of negotiation Fichte alludes to, the executive might regard the threat of raising the interdict as idle, and be willing to call the ephorate's bluff.

In relation to this second worry, it is instructive to briefly compare Fichte's theory of the ephorate with the theory developed by Johannes Althusius in his 1614 *Politica methodice digesta*.¹⁴ Althusius's conception of the relationship between the "supreme magistrate" (the executive) and the ephorate is rather different from Fichte's. Whereas Fichte's ephorate monitors the executive, but is not monitored by it in turn, Althusius conceives of the relationship between the two institutions as a *reciprocal* one in which each monitors and checks the

other—a “relationship of mutual watchfulness, censure, and correction.”¹⁵ But what is really important for our purposes is that Althusius’s ephors—who are described as “custodians, defenders, and vindicators of liberty”—exert a far more widespread and effective influence upon the executive than is exerted by Fichte’s ephors.¹⁶ The ephors advise the supreme magistrate and can admonish, correct, and even punish him if he violates the “Decalogue ... or the sovereign rights and laws of the realm.”¹⁷ They are also empowered to resist and, if necessary, to depose a tyrannical supreme magistrate.¹⁸ Moreover, and this is crucial, they are equipped with a power to veto unjust laws and must ratify any proposed law: “Without the ephors’ approval,” Althusius writes, “an enactment or general decree of the supreme magistrate *is not valid*.”¹⁹

Althusius’s theory is more attractive than Fichte’s inasmuch as it equips the ephors with effective powers to check particular abuses of power. Of course, the deployment of those powers involves exercising, in a restricted way, the powers of the executive and thus violates the principle of the absolute separation of powers. Fichte cannot, given his commitment to that principle, accept Althusius’s conception of the ephorate. We will return to this point later.

The Police

Our discussion of the ephorate was prompted by the concern that the extensive powers that Fichte confers on the state might enable despotic rule and the abuse of power. Even if we are not entirely convinced by Fichte’s account of the constitution and the role of the ephorate in §16 of the *Foundations*, it nevertheless constitutes a serious attempt to address that concern. However, that concern returns in an acute form when we consider Fichte’s more detailed discussion of the constitution in the section titled “On the Constitution” (FNR 249–63 [GA I/4:80–93]).

“On the Constitution” comprises two sections. In the first, Fichte considers, under the rubric of “politics,” the various permissible ways of concretely realizing the features of the constitution discussed in §16. (Thus, he discusses the different regimes of government that are permissible and the procedures for electing ephors.) In the second section, Fichte provides a detailed account of the “*police power and police legislation*” that was briefly alluded to in §16. This account of “the essence, duties, and limits” of the police has been the focal point of concerns about Fichte’s authoritarianism or totalitarianism (FNR 254 [GA I/4:84]). In what follows, I will discuss those concerns, critically engage with one important attempt to respond to them, and sketch my

own, qualified response. Before doing so, however, I need to outline Fichte's account of the police.

Fichte defines the police as a set of institutions that mediates between the state and citizens, thereby enabling the law to be applied and the state and citizens to fulfil their obligations to each other. The police has a very broad remit (which is in keeping with the use of "*Polizei*" and its cognates in eighteenth century Germany): it is concerned with road construction and road safety; fire safety; the maintenance of waterways and flood prevention; the oversight of medical practitioners and chemists; the provision of welfare. Of course, the police is also concerned to protect citizens against crime, and in this narrow protective function it corresponds closely to our modern police. It is Fichte's remarks about the police in this sense that have been regarded as problematic.

Fichte claims that it is an "absolutely necessary" requirement that "the servant of the law [*Gesetzgebung*]*—the police—apprehends every guilty party without exception*" (FNR 261 [GA I/4:91]). This requirement (which is perhaps most plausibly regarded as a requirement to *strive* to apprehend every guilty party) is necessary not simply to guarantee to citizens that offenders will be caught and punished, but also to *deter* potential offenders. As Fichte puts it:

The exclusive condition of the efficacy of the law [*Gesetzgebung*] and of the entire institution of the state is that anyone who is tempted to offend against the law [*Gesetz*] can see with complete certainty that he will be discovered and punished in a manner which is well-known to him. If the criminal can rely with a high degree of probability on not being detected and punished, what is supposed to deter him from committing the crime? (FNR 261 [GA I/4:91])

Now, if the police are to apprehend (or at least strive to apprehend) *every* criminal, then they must, Fichte argues, be able to monitor and surveil citizens and to identify each citizen. The identification of citizens is to be achieved by the use of passports:

The principal maxim [*Hauptmaxime*] of every well-constituted police is necessarily the following: *every citizen must, wherever it is necessary, be able to be recognized as this or that specific person*: no-one must be able to remain unknown to police officers. This is to be achieved only in the following way. Everyone must always carry a passport [*Pass*] on him, issued by the authority nearest to him, in which his person is described precisely; this applies to everyone, irrespective of status [*Stand*]. ... No person will be accepted at any place without knowing exactly, by means of this passport, both who he is and his last place of residence. (FNR 257 [GA I/4:87–8])

Fichte claims that in a state with the constitution he envisages, the police's powers of surveillance and the use of passports will mean that the police will know "pretty much" where every citizen is at every hour of the day and what he is doing (FNR 262 [GA I/4:92]).

The state's duty of protection also confers on the police the power to enact a distinctive kind of law: "police law." Police laws aim at "protecting fellow citizens against injuries, facilitating surveillance [or "oversight"—*Aufsicht*], and discovering guilty parties" (FNR 256 [GA I/4:86]). Fichte further characterizes police laws by contrasting them with "civil laws." Whereas civil laws prohibit actions that violate rights, police laws prohibit actions that do not themselves violate rights and may seem perfectly innocuous in themselves, but which make the violation of rights easier or make it harder for the state to protect citizens and to apprehend criminals. Thus, carrying a weapon on one's person does not itself violate anyone's rights, but it does make it easier to violate someone's rights. The police would therefore be justified in enacting a police law that prohibits the carrying of weapons, provided that it were sure that it could protect citizens adequately. Again, failing to carry a lantern on a dark street does not itself violate anyone's rights, but it does make it easier to violate someone's rights by sneaking up on them undetected. The police would therefore be justified in prohibiting citizens from walking the streets at night without lanterns (FNR 256–57 [GA I/4:86–88]). The law requiring the use of passports is also a police law since its rationale is to make the detection of criminals easier.

Fichte's account of the police has struck many of his readers as profoundly troubling. How, it is asked, is individual freedom possible in a state in which the activity of citizens is closely surveilled and in which even innocuous actions are tightly regulated by law? For modern readers, the extensive powers of surveillance and legislation that Fichte grants to the police are liable to call to mind the police states of totalitarian regimes.²⁰ However, it is not only modern readers who have been troubled by Fichte's account—it also alarmed the students who attended Fichte's first lectures on the theory of right.²¹ Thus, E. Berger reports that his fellow students have "no desire" to live in the Fichtean state and describes it as "*very strict*" (cited in GA I/3:305). And Johann Georg Rist notes, in his *Memoirs*, that while the rigor of Fichte's deductions appealed to him, his own "free mind [*freier Sinn*] could not submit to the iron coercion [*eisernen Zwang*] that [Fichte] wished to impose, for the sake of consistency, on every relationship of life" (cited in GA I/3:305).

These worries were given a highly influential philosophical formulation by Hegel in his 1801 essay *The Difference between Fichte's and Schelling's System of Philosophy*.²² Hegel argues that Fichte's emphasis on supervision and control is

symptomatic of a highly problematic approach to philosophy, which he calls the “philosophy of reflection” and associates with the faculty of the “understanding” (*Verstand*). The mode of thinking characteristic of the understanding conceives of reality in terms of hard-and-fast distinctions and strict, absolute oppositions. It attempts to resolve conflicts between opposed terms, not by reconciling them, but by subordinating one to the other, a process that involves the endless limitation or “determination” of the subordinate term. Hegel also thinks that Fichte is committed to deriving the entire content of any domain of experience completely *a priori* through a linear sequence of deductions.

According to Hegel, this defective approach to philosophy leads Fichte to conceive of legal and political order as a procrustean form that must be imposed externally on human individuals by surveillance, regulation, and coercion. The paradoxical consequence of this is that the very structures that are supposed to guarantee freedom stifle and suppress it. The tendency of the understanding to make “endless determinations” is reflected, Hegel claims, in the activity of the police and, in particular, in the making of police laws. With regard to the latter, Hegel notes that “there is simply no action at all from which the consistent understanding of this state could not calculate some possible damage to others; and it is this endless possibility which the preventative understanding and its authority [*Gewalt*], the duty of the police, have to deal with.”²³ Hegel elaborates on this point with a footnote in which he lampoons Fichte’s discussion of the use of passports to prevent forgery and accuses him of transcendently deducing the necessity of city gates.

Having discussed the concerns that Fichte’s account of the police raises, let us consider how to respond to them. I begin by discussing an argument offered by Alain Renaut in defense of Fichte.²⁴ Renaut’s argument exploits Fichte’s distinction between the pure theory of right and the discipline of “politics [*Politik*]” (FNR 249 [GA I/4:80]). The distinction is as follows: the pure theory of right derives the *a priori* conditions—the basic norms, principles, and institutions—for the realization of the law of right in the sensible world. These conditions are *entailed* by the requirement that the law of right be realized in the sensible world. Now, these conditions can themselves be realized in a variety of ways, each of which is a permissible realization of the condition in question. Thus, for example, the pure theory of right tells us that it is necessary that the populace transfer power to representatives, but it does not tell us whether power should be transferred to one person or to many, or whether the representatives should be appointed by election or heredity. Deciding which of the available options to choose is a matter for politics, which considers which option is most appropriate for a given society. For the

purposes of Renaut's argument, what is crucial here is that the individual options at the political level are *not entailed* by the requirement that the law of right be realized in the sensible world—for example, it is not a necessary condition of a rightful society that it be a hereditary monarchy.

Renaut's argument begins with the observation that "On the Constitution" is dedicated to discussing some examples of political issues. This is important, Renaut contends, because it means that Fichte's problematic claims about the police have a "different status" from the *a priori* requirements deduced in previous sections of the *Foundations*. Whereas those requirements are entailed by the requirement that the law of right be realized, Fichte's claims in "On the Constitution" are "explicitly presented as non-deducible from the system of right and, *a fortiori*, from the definition of the I from which the system departs."²⁵ Because Fichte's claims about the police are not entailed by the fundamental principles of his theory of right, we need not be committed to them and can dispense with them in response to criticisms. Criticisms of Fichte's claims about the police would be fatal to his theory of right only if those claims were entailed by his system and thus indispensable. As Renaut puts it:

I'm willing to admit that one can dispute what Fichte says about the police, but *in order for such objections to damage the system of right itself*, one would have to demonstrate, at the very least, that on the basis of the formal synthesis of §16 [viz., the account of the executive and ephorate], the only police law that can be conceived of must include the necessity of identifying each person by his "passport."²⁶

Renaut's argument is ingenious. It provides a strong riposte to Hegel's characterization of Fichte's philosophical approach and, would, if successful, allow us to cleanly amputate Fichte's account of the police from the body of his theory. However, it is problematic in several respects. First, Renaut is mistaken in thinking that "On the Constitution" as a whole is dedicated to discussing political issues. Although the first part is devoted to such issues, Fichte states explicitly that the second part, which is devoted to the police, belongs to the "pure theory of right" (FNR 254 [GA I/4:84–85]). Fichte does, it is true, discuss issues that fall at the "political" level—such as the issue of whether police officers should wear uniforms—but he appears to think that the use of passports is entailed by his account of the nature and function of the police. It is, he claims, *only* by the use of passports that the "principal maxim" (*Hauptmaxime*) of a well-constituted police can be satisfied.

Of course, Fichte could simply be mistaken in thinking that the principal maxim of every well-constituted police can be satisfied “only” by the use of passports. There might be other ways in which the principal maxim can be satisfied, and these ways, in conjunction with the use of passports, would constitute a set of “political” options from which the relevant legislative authority could choose. But this possibility, by itself, is unlikely to wholly satisfy those critics who are worried by the “totalitarian” implications of Fichte’s theory. This is so for two reasons.

First, Fichte claims that the passport requirement is a way of realizing a fundamental requirement—a “principal maxim”—that is entailed by his theory of right: the requirement for extensive surveillance of citizens. Someone who is worried by the passport requirement will presumably also be worried by the fundamental requirement that it realizes, and that worry is *not* going to be addressed adequately by the claim that the use of passports is optional. To address that worry, Renaut would have to show convincingly that the requirement for extensive surveillance is not entailed by the principles of Fichte’s theory, but is itself an optional means of realizing those principles.

Now, Renaut appears to think that the requirement for extensive surveillance is not entailed by the fundamental principles of Fichte’s theory.²⁷ I think that it is. Individuals contract to enter the state on the condition that it guarantees them absolute security of their rights, and they must be convinced (or at least believe that it is highly probable) that in *every* case of a rights violation the perpetrator will be discovered and punished (FNR 95–96, 141, 146 [GA I/3:397–99, 440, 444–45]). Such comprehensive discovery and detection clearly requires extensive surveillance.

Second, if it were correct, Renaut’s claim about the passport measure would show that this measure is not necessitated by Fichte’s theory of right, but is optional. However, it would still, as optional, be something that is permitted by Fichte’s theory of right. (The same holds for any other problematic measure that Renaut could show to be optional.) Now, someone who considers the passport measure to be objectionable will obviously think it a good thing that it is not necessitated by Fichte’s theory. However, this is relatively cold comfort, for she will still, presumably, be troubled by the thought that the problematic measure is *permitted* by the theory.²⁸ It is surely, *pace* Renaut, “damaging” to a theory if it permits problematic measures, placing them on the menu of legislative options. Someone who is worried by such measures doesn’t want them to be on the menu *at all*. To fully address the worries of Fichte’s critics, Renaut’s argument would need to show that Fichte’s theory *rules out* the use of passports.

For these reasons, I think that Renaut's defense of Fichte is problematic. I now want to offer my own, qualified defense of Fichte.

The first point to note is that some of the measures proposed by Fichte are deployed in modern liberal democracies and are considered by many of us to be reasonable. Most liberal democracies surveil their citizens quite extensively and have police forces that are able to know "pretty much" where any citizen is at any hour of the day, and many of us consider such surveillance to be an acceptable price to pay for secure freedom. We are all familiar with "police laws"—albeit not under that appellation—that seek to prevent actions that enable rights violations (such as laws prohibiting the carrying of weapons), and many of us consider such laws to be reasonable. Of course, this point is hardly decisive, for one might argue that it merely shows that so-called liberal democracies do not deserve that name.

The second point to note—and this is crucial—is that Fichte takes himself to be offering an account of the "essence, duties, and *limits*" of the police (emphasis added). Critics have tended to focus on the first two elements of Fichte's account, ignoring the ways in which the police is restricted and constrained. This is regrettable since an understanding of the ways in which the police is restricted and constrained can help address worries about the abuse of the powers that Fichte confers on the police.

Fichte places an important constraint on the police in relation to the privacy of citizens. In his discussion of "civil legislation," he states that the "house" (where this includes a rented room, a chest of drawers in a servant's room, or even luggage sent by post) is exempt from police surveillance and that state oversight extends only to the "lock." "The lock," Fichte asserts, "is the boundary line between state authority and private authority.... In my house, I am sacred and inviolable, even for the state" (FNR 211 [GA I/4:45]). There are, of course, circumstances under which the state has a right to enter my house—for example, if a gathering there is large enough to threaten public safety, or if I cry for help—but these exceptions seem justifiable and will be clearly defined in and promulgated by law (FNR 211, 215–19, 258 [GA I/4:45, 48–52, 88]). The significance of this constraint on the police is noted by Renaut, who drily remarks that "this supposed police state ... is very odd since it shows a scrupulous regard for the distinction between public and private domains."²⁹ (It is worth noting, in this connection, that although Fichte does not explicitly rule out a secret police, he is highly critical of any such organization, arguing that no "spies" or "secret agents" will be necessary in a well-constituted state (FNR 262 [GA I/4:93]).)

Fichte places a further significant constraint on the police in relation to their use of passports to identify citizens. The use of passports is likely to strike

modern readers as sinister because they have in mind cases of the abuse of stop and search powers or, perhaps, the practices of the *Stasi* or of the *KGB*. Such cases are troubling not simply because of the effects on individuals of the abuse of power, but also because they reveal that citizens are vulnerable to the arbitrary power of the relevant officials. Fichte seeks to rule out such cases. He says that in order not to disturb the “innocent pleasure that can arise from anonymity,” police officers must be *prohibited*, on pain of punishment, from demanding that citizens show their passports out of “mere mischief [or ‘mere malice’—*bloßem Muthwillen*] or curiosity” (FNR 257–58 [GA I/4:88]). Police officers must ask to see a citizen’s passport only where they believe that it is necessary to do so, and they must be obligated to give an account of this necessity to the *Instanz*—the legal authority—to which they are subject.³⁰

The accountability of police officers to an *Instanz* implies that police activity is subject to legal and institutional constraints. This is significant because it raises the possibility that Fichte intended the institutional measures for checking the executive to be extended to the police, which is, after all, an arm of the executive. (This possibility is suggested at FNR 142–43 [GA I/3:441], where Fichte defines the executive as the public power in all of its branches and says that it must be made accountable to the ephorate.) Although Fichte does not explicitly mention such an extension, it would be quite in keeping with the “spirit” of Fichte’s theory of the constitution if there were a branch of the ephorate devoted specifically to the police. Indeed, one might think that Fichte’s theory *needs* to provide an account of a “police branch” of the ephorate in order to adequately protect citizens against potential abuses of police power. One might think this because institutional constraints on the police by branches of the executive (and we can, assume, I think, that the *Instanz* alluded to by Fichte is affiliated with the executive) might fail to function if the executive (or one of its branches) were in the grip of corruption.

It therefore seems that what is needed to respond to the worries raised by Fichte’s critics is an account of a police branch of the ephorate (call this the “police ephorate”). Such an account would complete Fichte’s account of the “limits” of the police by specifying a set of measures for effectively constraining and controlling police activity. A police ephorate would have to monitor and constrain the police’s use of its powers of surveillance. It would also have to scrutinize and control police legislation to ensure that the laws proposed and enacted are not unjust and do not compromise individual freedom. The question we have to answer is: Can Fichte’s theory provide this account?

It is precisely here that we hit a problem (and this is why my defense of Fichte is qualified). For it is not clear that Fichte’s theory, as it stands, pos-

sesses the conceptual resources to develop the requisite account. As we saw in our discussion of the ephorate, Fichte's commitment to an "absolute" conception of the separation of powers seems to preclude the ephorate from effectively intervening in the activity of a corrupt executive. There is no reason to think that a police ephorate would be able to intervene any more effectively in the activity of the police. This becomes especially clear when we consider the particular problems posed by an unconstrained power of police legislation.

An unconstrained power of police legislation is problematic for two reasons: (1) The police could enact unjust, discriminatory laws that are prejudicial to the interests of members of a particular group. (2) The police could enact laws that are not unjust, and for which there is some kind of rationale, but which, either individually or collectively, radically restrict individuals' options, thereby constricting their spheres of freedom.

Given Fichte's theory of the ephorate, it seems that a police ephorate could not respond effectively to either of these cases. In the first case, it would presumably have to report to the higher branch of the ephorate, which would then decide whether to raise the interdict and plunge the nation into a constitutional crisis. (I assume that the police ephorate could not raise its own interdict and suspend the operations of the police, since that would result in anarchy.) We discussed the problems with this "global" response to injustice above. In the second case, it is not clear that the police ephorate could even *discern* the problem, since if the problematic laws were not unjust and were consistent with each other, they would not violate the constitutional law of right. But even if the police ephorate were able to discern a problem (perhaps with reference to a specific set of criteria), it again seems that its only response would be to report to the higher branches of the ephorate. Of course, the police ephorate might try to negotiate with the police before reporting to the higher branch of the ephorate, but it seems plausible to think that such negotiation would not be terribly effective.

Fichte could provide an account of an effective police ephorate if he were to draw upon a more robust conception of the ephorate, of the kind advocated by Althusius. Such a conception would allow the police ephors to effectively intervene in police activity and, crucially, to veto problematic police laws. Of course, this conception would come at a price, for it would require Fichte to substantially revise his theory of the state and to abandon his commitment to an "absolute" conception of the separation of powers. However, given that the animating concern of that theory is to protect individual freedom against despotism and the abuse of power, this might well be a price worth paying.³¹

Notes

1. The theory or doctrine of right (*Rechtslehre*) covers the domains of political philosophy and jurisprudence. For the sake of brevity, I will sometimes speak simply of Fichte's "political theory."
2. Although I have provided references to Michael Baur's translation of the *Foundations*, in many cases I have amended it or provided my own translations.
3. For discussion, see James A. Clarke, "Fichte's Independence Thesis," in *Fichte's Foundations of Natural Right: A Critical Guide*, ed. Gabriel Gottlieb (Cambridge: Cambridge University Press, 2016), 52–72.
4. A rightful society is a society that conforms to and embodies the norms and principles of right. A rightful society will also be a just society.
5. Frederick Neuhouser in FNR, xix–xx.
6. Ingeborg Maus, "Die Verfassung und ihre Garantie: das Ephorat (§§16, 17, und 21)," in *Johann Gottlieb Fichte: Grundlage des Naturrechts*, ed. Jean-Christophe Merle (Berlin: Akademie Verlag, 2001), 139–59.
7. Fichte's argument for assigning the legislative power to the executive is also undergirded by his conviction that civil legislation is simply a matter of unpacking and implementing what was agreed to in the civil contract, which functions as a basic law (*Grundgesetz*) (FNR 142 [GA I/3:440–41]; see Maus, "Die Verfassung," 144). Consequently, civil legislation is really only a case of executing or implementing the law.
8. See M. J. C. Vile, *Constitutionalism and the Separation of Powers* (Indianapolis: Liberty Fund, 1998), chap. 1; Mark Elliott and Robert Thomas, *Public Law* (Oxford: Oxford University Press, 2017), chap. 3.
9. Vile, *Constitutionalism*, 72.
10. In the *Institutes*, Calvin emphasizes the role played by the Spartan ephors, Greek demarchs, and Roman tribunes in preventing tyranny. See Alain Renault, *Le système du droit: Philosophie et droit dans la pensée de Fichte* (Paris: Presses Universitaires de France, 1986), 382.
11. See Maus, "Die Verfassung," 152.
12. In his discussion of penal legislation, Fichte claims that the default punishment for high treason is permanent exclusion from the state. However, if there is a specific "expiation contract" in place, those charged with high treason may, provided they pose no threat to public security, be given the opportunity to reform themselves by serving a sentence in a correctional penitentiary (which Fichte conceives of as "temporary exclusion" from the state). Fichte stresses that the expiation contract is "optional [*willkürlich*]" (FNR 227, 234–40, 258 [GA I/4:60, 66–72, 79]).
13. G.W.F. Hegel, "Über die wissenschaftlichen Behandlungsarten des Naturrechts, seine Stelle in der praktischen Philosophie und sein Verhältnis

- zu den positiven Rechtswissenschaften,” in G.W. F. Hegel, *Werke. Werkausgabe*. 20 vols., eds. E. Moldenhauer and K. Michel (Frankfurt: Suhrkamp, 1969–1972), 471–75. For further discussion, see James A. Clarke, “Hegel’s Critique of Fichte in the 1802/3 Essay on Natural Right,” *Inquiry* 54, no. 3 (2011): 207–25.
14. Johannes Althusius, *Politica. An Abridged Translation of Politics Methodologically Set Forth and Illustrated with Sacred and Profane Examples*, trans. Frederick S. Carney (Indianapolis: Liberty Fund, 1996), chap 18. The relationship between Althusius’ theory and Fichte’s is discussed by Renaut, *Le système*, 382–83, and Maus, “Die Verfassung,” 151–52.
 15. Althusius, *Politica*, 109.
 16. *Ibid.*, 102.
 17. *Ibid.*, 104.
 18. *Ibid.*, 108.
 19. *Ibid.*, 104; emphasis added.
 20. The charge of “totalitarianism” is common in the Francophone literature. See, for example, Jacques Bouveresse, “L’achèvement de la révolution copernicienne et le dépassement du formalisme: La théorie du droit naturel ‘réel’ de Fichte,” *Cahiers pour l’Analyse*, no. 3 (1967): 105; Pierre-Philippe Druet, *Fichte* (Paris: Editions Seghers, 1977), 75, 81.
 21. Fichte alludes to his students’ criticisms at FNR 261 (GA I/4:91).
 22. G.W.F. Hegel, *The Difference between Fichte’s and Schelling’s System of Philosophy*, trans. Henry S. Harris and Walter Cerf (Albany: State University of New York Press, 1977), 144–49.
 23. Hegel, *Difference*, 145–47 (*Werke* 2:84–85); translation modified.
 24. Note that this is not the only argument that Renaut offers in defense of Fichte. Renaut also points out that Fichte’s emphasis on privacy is incompatible with his supposed advocacy of a proto-totalitarian “police state.” I refer to this point in my own defense of Fichte below.
 25. Renaut, *Le système*, 434.
 26. Renaut, *Le système*, 434; emphasis added.
 27. See Renaut, *Le système*, 364ff.
 28. Note that she might not be troubled if the theory stipulated that permission to use the problematic measure must be restricted by law to specific “exceptional” circumstances. An example of this kind of legal restriction is Article 15 of the *European Convention on Human Rights*, which permits measures that contravene certain human rights only in cases of “war or other public emergency threatening the life of the nation.”
 29. Renaut, *Le système*, 366.
 30. “über welche Nothwendigkeit sie bei ihrer Instanz Rechenschaft abzulegen verbindlich gemacht werden müssen” (GA I/4:88). Here I disagree with Baur’s translation, which renders this clause as “in which case—if it should become an issue—they must be required to justify why it was necessary” (FNR 258).

This translation does not adequately capture the idea that the police officers are accountable to an authority (*Inстанz*) that presides over them. (Compare Fichte's use of *Inстанz* at GA I/1:278 and GA I/4:109; see the entry on *Inстанz* in the *Digitales Wörterbuch der deutschen Sprache*.) Baur's translation also suggests, misleadingly, that police officers must justify their request for proof of identity only where the necessity of that request becomes an "issue." Fichte's German does not suggest this, but in fact suggests the contrary—namely, that police officers must *always* explain to the relevant authority why a request for proof of identity was necessary.

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16

Fichte's Concept of the Nation

David James

The term “nation” is today closely associated with the rise of modern nationalism and its political consequences. The fact that the term “nation” appears in the title of one of Fichte’s best-known writings, the *Addresses to the German Nation* (*Reden an die deutsche Nation*) from 1807/1808, makes it tempting to situate this text within the history of the rise of modern nationalism. What is more, the fact that it is the German nation at which Fichte’s addresses are directed makes it tempting to situate what he has to say about the nation within the more specific context of the rise of German nationalism and the disastrous, inhumane events to which fascism gave rise. Yet, although some National Socialists may have attempted to appropriate Fichte’s philosophy,¹ the historical distance that separates the *Addresses to the German Nation* from twentieth-century fascism should make us caution about attributing to Fichte ideas that anticipate National Socialist ideology.² Gaining a better understanding of the context of Fichte’s references to the superiority of the Germans and his use of the term ‘foreign’ may show that he did not, in fact, intend to promote a straightforward vision of German national superiority and hostility to that which is different from, and regarded as other than, this nation. In what follows, I hope to explain this context by examining Fichte’s use of the term “nation.” I shall not, however, begin with the *Addresses to the German Nation*. I shall instead begin with *The Closed Commercial State* (*Der geschloßne Handelsstaat*) from 1800 in order to show how Fichte’s use of the term “nation”

D. James (✉)

Department of Philosophy, University of Warwick, Coventry, UK

e-mail: d.n.james@warwick.ac.uk

in this text generates certain difficulties when it comes to determining what constitutes membership of an economically self-sufficient state and answering the question of how to draw the borders of such a state. The concept of the nation that underlies the *Addresses to the German Nation* will then be shown to present a response to these difficulties, albeit one that generates its own problems.

The Concept of the Nation and Commercial Independence

In *The Closed Commercial State*, Fichte draws an analogy between the ‘closed’ juridical state and the closed commercial state (CCS 79 [GA I/7:38]). In the juridical state, individuals are united under the same laws and the same supreme authority, which possesses the right and the power to coerce them into obeying these laws. In the closed commercial state, individuals are not only united under the same laws and under the same supreme authority, but also subject to arrangements that govern their common economic life and any commercial relations into which they may enter with individuals from other states. In both cases, the state is ‘closed’ in the sense that individuals, who would otherwise exist and act independently of one another, are bound together by norms to which each and every one of them has agreed, at least in principle. These individuals have thereby come to form parts of an economic and political entity that is distinct from, and independent of, other such entities.

In the first book of *The Closed Commercial State*, Fichte spells out the principles that would underlie the type of agreement which forms the basis of the economic life of the state. These principles concern arrangements that it would be rational for agents to agree upon, given the material conditions of their own free agency, which first and foremost concern the right to property.³ Fichte also describes how the state would have to be organized if it is to conform to these principles and thereby become a truly rational and just state. Basing the state on rational agreement in this way reduces it to a matter of human convention and to a political construction which does not appear to stand in any necessary relation to some kind of preexisting, and more fundamental, source of unity. In this respect, Fichte’s theory of the closed commercial state does not appear to require any appeal to the idea of the nation, in the sense of a natural grouping, whether it be based on ethnic or on cultural factors, that determines who ought or ought not to be classed as a member of the state and the state’s borders. Fichte nevertheless refers to the “nation” throughout *The Closed Commercial State*. He employs such terms

as “chief estate of the nation [*Hauptstand[e] der Nation*]” (CCS 101 [GA I/7:62]), by which he means a group of people engaged in a determinate activity associated with the extraction, the supply, the production, or the exchange of natural resources or manufactured goods. He also speaks of national wealth (*Nationalreichthum*) and the state of national prosperity (*Nationalwohlstand*) (CCS 110–11 [GA I/7:71–72]). What, then, is the nation to which Fichte refers in *The Closed Commercial State*?

One problem faced by any attempt to answer this question is that Fichte does not offer a clear account of what the nation is and who belongs to it. In one passage, the nation appears to be a collective entity to which all wealth belongs, and that is the sole beneficiary of this wealth: “Everything that can be utilized belongs to the nation’s intrinsic wealth, and should be enjoyed by the nation and not applied to other ends” (CCS 122 [GA I/7:79]). This conception of the nation accords with the references to national wealth and the state of national prosperity. As regards the question of who belongs to the nation, the nation is at times made to appear distinct from the government and the public officials, whose task is to apply and execute the measures required to realize the principles of the rational state. Fichte claims, for example, that the nation is obliged to pay taxes to support the public officials, whereas in the case of the latter “concern for the governance, education and instruction, and defense of the nation is the equivalent that they pay” (CCS 113 [GA I/7:73]). Thus, there appear to be two distinct parties. On the one hand, there is the nation, whose members contribute toward the maintenance of the whole through the payment of taxes, and, on the other hand, there is the government and its officials, who contribute toward the maintenance of the whole through their services to it. In the case of existing states, moreover, the government collects taxes and administers the national wealth (*National-Vermögen*) in the sense of the monetary wealth accumulated by the state through taxation (CCS 148 [GA I/7:100]). Given that taxation is a feature of the truly rational state, a certain picture of the nation begins to emerge: a picture of it as the object of the government’s actions and policies, which, in addition to the collection and administration of taxes, include other forms of governance and influence such as education.⁴ Thus, once again, there are two distinct parties, and this implies that not all members of the state belong to the party designated by the term “nation,” whereas in the case of the rational state itself, “all are servants of the whole, and receive in return their just share of the goods of the whole” (CCS 107 [GA I/7:68]). From such statements, the concept of the nation and the concept of the state do not appear to be coextensive.

Some indications of the idea of the nation employed in *The Closed Commercial State* are found in its second book. In the introduction Fichte seeks to bring out what is distinctive about the aim of *The Closed Commercial State* in relation to the science of politics, which concerns the science of governing existing states in accordance with the answers provided to the following two fundamental questions: the question of what is right, which concerns the purely rational state, and the practical question of “how much of what is right *can be carried out* under the given conditions” (CCS 87 [GA I/7:51]). The science of politics, whose foundations are identified in *The Closed Commercial State*, is not, therefore, restricted to the task of identifying the principles that ought to govern relations between individuals and unite them as members of one and same economic and political whole that is distinct from, and independent of, other such wholes. Rather, the philosopher must also consider how these rational principles can be gradually applied to existing states and to what extent conditions already favor their application. This will require, for example, presupposing the existence of certain relations from which a pure science of right would have to abstract. For a start, human beings already live together “under constitutions that, for the most part, arose not according to concepts and through art, but rather through chance or providence” (CCS 87 [GA I/7:51]). What, however, are these existing economic relations and why do they, rather than ones that accord with the principles of the rational state, exist at the present time? In the second book of *The Closed Commercial State*, Fichte seeks to address these issues by offering an account of the origins and the character of the commercial relations existing between the European states of his own time, and in doing this, he provides some clues regarding his concept of the nation and how it relates to the concept of the state.

Fichte identifies the “peoples of modern Christian Europe [*die Völker des neuen christlichen Europa*]” as, in effect, “one nation [*eine Nation*] ... united by the same descent [*Abstammung*] and same customs and notions indigenous to the forests of Germania” and, “after their dispersal throughout the provinces of the Western Roman Empire, by a single common religion and the same submissiveness to its visible head” (CCS 139 [GA I/7:92–93]). Here, it is shared descent and a common moral system and culture, later supplemented by a common religion and subjection to papal authority, that define the nation in question. Although shared descent suggests the same ethnicity, when Fichte speaks of “the peoples of modern Christian Europe,” he implies that European history has in fact shown that ethnicity is not a necessary condition of nationhood. Indeed, he goes on to claim that the Germanic tribes were later joined by “peoples of different descent” who “acquired, along with the new religion,

the same basic system of Germanic customs and concepts" (CCS 139 [GA I/7:93], translation modified). Yet these same peoples, who in virtue of their common culture, morality, religion, and subjection to papal authority, were essentially one nation, were in political terms only loosely united, because they lacked that which "usually separates men—namely, a state constitution" (CCS 139 [GA I/7:93]).

Under the influence of Roman law and the Roman idea of supreme political authority invested in the person of the emperor, this one nation was then divided into independent states, each of which had its own set of laws and center of political authority and power. This political development was not, however, accompanied by a division of the nation into commercially independent states. Rather, a system of free trade, which reflected the previous unity of Christian Europe, continued to operate. In that which Fichte calls "the great European commercial republic" (CCS 166 [GA I/7:115]), people would trade wherever it was most profitable for them to do so, and the goods that they traded would be produced wherever conditions had proved most favorable. This system has, according to Fichte, more or less persisted to the present day, despite the introduction of some restrictions on trade, whereas, for reasons that I shall mention below, commercial relations within and between states ought to mirror the political developments that have already been taking place, which requires "eliminating the anarchy of trade, just as one gradually is eliminating political anarchy" (CCS 141 [GA I/7:95]). This is to be achieved by turning the state into a closed, self-sufficient commercial whole. This task is now the real concern of the science of politics: "only the doctrine of the closure of the commercial state is the object of politics" (CCS 164 [GA I/7:114]).

This tells us that there is no absolute correspondence between statehood and nationhood, as there would be if Fichte's concept of the nation and his concept of the state were coextensive. Rather, individual states can be, and in some cases already are, political entities that have been carved out of the larger whole of the nation. Thus, Fichte's closed commercial state is indeed a political construct instead of a political entity that maps onto the preexisting, more fundamental, unity of the nation. Moreover, from the demand for a commercial closure of the state that mirrors its political closure, it follows that the fixing and extending of the divisions which the one nation of Christian Europe has already begun to undergo, as opposed to establishing political boundaries that correspond to the geographical area occupied by this nation, is required from the standpoint of a theory concerned with the economic, legal, and political conditions of free, effective agency. Therefore, when Fichte subsequently begins to use the term "nation" fairly often in the second book

of *The Closed Commercial State*, he must be thought to use this term to designate something like a state that includes within its political boundaries only part of a larger nation, and whose government controls and administers the 'national' wealth in a historical situation in which the economic relations characteristic of the larger nation persist and have assumed the form of commercial rivalry between politically independent states. This is not to say that the existing states control and administer a national wealth that is recognized by the supreme authority itself as belonging to that part of the larger nation which falls within the state's territory, and that ought to be employed for the benefit of this part of the nation, instead of the benefit of the government or an absolute monarch that this government serves. Only in existing states that have assumed the form of the rational state would this also be the case.

From what has been said above concerning the concept of the nation that figures in *The Closed Commercial State*, Fichte cannot be viewed as a nationalist in the sense of someone who wants to explain citizenship in terms of membership of a particular nation, or who wants to identify a state's borders with the geographical space occupied by one single nation. Fichte's concept of the nation in fact introduces certain difficulties precisely in relation to such matters, and I believe that these difficulties help to explain some of the changes that his concept of the nation underwent. One such difficulty arises in connection with a claim that follows from the fundamental principles of the rational state and the economic arrangements required to realize these principles in existing states. This is the central claim that the state must prohibit, and even make impossible, all commercial relations between its citizens and the citizens of other states.

The main reasons that Fichte gives for this measure concern the heavily regulated commercial life that is required in order to realize the principles of the truly rational state in an existing state. The regulation of economic life includes guaranteeing, by means of a state-planned economy, that a sufficient amount and number of basic goods is always available and that these goods are distributed to all citizens in the appropriate way. This in turn requires that the state control how many people belong to the key occupational groups within the state and that the prices of goods are fixed with a view to ensuring that everyone's needs can be met, at least in so far as the state's level of economic development allows this. Trade with foreigners, in contrast, would introduce unforeseeable and potentially uncontrollable factors that would threaten the equilibrium of the economic system that the government has carefully constructed. Therefore, the state "*must close itself off entirely to all foreign trade*, forming from this point on an isolated commercial body, just as it had already

previously formed an isolated juridical and political body" (CCS 163 [GA I/7:114]).

Is there, however, a reliable way of determining what this commercial closure of the state entails, in terms of who and what falls within its eventual political confines? So far, the answer appears to be that the boundaries of the closed commercial state will correspond to political ones that have already been established in the course of history. Yet this answer in turn invites the question of what has determined, or ought to have determined, these political boundaries. Fichte's account of the origins of the borders of the relevant states relies on the narration of a series of contingent historical developments within the geographical area of 'Christian' Europe. Fichte does, however, provide another answer to this particular question, namely, that states have 'natural borders':

Certain parts of the earth's surface, together with their inhabitants, have been visibly determined by nature to form political wholes. They are isolated all around from the rest of the world by giant rivers, oceans, or inaccessible mountain ranges. The fertility of one tract of land within their circumference compensates for the infertility of another. The produce that is most naturally and advantageously extracted in one tract of land belongs together with the produce of another, indicating an exchange that nature itself demands. Rich pasturage is matched by cropland, woodland, and so forth. None of these tracts could exist for itself alone, and yet united they produce the highest state of prosperity for their inhabitants. (CCS 169 [GA I/7:117])

While the second sentence of this passage identifies a state's natural borders with certain prominent geographical features, the remaining sentences imply that these borders are, in fact, constituted by access to natural resources that ensure not only the availability of the means of human subsistence, but also a level of prosperity that goes beyond this, and in such a way that a state is not rendered materially dependent on another state. The two forms of natural borders need not, however, coincide, since the existence of prominent geographical features which neatly divide one state from another state does not entail that the land and other resources found within the space enclosed by these geographical features would be sufficient to secure the state's material independence. The second type of natural border therefore appears more fundamental and more necessary than the first type of natural border. Hence Fichte's subsequent use of the phrase "productive independence and self-sufficiency" (CCS 169 [GA I/7:117]). The way in which the political division of modern Europe has taken place largely through chance, instead of taking

place in a planned way in accordance with principles, means that states have, in fact, failed to achieve their natural borders, and a necessary condition of their commercial closure therefore remains unmet. Meeting this condition may require war, which would be justified, not only for this reason, but also because the reciprocal commercial closure of states would, according to Fichte, eventually remove the causes of war, which he explains in terms of existing economic rivalry (CCS 170 [GA I/7:117–19]).⁵

It is evident that Fichte's account of the contingent historical developments that led to the political division of Christian Europe is not meant to tell us how the division of states into self-sufficient economic entities *ought* to have occurred. Rather, the political borders of each state may need to be redrawn in accordance with its 'natural' economic borders, and this may require the contraction or expansion of its political borders. Here, however, there arises a further question that I intend to highlight in connection with both the relationship between nations and states and the issue of whether a return to the *status quo ante* might not, in fact, better suit Fichte's aims than the division of essentially one nation into independent commercial and political entities. For if the existing political boundaries are unreliable and should, if necessary, be redrawn with the aim of establishing the material self-sufficiency of states, then what rules out the extension of these boundaries to include all or most of the one nation that Fichte originally describes?

Fichte himself provides at least one reason for thinking that this correspondence between the nation and the state might be better suited to the aim of establishing the state's material self-sufficiency. He claims that people will have developed legitimate expectations concerning the availability of imported goods that they regard as essential means of satisfying their needs, which cannot be reduced to purely animal ones. On the one hand, these expectations could be met after the commercial closure of the state by the domestic cultivation or production of the same goods, and if this is not possible, substitutes for them could be developed (CCS 165–66 [GA I/7:115–16]). On the other hand, Fichte acknowledges the limits set by nature to any such solution, and he allows that states may then engage in the exchange of goods, provided this is not done with a view to making a profit. As an example, he appeals to the fact that wine cannot be easily produced in countries situated in the far north, whereas it can be in southern France. The northern climate is nevertheless favorable to the cultivation of grain, which can be exchanged for wine (CCS 192 [GA I/7:136]).

One might cite examples of this kind in support of the claim that here we have a case of states that have failed to attain their natural borders. Since either the northern nation or the southern one would then have to seek to

expand in order to attain its natural borders, and since neither nation appears to have a greater right than the other one to do this, Fichte's idea of natural borders begins to look incompatible with the achievement of lasting global peace. Rather, military conflict will be generated by each state's right to attain its natural borders through the expansion of its existing political borders. It is not surprising, therefore, that Fichte appears to forget about his theory of natural borders and instead appeals to limited economic cooperation between states. This move, however, suggests the existence of feasible options other than a commercial closure of states that corresponds to the prior political division of the one nation of Christian Europe into independent juridical states. Why not, for example, employ the idea of this one nation as the basis for determining the extent of the state's borders, when the example of wine and grain that Fichte himself provides suggests that this arrangement would better ensure the supply of goods in a way that meets existing expectations without, moreover, requiring the extra measures involved in an exchange of goods conducted by commercially independent states? One possible scenario would then be a federation of states, each of which enjoys political independence at the same time as it has subjected itself to a set of overarching economic arrangements derived from the principles that would govern the truly rational state. Commercial closure would not then correspond to the political closure that has taken place in a largely haphazard way in the course of European history. Rather, commercial closure would occur at the level of the one nation of Christian Europe as a whole, which separates itself from other self-sufficient economic entities, whereas political closure would occur at the level of the single political entities that have emerged "as a part torn off by chance from the great whole" (CCS 164 [GA I/7:114]). The closed commercial state would then be much larger measured in geographical terms than its political counterpart. One reason that Fichte would want to resist such a move is found in the following passage:

It is clear that in a nation that has been closed off in this way, with its members living only among themselves and as little as possible with strangers, obtaining their particular way of life, institutions, and morals from these measures and faithfully loving their fatherland and everything patriotic, there will soon arise a high degree of national honor and a sharply determined national character. It will become another, entirely new nation. The introduction of national currency [*Landesgeld*] is its true creation. (CCS 195 [GA I/7:139])

This passage may appear compatible with Fichte's claim that the members of the various juridical states of Christian Europe belong to essentially one

nation, because the nation mentioned here is defined in terms of a distinctive way of life, distinctive morals, and distinctive institutions, but not with the claim that these states are not coextensive with this nation. For it now looks as if the state that closes itself commercially maps onto this nation, instead of being only one of the juridical states that encompasses part of the nation. Yet, a closer reading of the passage shows that a nation's particularity—its 'national character'—and the patriotism of its members are the *effect* of the commercial closure of the state. In particular, they are effects of the introduction of a domestic currency. This currency represents the value of all goods in circulation. The value of these goods is measured in terms of the 'absolute' value possessed by grain, which is the basic ingredient of the most essential form of nourishment in Europe, namely, bread. The domestic currency replaces the international currency (*Weltgeld*), that is, gold and silver, in such a way as to make trade between the citizens of the closed commercial state and the citizens of other states impossible. To this extent, the nation is something that must first be artificially created, as opposed to something naturally given or the product of a shared culture alone.

If the formation of national character causally depends on the commercial closure of the state, we may assume that Fichte thinks that the creation of the greatest possible variety of national characters requires the formation of as many closed commercial states as possible. Hence his claim that "if only we were first to exist as peoples and nations, and somehow a solid national culture [*National-Bildung*] were present, which, through the mutual intercourse of different peoples, could then pass over and melt into an omnifaceted, purely human civilization" (CCS 198 [GA I/7:141]). From this statement we can see that Fichte seeks to locate the development of national character within a teleological scheme, the final end of which is provided by the idea of the realization of humanity as a whole in its fully developed and fully manifest many-sidedness. Despite how the citizens of different states are politically divided from one another, they are, as human beings, united by science, which is "the only thing that entirely eliminates all differences between peoples and their circumstances and that belongs merely and solely to the human being as such and not to the citizen" (CCS 198 [GA I/7:141]). I would therefore suggest that Fichte's ideal is that of the one nation of Christian Europe splitting itself into as many viable politically independent states as possible, each of which could then form a closed commercial state, for this would ensure maximum local variation within the framework of the common beliefs, values, and practices that otherwise make the citizens of these states into parts of what is essentially one and the same nation.

In this section, we have seen that Fichte first explains the nation in terms of shared descent and a common moral system and culture, to which a common religion and subjection to papal authority were later added. Although the notion of descent suggests shared ethnicity, Fichte implies that European history has, in fact, shown that ethnicity is not a necessary condition of nationhood, for the Germanic tribes were subsequently joined by peoples of different descent who adopted the same basic moral system and ways of thinking, together with the same religion, and in so doing came to form part of the same nation. This concept of the nation implies that the question of who belongs to the nation is fundamentally determined by such factors as common values, shared ways of thinking, and belief in the same religion. Yet Fichte also implies that there are limits to the extent to which peoples of different ethnic backgrounds can come to form one nation. These limits will broadly correspond to the boundaries of the state in so far as it forms a closed commercial entity. This is because in the absence of such boundaries, there would be either no such thing as national character or fewer national characters than there could have otherwise been. Is Fichte able to provide a more definite account of that which marks out one group of human beings as a nation with its own distinctive national character in the *Addresses to the German Nation*, in which the concept of the nation takes center stage? In the next section I attempt to address this question.

Fichte's Concept of the Nation in the *Addresses to the German Nation*

In the *Addresses to the German Nation*, Fichte speaks of material self-sufficiency and commercial independence as the second means of achieving the salvation not only of the German nation but also of Europe (AGN 171 [GA I/10:272–73]). The first means is said to be a German national education (*deutsche National-Erziehung*). This national education is designed to bring about the genuine unity of the German nation by instilling in its members love of fatherland (*Vaterlandsliebe*).⁶ Fichte stresses the importance of economic independence in the tenth of his addresses, when he describes how a small-scale commonwealth will form part of this German national education. In this small-scale commonwealth, the goods that satisfy its members' basic needs must at least appear to be produced and manufactured within it. Active participation in the maintenance of this commonwealth's economic independence is designed to foster in individuals a strong sense of identification with

the whole of which they are members, for each of them “must know that he is entirely indebted to the whole and prospers or starves ... when the whole prospers or starves” (AGN 138 [GA I/10:238]). Those young people who undergo this practical part of a German national education will be isolated from the corrupting influences of the wider society by means of the formation of their own “independent and self-sustaining commonwealth possessed of its own constitution,” enabling them “to project an image of the human social order, as it ought to be according to the law of reason” (AGN 31–32 [GA I/10:128]). Here, then, there is a prefiguration (*Vorbild*) of the economic and political independence described in *The Closed Commercial State*. This invites the question of how the borders of the larger commonwealth which is prefigured in this way are to be determined and the question of how these borders relate specifically to the idea of a genuinely unified German nation. Fichte’s answer to the question of what unifies the Germans informs the answer that he provides to the question of the borders of the future commonwealth.

In the *Addresses to the German Nation*, Fichte’s criterion of membership of a nation and where a state’s borders begin and end is seemingly a clear one, namely, the fact that its members speak the same language:

The first, original and truly natural frontiers of states are undoubtedly their inner frontiers. Those who speak the same language are already, before all human art, joined together by mere nature with a multitude of invisible ties; they understand one another and are able to communicate ever more clearly; they belong together and are naturally one, an indivisible whole. No other nation of a different descent and language can desire to absorb and assimilate such a people without, at least temporarily, becoming confused and profoundly disturbing the steady progress of its own culture. The external limits of territories only follow as a consequence of this inner frontier, drawn by man’s spiritual nature itself. (AGN 166 [GA I/10:267])

The way in which language ultimately defines a nation, and thereby indicates how its borders ought to be drawn, implies that both the commercial and the political borders of the German nation will be determined by the predominance of German speakers in a particular geographical area. The members of the German nation do not, however, speak just any language. Rather, they speak an ‘original’ language (*eine ursprüngliche Sprache* or *Ursprache*), that is to say,

a language that, from the moment its first sound broke forth in the same people, has developed uninterruptedly out of the actual common life of that people; a

language that admitted no element that did not express an intuition actually experienced by this people, an intuition that coheres with all the others in an interlocking system. (AGN 53 [GA 1/10:150])

This statement reflects how an original language undergoes a necessary development, beginning with the designation of objects of immediate sensory perception. Fichte claims that human beings, when they speak of supersensory objects, are ultimately dependent on the resources provided by the language they use to describe their sensory experience of the world and the clarity of the knowledge that finds expression in this language. An original language is one in which there exists an essential relation between the part of the language based on sensory experience and knowledge, on the one hand, and the part of the language used to designate or describe supersensory objects and to express knowledge of them, on the other. An original language will be one that also continues to develop in ways that maintain this same relation, in that the extension of sensory meaning becomes part of the spoken language and facilitates further designation and description of supersensory objects. Thus, the successful designation and, we may assume, effective communication of supersensory knowledge to others will depend on the continual harmony between these two forms of language. Otherwise, the speakers of a language will be exposed to terms that designate a supersensory knowledge for which they lack the corresponding sensory knowledge, which is expressed by means of the sensory part of the same language, with the result that language would not then “express an intuition actually experienced by this people.” In the case of an ‘original’ language, in contrast, the language used to express knowledge of supersensory objects remains in complete harmony with the development of the part of the same language used to express knowledge of sensory objects. What is more, Fichte claims that certain moral characteristics are necessary features of the national character of a people that speaks an original language. In the case of the Germans, he mentions loyalty (*Treue*), integrity (*Biederkeit*), honor (*Ehre*), and simplicity (*Einfalt*) (AGN 82 [GA 1/10:180]), along with seriousness (*Ernst*), thoroughness (*Gründlichkeit*), and good-heartedness (*Gutmüthigkeit*) (AGN 78–79 [GA 1/10:176]). A distinctive national character is therefore no longer viewed as the effect of the commercial closure of the state. Rather, it is a necessary product of the language that a nation speaks.

From this we can see that Fichte regards the fact that a people speaks an original language as sufficient to class this people as a nation which ought to possess its own economic and political borders within which its national character, which already has a firm basis in the type of language that this nation speaks, can particularize itself even further. The Germans, for example, already

constitute a nation in virtue of *their* common, original language, and the economic and political borders of this nation ought therefore to be established in a way that recognizes this fact. Yet an objection can be made to the attempt to derive the second claim concerning economic and political borders from the previous one concerning a common language. This objection is that the conclusion expressed in the second claim can be drawn only by introducing an ambiguity which concerns the idea that a people speaks an original language, on the one hand, and the idea that this same people speaks a *particular* original language, on the other. If it is a matter of speaking an original language, regardless of which particular one, then the nation and its economic and political boundaries could potentially encompass peoples that speak *different* original languages. Fichte sets limits to the possible extension of the concept of the nation in a way that reinforces, rather than undermines, this objection.

In the case of the speakers of what he calls a ‘neo-Latin’ language, Fichte appeals to the historical fact that some Germanic tribes left their homeland and came into contact with the speakers of another language, that is to say, Latin, whose development did not correspond to the development of the languages spoken by these Germanic tribes. Rather, the part of the Latin language used to designate and describe supersensory objects exceeded the intuitions that these tribes had so far acquired, whose members consequently came to speak a language which, with regard to its supersensory content, was unintelligible to them. As we might expect from Fichte’s account of the national characteristics that follow from the fact that a people speaks an original language, these Germanic tribes developed moral characteristics that were more or less the opposite of the ones possessed by the Germanic tribes whose language concerning supersensory objects did not become detached from its language concerning sensory objects and the knowledge expressed by means of it. Fichte nevertheless allows that nations other than the Germans may speak an original language. He states that Greek is a language of “the same rank” as German (AGN 58 [GA 1/10:154]). He concedes, moreover, that there is no reason to think that the Slavic peoples, for example, could not be classed as speakers of such a language. Fichte does not commit himself to a definite position with regard to these peoples. He claims only that they “seem not to have developed so clearly from the rest of Europe that a definite portrait of them would be possible” (AGN 47 [GA 1/10:143]).

In addition, it is, according to Fichte’s own theory of language, logically possible that the descendants of speakers of a non-original language could learn to speak an original language and thereby become members of the nation defined in terms of a people that speaks such a language. For Fichte

himself, nationality is not determined by descent, for the issue is not “the prior ancestry [*Abstammung*] of those who continue to speak an original language” (AGN 49 [GA I/10:145]). It has nevertheless been argued that Fichte’s account of the nation ultimately depends on the idea of descent and thus collapses into a form of ethnic nationalism.⁷ One possible example of this is Fichte’s explanation of the division between original and non-original languages in terms of whether certain Germanic tribes remained in their homeland or moved elsewhere, thereby coming into contact with the speakers of another language. Speaking an original language is here ultimately identified with being a member of a Germanic tribe, that is to say, belonging to one of those tribes that remained in its homeland. Yet there is nothing in Fichte’s theory of an original language itself that makes competency in speaking an original language dependent on the ethnic origins of its speakers. This is shown by Fichte’s account of how a child learns a language.

The sensory part of language can be successfully learned by means of direct experience of that which is designated by a word or a phrase, that is, by means of ostensive definitions. Although this cannot be done in the case of supersensory objects, whose very nature precludes pointing them out, hearing them, touching them, or tasting them, each child who learns a language recapitulates “the past linguistic development of the nation in its entirety” (AGN 54 [GA I/10:150]). Thus, although the German language qua an original language may remain unintelligible to the first generation of immigrants belonging to a people that speaks a non-original language, this would not necessarily be the case with the second generation, provided its members were not prematurely exposed to supersensory concepts for which they lacked any corresponding intuitions expressible by means of the sensory part of the language. Rather, they can be educated in a way that respects the necessary stages that the development of language undergoes when its sensory and supersensory parts remain in harmony. This might require, for example, that children do not begin to speak the non-original language of their parents. Fichte restricts himself to claiming only that learning the sensory part of a language does not present any insurmountable obstacles to the speakers of another language. Yet the refusal to extend the explanation of how a child learns a language to the supersensory part of language in its relation to the sensory part of language implies either that an original language would be truly intelligible only to someone who had lived through the whole previous historical development of the language or that the whole previous development of a language is somehow transmitted automatically to the descendants of the original speakers of this language in a coded form (for example, by means of the inheritance of certain genes). The first scenario would undermine Fichte’s claim

that the Germans, who are not, as individuals, immortal in the literal sense, continue to speak an original language. The second scenario reduces matters to a question of descent in a way that appears incompatible with the necessity of a German national education and the powers that Fichte wants to attribute to this form of education. This education certainly aims at the achievement of supersensory knowledge. This is evident from the way in which it is portrayed as a means of facilitating the highest form of such knowledge, which for Fichte is the concern of philosophy:

The pupil of our education ... has from the very outset made himself at home in the world of intuition and has never known another; he will not change his world but only enhance it, and this takes place of itself. At the same time, this education is ... the only possible education for philosophy and the only means of making it universal. (AGN 129 [GA I/10:228])

If an education of the appropriate kind is needed to prepare individuals to achieve supersensory knowledge, then this knowledge cannot be explained purely in terms of shared German descent, in the sense of the automatic transmission of the same language and intuitions expressed by means of it from the first speakers of the language to later ones. If this education possesses the power to facilitate such knowledge, then it is unclear why it could not educate a descendent of speakers of a non-original language to speak an original language, by ensuring that the development of the supersensory part of the language and the knowledge expressed by means of it proceed in tandem with the intuitions that underlie the sensory part of the language. If a German national education can indeed do this, it is logically possible, if unlikely, that in time everyone would come to speak an original language, and that all non-original languages would gradually die out as a result of this. In any case, there appears to be only a contingent connection between ethnic descent and speaking an original language.

If membership of a nation is defined in terms of speaking an original language, as opposed to speaking a particular original language, and if even the descendants of speakers of a non-original language can become speakers of an original language, then the potential extension of the concept of the nation is so great as to appear unsuited to fixing the economic and political borders of states. Fichte himself appears to draw this conclusion when he extends membership of the German nation to all “those who believe in spirituality and in the freedom of this spirituality, who desire the eternal progress of this spirituality through freedom—wherever they were born and whichever language they speak” (AGN 97 [GA I/10:195–96]). Here, it seems that Fichte has

completely forgotten his theory of an original language and its alleged moral implications, in that the possession of certain beliefs and desires are here held to be sufficient when it comes to being a member of the German nation. Yet, as we have now seen, the reference to “whichever language they speak” is not entirely inappropriate, provided the language in question is understood to be an original language. In this connection, we might accuse Fichte of introducing an ambiguity into the *Addresses to the German Nation*, by using the term “German” to designate the speakers of any original language, on the one hand, and the speakers of the German language in particular, on the other.

This brings me to a final point, which I would argue is of central importance when it comes to determining the nature and the extent of Fichte's nationalism. It has been argued that Fichte's conception of the German nation is an essentially normative one, and that the *Addresses to the German Nation* provides evidence of progressive tendencies, including hostility to oppression and tyranny, the idea of a community of free beings, and a cosmopolitan tendency, which concerns how the nation functions as the mediating link between the individual and humanity.⁸ The idea of a normative conception of the nation with progressive tendencies fits the potential extension of the concept of the nation identified above. This normative conception of the nation also figures in Fichte's assessment of the current condition in which the German nation finds itself.

In the first of his addresses, Fichte claims that the means to national salvation which he proposes, namely, a German national education, “consists in cultivating a completely new self, a self that has hitherto existed perhaps as an exception among individuals, but never as a universal and national self, and in educating the nation ... to a wholly new life” (AGN 17 [GA 1/10:112]). This statement of intent implies that a genuine national self is present only in the case of a few exceptional individuals but not in the case of the nation as a whole. Rather, this national self must first be created. This helps to explain the notions of a new self, life or order repeatedly mentioned in the *Addresses to the German Nation*, as when Fichte claims that the German national education which he proposes would “usher in an entirely new order of things, a new creation” (AGN 42 [GA 1/10:138]). Since this national education is aimed at all Germans without exception, it is concerned with the cultivation of the nation as a whole, as opposed to the cultivation of a particular class of Germans (AGN 19 [GA 1/10:114]).

The attempt to construct a genuinely unified nation implies dissatisfaction with the nation in its current form, and the idea of creating a new national

self, together with a completely new moral and social order, once again introduces an ambiguity into Fichte's account of the nation, once claims of the following kind are considered: "In the spirit whose emanation these addresses are, I behold the concrescent unity in which no member thinks the fate of another foreign to his own, a unity that shall and must arise if we are not to perish altogether—I behold this unity as already existing, perfected and present" (AGN 11 [GA 1/10:106]). In this passage, Fichte implies that the members of his audience, who are unified by the message contained in his addresses, are representative of the unity of the German nation as a whole, and so this unity is taken to be something that already exists. His acceptance of division within the German nation nevertheless implies that some of what he has to say will, as things currently stand, apply to some Germans but not to others. For a start, we may assume that the members of Fichte's audience enjoy a level of cultivation denied to other members of the German nation. This means that he can, in the first instance, speak of certain matters only to them, which is not to say, however, that the other members of the German nation are incapable of attaining a similar, or even higher, level of cultivation. According to Fichte, the German national education that he proposes will in fact produce a different, more highly cultivated class, one that includes the people (AGN 20 [GA 1/10:115]). Thus, in asking the present cultivated class to support his plans, Fichte is, in effect, asking its members to introduce, for the benefit of the German nation as a whole, the means of destroying their privileged position within this nation.⁹ As things currently stand, the members of Fichte's audience do not even form part of the German nation understood in normative terms, precisely because they constitute an exclusive, privileged group within this nation—a nation which cannot, therefore, be regarded as a genuinely unified one, and which in this sense cannot be thought already to exist. Thus, when Fichte addresses the members of his audience as representatives of the nation (AGN 10 [GA 1/10:105]), he is abstracting from all those factors that currently separate them from the rest of the German nation. Nevertheless, in speaking of matters that concern all Germans, Fichte implies that ultimately there are certain features (including speaking the same original language) and interests that unite the members of the German nation, who are not, therefore, alien to one another.

The further ambiguity mentioned above is then as follows. On the one hand, Fichte speaks of the preexisting unity of the nation. On the other hand, he speaks of a unity that must first be created. When Fichte speaks of beholding this unity as something that has already arisen and is complete, he must, therefore, be taken to mean that he himself enjoys an anticipatory vision of genuine German national unity, the conditions and possibility of which he

seeks to articulate in the *Addresses to the German Nation*. If genuine German national unity must first be created, we are faced with the question as to how Fichte can even begin to address the German nation. I have argued that Fichte's theory of an original language, from which certain national characteristics are held to follow, does not provide an answer to this question, unless one trades on the ambiguity that consists in failing to distinguish between the idea of a nation that speaks an original language and the idea of a nation that speaks a particular original language, which in this case would be German. The first idea allows for an extension of the concept of the nation that the second one does not. Fichte's theory of language, when viewed in conjunction with the potentially transformative effects of the German national education that he envisages, does not even logically exclude the possibility of the descendants of speakers of a non-original language coming to speak an original one. Thus, Fichte's attempt to define the nation, and thereby provide the means of drawing the economic and political borders of a state, ultimately appears to allow for the extension of the term "nation" to the human race as a whole, making it impossible to determine where a state's borders should begin and where they should end.

Notes

1. See, for example, Marion Heinz and Rainer Schäfer, "Die Fichte-Rezeption im Nationalsozialismus am Beispiel Bauchs und Gehlens," *Fichte-Studien* 35 (2010): 243–65.
2. For an example of the view that certain ideas contained in the *Addresses to the German Nation* do anticipate National Socialist ideology, see Christian Strub, "Absonderung des 'Volks der lebendigen Sprache' in deutscher Rede: Die Performanz von Fichtes *Reden an die deutsche Nation*," *Philosophisches Jahrbuch* 111 (2004): 384–415.
3. See David James, *Fichte's Social and Political Philosophy: Property and Virtue* (Cambridge: Cambridge University Press, 2011), chap. 1.
4. Fichte also speaks of the happy "relation of the people [*Volk*] to the government" (CCS 193 [GA I/7:137]). This suggests not only that there are two distinct parties, but also that Fichte uses the terms "*Volk*" and "*Nation*" more or less interchangeably.
5. *The Closed Commercial State* has accordingly been situated within a pan-European debate concerning the problem of how international peace can be secured so as to make possible the creation and maintenance of a law-governed condition based on a social contract. Fichte's contribution to this debate is said to be the idea that Europe can transform itself into a peaceful federation of

constitutional republics only if the economic life of states is disentangled from the competitive dynamics of their relations to one another by each of them establishing a planned and largely self-sufficient national economy. See Isaac Nakhimovsky, *The Closed Commercial State: Perpetual Peace and Commercial Society from Rousseau to Fichte* (Princeton: Princeton University Press, 2011). This emphasis on international peace is misleading, however, in that Fichte is clear that the arrangements proposed in *The Closed Commercial State*, including the commercial closure of the state, follow in a quasi-deductive manner from the pure principles of right that he has previously established, especially those concerning property rights:

All these assertions are founded on my theory of property. If this theory of property is correct, then, without doubt, there will also be good reason for these assertions. If the theory of property is false, then that which claims to be nothing more than a consequence of the theory of property will no doubt fall together with it. (CCS 129 [GA I/7:84])

Thus, the global peace that the commercial closure of the state will allegedly bring about is, as it were, a by-product of the realization of these pure principles of right, rather than being the primary aim of the arrangements in question.

6. For more on the nature and the aims of this German national education, see David James, *Fichte's Republic: Idealism, History and Nationalism* (Cambridge: Cambridge University Press, 2015), chap. 6.
7. See Arash Abizadeh, "Was Fichte an Ethnic Nationalist? On Cultural Nationalism and its Double," *History of Political Thought* 26, no. 2 (2005): 334–59.
8. See Ernst Bloch, "Politische Messungen, Pestzeit, Vormärz," in Ernst Bloch, *Gesamtausgabe*, vol. 11 (Frankfurt: Suhrkamp, 1970).
9. Fichte portrays the current historical situation as an opportunity for this class to exercise an influence on the German nation and its history. If this class should fail to engage in the task that Fichte sets it, then the people, from whom "to this day all higher development of humanity in the German nation has proceeded" will have to assume it (AGN 20 [GA I/10:115]).



17

Fichte's Philosophy of History: Between A *Priori* Foundation and Material Development

Angelica Nuzzo

Fichte's philosophy of history—his reflection on what characterizes the “fact” of human history as well as his attempt at a philosophical comprehension of historical events and their unfolding (the well-known dichotomy of *res gestae* and *historia rerum gestarum*)—is pervaded by the tension that sees it suspended between, on the one hand, the transcendental and foundationalist impetus of the *Wissenschaftslehre* and, on the other hand, Fichte's attentiveness to and sensitivity for the empirical and material realm of human activity. This is the attitude that anchors history in the dimension of the present time and sees the philosophical comprehension of the present as the condition for our responsible action in it. To be sure, this tension should be considered even more significant since it pervades, paradigmatically, Fichte's life-long philosophical project as a whole—a project in which the transcendental *a priori* dimension of science goes hand in hand with but is also, paradoxically, at odds with the active, practical inspiration of this philosophy. To this extent, then, an overview of the development of Fichte's conception of history, focusing on the programmatic claims and principal challenges it entails, can be taken as reflecting the main vicissitudes of his whole philosophy, from the early Jena *Wissenschaftslehre*, through the so-called popular writings and lectures, and up to the later metaphysical views.

The general framework in which the present chapter proposes to discuss some salient features of Fichte's philosophy of history draws to the center the

A. Nuzzo (✉)

The Graduate Center, City University of New York, New York, NY, USA
e-mail: anuzzo@brooklyn.cuny.edu

issue of the *systematic placement* of history within his philosophical doctrine as a whole, and the connected issue of the *methodological approach* characterizing philosophy's reflection on history, that is, the way in which, on Fichte's view, a *philosophy* of history is to be carried out. Thereby a further aspect of Fichte's conception of history shall be brought to the fore. While the early Fichte is still close to the questions that the Enlightenment tradition had raised with regard to history, and while Kant remains a crucial interlocutor throughout when the task of conferring scientific status upon the thinking of history is at stake, with the development of Fichte's later metaphysical conception that ties history to the appearance of the Absolute, the specter of Hegel's *Geschichtsphilosophie* looms large, defining the other temporal extreme in which Fichte's discussion on this topic is inscribed. The reference to Hegel, it is true, is more likely to inform interpreters' position than Fichte's own.¹ It should be taken, however, as a significant marker in the examination of the type of philosophy of history that can be proposed on the basis of the *Wissenschaftslehre*. Issues such as the logical and metaphysical structure of history and its transcendental "guiding thread" or principle (Kant's *Leitfaden*), to which Fichte (unlike Kant) ascribes a constitutive and not a merely regulative validity²; the very idea of a "logic of historical truth" (*Logik der historischen Wahrheit*—GA I/8:277),³ which seems to anticipate not only Hegel but even Wilhelm Dilthey; and the claim concerning the centrality of freedom in history's development, a claim that needs to repeatedly qualify the type of freedom at stake in history (moral, juridical, political, metaphysical), are all issues hinting at the fundamental developments that bring post-Kantian reflection on history increasingly away from Kant and closer to Hegel. In other words, Fichte's transcendentalism, with its evolving conception of history—morally and juridically oriented at first, palingenetic in the end—appears as a crucial station in the process that leads from Kant's moral "model" of history to Hegel's political "model"—a model, this latter, no longer transcendental but based on a dialectical conception of history.⁴

At stake, for Fichte, is first and foremost a systematic and methodological problem. How can and how should the empirical realm of history be thought within the *a priori* deductive framework of the *Wissenschaftslehre*? Can history's irreducible empirical cypher (or empirical history), in its contingency and apparently fractured manifoldness, be acknowledged in its value while making history into an object of genuine philosophical speculation or science (into philosophical history or a philosophy of history proper)? Or does the philosopher, in the act of taking up empirical history, become instead a mere "observer" of human nature and action (GA I/8:196f.)? How can freedom (human freedom as well as metaphysical freedom) be preserved and the logi-

cal and metaphysical necessity of the “world plan” (*Weltplan*) maintained insofar as the latter underlies historical development and confers to it sense and direction? In the end, and at the most general level, at stake are the different implications of thinking history as part of a system that is shaped, alternatively, in terms of transcendental philosophy or by stronger metaphysical commitments. This methodological tension—whereby systematic and deductive modes of thought are brought to bear on the empirical realm of history in its manifold manifestations—reveals itself in the philosopher’s approach to history perhaps more than in any other realm of philosophical reflection. Thus, in the attempt to place Fichte’s idea of history within the broader framework of the contemporary discussion, I want to give particular weight to the methodological choices guiding the philosopher in the thematization of a topic that seems, at the same time and for the same reasons, to demand an *a priori* (or scientific) conceptualization but also to inevitably recoil from it. Indeed, at the root of this tension is history’s irreducible empirical cypher but also its being the product of human action and freedom. As Reinhard Lauth has put it, for Fichte “history is a mediation of pure knowledge and concrete life. From the former side, history is to be developed in a purely conceptual way; from the latter side, history is something incomprehensible, namely, the empirical.”⁵ Ultimately, the very notion of a “philosophy of history” presents a problem and a challenge of its own. As much as this is true for Fichte (and for Kant), it remains true for Hegel as well. Indeed, both in Fichte’s and in Hegel’s case the issue of the placement of world history within the system of philosophy (or, alternatively, in Fichte’s case, without the doctrinal system, in popular writings and lectures) remains an ongoing, controversial one.

Given this framework and the general questions raised above, the argument of this chapter shall proceed in the following way. I begin by outlining the relationship between the problem of history and Fichte’s project of a *Wissenschaftslehre* or Doctrine of Science, thereby bringing to the fore the difficult position that history (and the philosophy of history) occupies in his reflection. I then address—albeit only schematically—some of the salient moments in the development of Fichte’s philosophy of history, from the early *Attempt at a Critique of All Revelation* (1792) up to *The Characteristics of the Present Age* (1806).⁶ This latter, delivered first in the form of popular lectures (1804–1806), is the text in which Fichte takes up the topic of history as thematic for the first time. Finally, I discuss the methodological position that this later work advances with regard to the “logic of historical truth,” thereby bringing together the issues of a philosophical approach to history—the *a priori* construction of history and the material philosophy of history—empirical history, and the philosophical account of the characters of the present age.

Fichte's *Wissenschaftslehre* and the Problem of a Philosophy of History

Fichte's early idea of philosophy as *Wissenschaftslehre* or "Doctrine of Science" is inspired by the common critical stance that many post-Kantians direct to Kant's transcendental philosophy. While set on carrying forward the transcendental project initiated by the *Critique of Pure Reason*, Fichte's Doctrine of Science aims at fulfilling the promise of systematic completeness that Kant's first *Critique*, in the view of many contemporaries, could not maintain. For Fichte, the actual system of philosophy or science (not the simply promised one and not the "propaedeutic" to it—see A11/B25), the principles of which are rooted in the transcendental subject or 'I' as the most original, indeed absolute condition, is a strictly *deductive* but also a *formal* system. It is a system of "principles" from which the manifold, subordinate principles of the particular sciences are to be *a priori* deduced in their exhaustible and complete set. Importantly, the *a priori* deduction does not directly concern the manifold material contents or the concrete objects to be thought under those principles. Principles in their formality are rather "applicable" and then actually "applied" to the manifold concrete contents given in experience.⁷ In this way, the material part of philosophy follows the formal, foundational and doctrinal part.⁸ While the system allegedly presented—or rather grounded—in and by the Doctrine of Science, being complete, is also closed (completeness and closure being constitutive features of the systematic structure as such), the issue of the application of the principles to material contents (and, properly, the philosophical thematization of these contents) hints at an open-ended task.

Thereby Fichte's conception of philosophy as *Wissenschaftslehre* seems well positioned to address some of the perplexities that immediately arise as the question of the place of history within the Doctrine of Science is brought to center stage. Indeed, being an open-ended field of empirical and factual concreteness, history seems by its very nature irreducible to systematic closure and completeness. It seems a trivial, common-sense remark that in its temporal unfolding, history does not end; that factually, history is never complete. Even less does history appear, on the face of it, amenable to a strictly *a priori* deduction. And yet, only on the condition that history displays rational and formal structures *somehow* connected to that empirical and factual concreteness is a philosophy of history—and to begin with, a purely speculative access to history—possible. There may be, in any case, philosophical meaning in trying to *apply* the principles of the Doctrine of Science to the understanding of history (as *res gestae*), thereby attempting to bring the manifold of contingent

historical facts under the unity of a principle—something Kant's first *Critique* has shown transcendental philosophy could do with regard to the empirical realm of nature and our knowledge of it in the natural sciences. An analogous philosophical procedure, it may then be suggested, could constitute history as *historia rerum gestarum*, that is, as the rational reconstruction, on the basis of *a priori* principles, of the factual field of human life and action in this world. History would thereby become historical science. Indeed, Fichte conceives of history as “the second part of the empirical next to physics,” and precisely in this regard he considers it “a part of science” (GA I/8:295). History is—or rather ought to be—a science, but a science constituted on a new, transcendental basis.

Indeed, despite the common-sense evidence, it may make *philosophical* sense (although it hardly makes any empirical sense) to claim that there is an end of history or that history is formally complete with regard to its moving principles and laws (a claim that in its different variations has been haunting many philosophers of history after Fichte). To be sure, however, the project of an *a priori deduction* of history is a point that Fichte does not want to renounce. What is at stake, then, becomes the problem of what it is *in* history, or rather *about* history, that is being deduced according to the principles of the *Wissenschaftslehre*. It is here that the transcendental framework becomes relevant to Fichte's project. It suggests that what can be *a priori* deduced are the constitutive conditions of history or historicity, to the extent that these conditions are conditions of self-consciousness. Accordingly, history is to be understood, transcendently, on the basis of the unity of consciousness. This holds true both in Fichte's early doctrine, in which the absolute I is the original principle and the highest transcendental condition of all philosophy, and in the later metaphysical developments of this doctrine, in which the I becomes the medium of the manifestation of the Absolute in this world. While in the former case history derives from the deduction of the conditions of self-consciousness, in the latter the *a priori* structure of history (its *Weltplan*) derives from the conditions of the manifestation of the Absolute. In the structure of consciousness—both as original principle and as the “expression” and “perfect representation of the divine force” (GA I/8:297)—concept and object, knowing (*Wissen*) and being, are one. In its “objective unity,” Fichte claims, such *Wissen* “is called nature, and the empirical realm, lawfully oriented according to it, is called *physics*.” To the extent, however, that knowing enters time and unfolds in time (and in discrete temporal “epochs”), “the empirical realm, lawfully oriented toward the fulfillment of the succession of time is called *history* [*Geschichte*]” (GA I/8:297). Transcendentally grounded in the unity of consciousness or, alternatively, in the objective unity of knowing,

“nature” and “history” complement each other, exhausting the realm of the empirical. Transcendentally grounded in the unity of consciousness or knowing, factual history and philosophical history (*res gestae* and *historia rerum gestarum*) converge and are ultimately one.

A problem very similar to the one raised by Fichte’s deductive and *a priori* transcendental stance toward history has been seen by many interpreters at the root of Hegel’s own project of a philosophy of history—a philosophy developed, this time, on the basis of the dialectic-speculative logic and thereby reduced to being a part of Hegel’s allegedly complete and closed system of philosophy. Unlike Fichte, however, Hegel entirely abandons the transcendental framework introduced by Kant. History is not rooted in the conditions of consciousness, hence not deducible or deduced from them—not even the phenomenological history that appears prominently in the 1807 *Phenomenology of Spirit* and presents some resemblance to Fichte’s own “pragmatic history of the human mind.”⁹ History is, instead, the process of actualization of spirit’s freedom—it is, directly, the objective actuality of *Geist*. Although no proper *a priori* “deduction” is claimed in Hegel’s case, what is often seen as the forceful reduction of history to the requirements of a closed philosophical system falls entirely on the dialectic-speculative logic immanently informing, and even guiding, the development of history. Fichte’s project may seem in this regard (and despite its deductive stance) less hubristic than Hegel’s. And yet, even though Fichte’s Doctrine of Science is not guided by the rigorous logical claim that dominates Hegel’s theory, his philosophy of history reveals a curious need for a *logical* structure that reaches far more deeply than the schematic distinction (or indeed deduction) of epochs, peoples, and mediating principles for the transition between different epochs and civilizations. Indeed, while Fichte’s epochal distinction and periodization constitutes the outcome of the attempted *a priori* deduction of history, the issue of the “logic of historical truth” touches on a far more substantial philosophical problem.¹⁰ For, according to Fichte, it is a *logical* claim that distinguishes the approach to history proper to the philosopher from the attitude of the historian, and that distinguishes *Wahrheit* (truth) from *Wahrscheinlichkeit* (plausibility, probability, presumption) insofar as they can be discovered in history. Thus, although Fichte does not develop a “transcendental logic” thematically until very late (1812),¹¹ and although a doctrinal logic does not play a role in the deduction of the applied or material parts of the system, the idea of a logic of the historical movement turns out to be crucial for the possibility of a philosophy of history. In this regard at least, Fichte is not so far from Hegel.

When this connection is taken into account, it is easy to recognize that at issue in Fichte’s theory is, yet again, a problem that has its root in a common

post-Kantian challenge to Kant's transcendentalism. This time, at issue is Kant's limitation of the knowledge claims of human reason to a realm defined by the exclusion of the "thing in itself" (*Ding an sich*). This limitation is ultimately due to Kant's separation of intuition and concept, that is, most generally, to the thesis of transcendental idealism. The "thing in itself" indicates the upper limit of cognition represented by the purely intellectual, supersensible, or noumenal sphere of which no intuition is available to us (neither sensible nor intellectual). Fichte's efforts from early on are aimed at overcoming that limitation and endowing the absolute I with the power to grasp that purely intelligible object by means of the "intellectual intuition" excluded by Kant. However, there is in Kant's theory a lower limit to cognition as well. It is represented by the sheer contingency and individuality of empirical facticity, for which no concept is available and of which no logical conceptualization is possible. Now, on Fichte's view, history as the counterpart of physics is an empirical realm that presents a distinctive problem of intelligibility of its own. History is the realm in which individuality in its utter materiality and sheer contingency plays a fundamental role. And yet, viewed in the perspective of Kant's transcendental logic and epistemology, individuality is conceptually ungraspable, placed as it is as the lower counterpart of the "thing in itself." In this regard, then, history seems to posit a fundamental challenge for transcendental logic.¹² Fichte recognizes, beyond Kant, the need for a specific logic and philosophical justification of empirical individuality in its historical expression and manifestation. Although Fichte, unlike Hegel, does not account for empirical individuality directly on the basis of a logic considered as the foundational part of the philosophical system, at stake for him is still the *logical* constitution of the sphere of history as a realm in which empirical individuality is constitutive. Indeed, as we have seen, he maintains that in history the infinite and open-ended progress of the empirical is regulated by a "*logic of historical truth*" (GA I/8:277). This logic establishes the realm of history in its peculiar extent: it defines that which belongs to history as such, identifies the specific problems it addresses (e.g., excluding the "metaphysical" and mythological questions regarding the first origins of mankind), and establishes the method that reason should employ within it. Echoing Kant's famous pronouncement in the 1787 preface to the first *Critique*, Fichte maintains that the accidental wanderings, this time of historical knowledge, can be brought to the secure path of a properly scientific advancement only by a "logic of historical truth" which becomes the ground for a philosophy of history. It is such a "logic of historical truth" that puts a long-awaited end to the blind "*Herumtappen*" (groping) that plagues the knowledge of history, and finally guarantees its scientific "*Fortschreiten*" (progress).¹³

History and the Philosophy of History Before *The Characteristics of the Present Age*

Against this systematic background, it is important to underline that Fichte's project of a philosophical or scientific account of history—the very idea of a philosophy of history within the framework of the *Wissenschaftslehre*, and ultimately the later idea of a “logic of historical truth” advanced in *The Characteristics*—is not justified merely by the need for systematic and epistemological completeness. There is a practical—indeed, even political—motivation that also sustains it. From early on it does not escape Fichte that the apparently chaotic manifoldness of data that the field of history offers to the observer may be exploited for political and ideological purposes, if no logic or no “guiding thread” for orientation in the empirical realm of history is provided. In fact, as early as the essay on the French Revolution, the *Contribution to the Rectification of the Public's Judgments About the French Revolution*, published anonymously in 1793, Fichte pushes back against the conservative August Wilhelm Rehberg who sees history as a chaotic aggregate of facts easily exploited for ideological purposes. The *a priori* comprehension of history and the deduction of its underlying laws, in other words, the very project of a *philosophy* of history, serves precisely to counter positions such as Rehberg's. (The problem is that in these early years Fichte does not yet have the elements to provide such a philosophy.) The centrality that the idea of the “present epoch” plays in Fichte's view of history—“*das gegenwertige Zeitalter*” or, in Schiller's words, “*die heutige Weltverfassung*”¹⁴ that informs the thought of many contemporaries—as well as the privileged attention to the opening of the present epoch to the future (a feature that distinguishes Fichte from Hegel) is based on the same concrete practical orientation. Finally, it should be noted that in this respect, in the contemporary discussion, Fichte sides with Kant against Schelling. While the 1800 *System of Transcendental Idealism* presents history as the progressive phenomenical manifestation of the Absolute—a position that comes close, rather, to the late Fichte—in his 1802 Jena lectures (published in 1803 as *Lectures on the Method of Academic Study*), Schelling advocates a model of artistic or “dramatic history” that programmatically and methodologically separates history and philosophy (or science) and explicitly rejects Kant's idea of history “in the cosmopolitan sense”¹⁵ that is appealing to Fichte. This should give a sense—albeit a sketchy one—of how widespread, but also how fluctuating and interconnected, is the discussion into which Fichte inserts himself at the turn of the century.

Now, as argued above, since history as a philosophical science or a philosophy of history is possible only if the underlying structures of history are rooted

in reason itself (or, alternatively, in consciousness or *Wissen*), thereby offering a transcendental access to the *a priori* laws of history's development, at stake now is the problem of indicating what such an access point is in its specificity. It is here that one can place the centrality of the early notion of the "*Weltplan*"—the universal, worldly plan underlying and guiding, for Fichte, the movement of history's unfolding. To be sure, this notion had already been used by Kant as informing the development of nature, thereby hinting at a natural teleology with regulative validity to be employed in the reflection on history. The idea of the *Weltplan* provides Fichte with the guiding thread constituting, this time, a *historical* teleology—a teleology the grounds of which are alternatively moral, religious or providential, juridical, metaphysical.¹⁶ Now, with Kant, the early Fichte grounds teleology in the moral constitution of the human being, thereby opposing the mechanistic explanations of eighteenth century pragmatic historiography, which was based instead on the principle of causality. But he also frames such moral teleology within a religious, providential dimension. This resonates with the providential model of the articulation of human history that Fichte could find already in Lessing's 1777 *Education of Mankind*. As early as in the 1792 *Attempt at a Critique of All Revelation*, taking on an Enlightenment theme, Fichte begins reflecting on the issue of the moral progress of humanity. By appealing to the idea of god as the moral creator of the universe (*Weltschöpfer*) who fosters the advancement of morality in humankind, and by introducing the idea of "revelation" taken as a historical notion, Fichte inserts himself into a debate that has Lessing and Kant among its protagonists. At this time, however, Fichte's claims on this topic are far from constituting a 'philosophy of history' in the proper sense. In fact, history is not conceived as a development structured in discrete temporal epochs, there is no mention of specific historical events, and although the human being's life in society takes center stage for Fichte, the political element (the state and its juridical institutions) plays no role. History derives rather from the central idea of a moral development of humanity toward the good, with providence as the underlying condition. The moral improvement of humanity constitutes in essence the world plan (god's world plan).

However, these early reflections are not framed by and are not connected with the systematic and doctrinal project that Fichte elaborates in these same years. In looking for the systematic place of history within the Doctrine of Science, we are directed to the end of the 1794 programmatic work *Concerning the Concept of the Wissenschaftslehre*, dedicated to outlining the overall systematic structure of the Doctrine of Science in its deductive form. Herein Fichte presents a list of philosophical sciences that are grounded in the practical part of the *Wissenschaftslehre*. He includes all those philosophical disciplines that

Kant had developed both in the *Critique of Judgment* and in his moral writings: aesthetics (i.e., a theory of the “pleasant, the beautiful, the sublime”), a theory of nature (“the free obedience of nature to its own laws”), a psychology (“the so-called common sense or the natural sense of truth”), and finally a theory of “natural law and morality” (EPW 135 [GA I/2:151]). History, however, is significantly absent in this plan. Indeed, a “philosophy of history” in the proper sense cannot be found within the horizon of Fichte’s early philosophy. In fact, as the title for an independent discipline or part of the philosophical science, the expression appears only late in Fichte’s development, and its significance will oscillate for a long time. As late as the *Addresses to the German Nation* (1808), the expression still has only a negative meaning.¹⁷

If, from early on, the idea of moral teleology (supported by faith) is appealing to Fichte as a possible *a priori* principle or guiding thread of history, the difficulty raised by this idea consists in its theoretical (or rather speculative) inscrutability. This is a point that Fichte shares with Kant, whose 1790 *Critique of Judgment*, in its second part, can be seen as addressing a similar issue. In the *Foundations of Natural Right* (1796/1797), Fichte presents a scheme of the development of mankind based on the principle of the use of reason (FNR 25–26 [GA I/3:336–37]). Kant, however, had already ruled out the possibility of assuming theoretical reason as the guiding principle for the progress of mankind. Among the grounds for this exclusion was the impossibility of including the empirical science of anthropology in a philosophy of history based on the principles of theoretical reason. This argument should have been even more convincing for Fichte, given his particular attunement to anthropological themes and his insistence on the fundamental unity of the human being’s action (i.e., on the solidarity of reason’s material and pure practical determination). But on a Kantian basis, if theoretical reason could not provide the principle of historical progress, the criterion of (strict) morality or noumenal freedom had to be excluded as well. For no purely noumenal *a priori* principle can, as such, be subject to temporal development: in its noumenal determination, freedom is not in time, hence not in and of history. Kant’s choice to establish the idea of right as the rational thread of human history is his attempt to find a way out of this apparent impasse. Herein we find the basis for the juridical model of history proposed by Kant and pursued, at different times, by Fichte and Schelling as well. Thus, in the *Foundations of Natural Right*, the ideal sphere of morality is separated from the real sphere in which right dominates. In the juridical model of history, right and its institutions within the state serve as the preparation to but also as the condition for the actual—and historical—development of morality and freedom. Ultimately, Fichte’s difficulties in finding the *a priori* entry point

into history (not theoretical or speculative, but based on faith or broadly practical; moral but not purely or exclusively noumenal, hence perhaps first juridical or such as to offer the preparation for morality) should be referred back to his criticism of Kant's moral formalism and to the project of developing a "material" theory of morals, that is, a theory in which the divide between the sensible and the moral world is bridged, and the sensible world is seen as ordered in such a way as to fulfill the moral law. This latter is indeed Fichte's view in the *System of Ethics* of 1798.

In the 1796/1799 *Wissenschaftslehre nova methodo* Fichte may be seen as indirectly achieving an entry point into history following the transcendental thread and, this time, connecting what can be considered as the vestigial field of history to the structure of self-consciousness as its *a priori* condition. At the center is the theory of the *Aufforderung* or "summons," according to which the awakening of self-consciousness and its free self-position is triggered by the necessary condition of the moral limitation represented by the action of another free being. This action is the "summons" issuing from another rational, free being and directed to the I: the summons to the I to regard and posit itself as free. On this basis, Fichte's claim is that the I is freely acting individually only in a social context and within a socially mediated communicative interaction. Moreover, the summoning free being's action initiates a "chain" of events in which the summoned free being's own action is inserted as a necessary, yet free link (GA IV/3:513). This chain-structure—infinite and open-ended and such as to conjoin necessity and freedom—underlies the historical progression of freedom, and is captured by the image of the "chain of history." It is this chain (along with, and properly in contrast to the chain of natural events) that is thematized from different angles in the 1800 *Vocation of Man*.

The novel theory of the summons presented in the *Wissenschaftslehre nova methodo* may indeed be seen as the interesting attempt to anchor the intersubjective and social dimension in which freedom develops historically (and factually) to the transcendental structure of self-consciousness. Fichte's claim is that the predicament of being embedded in a fundamentally intersubjective context of action is transcendently constitutive of consciousness as self-consciousness (i.e., as freely acting subjectivity). The additional interpretive claim is that being embedded in such an intersubjective (hence ultimately social) context of action is the same as the predicament of "being-in-history."¹⁸ In fact, it does not seem that the specifically historical dimension of *Geschichte*—or the dimension of "historicity" proper to its material and temporal facticity can be obtained in this way. The theory of the "summons" does not seem sufficient to ground the historicity of human action.¹⁹ To raise this doubt is, to be sure, only another way to articulate the difficulty of connecting the systematic

and transcendental approach of the *Wissenschaftslehre* to the empirical dimension constitutive of history. To require (transcendentally) the connection with other human self-conscious agents is not yet (or does not amount *per se* to) being-in-history. Nor is the intersubjective chain that articulates free action—or practical freedom—in its worldly manifestations thereby posited as *in itself historical*—at least not without mobilizing additional conditions.

Be that it as it may, the theory of the summons is nonetheless an important step in Fichte's process of connecting the *a priori* and the factual dimensions of history in its philosophical thematization. The 1800 *Vocation of Man* may be seen as taking a further step, this time by disclosing the act of faith as the dimension in which practical teleology (and with it historical teleology) should be inscribed and by which teleology can be grounded. Thereby Fichte counters the model of explanation of events according to the principle of causality that dominates eighteenth century pragmatic historiography. This latter, in the view articulated in Book I of the *Vocation*, is such as to erase all difference between natural, mechanistically produced events and human deeds as manifestations of freedom. Faith, then, is appealed to (in Book III) as the true foundation—or indeed as the transcendental condition of possibility—of all knowledge (of natural events as well as of the products of all free action). At the root of knowledge, however, faith is a fundamentally practical stance: “faith is no knowledge [*ist kein Wissen*] but a decision of the will to recognize the validity of knowledge” (VM 71 [GA I/6:257]). Ultimately, faith is the basis and origin of the chain of free activity constituting the “supersensible world,” the chain that phenomenally unfolds in history.

After 1800 Fichte progressively develops a metaphysical concept of *Wissen* that, integrating in itself the fundamental dimension of life, is able to sustain, without a separate recourse to faith (*Glaube*), the teleology that Fichte assumes as the guiding thread and the moving force of history.²⁰ To put the point differently, once *Wissen* is connected to the unity of the Absolute and its manifestation in the world, the concept of *Wissen* is brought much closer to *Glaube* than it ever was before (even in the *Vocation*).

The “Logic of Historical Truth”: *The Characteristics of the Present Age*

The programmatic task of *The Characteristics* is announced at the beginning of the first lecture. It is, Fichte maintains, turning Alexander von Humboldt's idea of *Naturgemälde* to the historical world, the task of painting a “philo-

sophical picture [*philosophisches Gemälde*] of the present age" (GA I/8:196). From the outset, this poses a distinctive methodological problem—a problem that is raised even before the concept of history is thematically introduced.²¹ How should the *philosopher* approach the understanding of the “present age”? The view of the present can be called “philosophical” if and only if it is brought back to the unity of a general “principle.” Expressed in Kantian terms, such a principle should be capable, first, of bringing the manifold of experience back to a common unity; but it should also be capable, second, of fully exhausting the explanation of that manifold and of deducing it. Herein lies the difference between the mere “description [*Beschreibung*]” of a historical age provided by the “*Empiriker*” who offers a series of “contingent observations [*Beobachtung*]” brought together in a haphazard narrative, and the “philosopher” who offers instead “a concept of the age [*Begriff des Zeitalters*]” that is independent of all experience (thus, an *a priori* concept) and such that “as concept cannot occur in any experience” (GA I/8:196). This latter remark may seem indeed strange, when what is at stake is an account of the historical present—the present that, Hegel warns almost in the same years, is under everyone’s eyes as “that which is well-known” (“*das Bekannte*”—even though it is not as such “that which is known” in its truth: “*das Erkannte*”).²² Is such a “concept,” then, to the extent that it does not occur in experience, to be understood more properly as a Kantian “idea,” or does Fichte simply reiterate the *a priori* nature of the concept? Fichte immediately adds that the further task—indeed the central task—of the philosopher is to “present the ways in which this concept *enters experience* as constituting the necessary phenomena of this age” (GA I/8:196, emphasis added). The *a priori* “concept” of the historical present allows the philosopher to indicate the necessary structures characteristic of the age in its manifold phenomenal, that is, properly historical, manifestations. These are indeed the ways in which the concept “enters experience.” They constitute the *philosophical characterization* of the present age. Such characterization is a conceptual “portrait” of the historical present that brings to the foreground the necessary traits of the age—the *Grundzüge*—in their logical interconnection. On the basis of this description, and properly on the basis of the different “object” that comes out of (or is construed by) their respective activity, the contrast between the *Empiriker* and the philosopher is indicated as the contrast between the “*Chronikermacher des Zeitalters*”—the empirical historian who only provides a mere chronicle of events—and the “*Historiograph*” of the same age. Herein, without further justification, Fichte assigns to the philosopher the role of “historiographer of the present” (GA I/8:196).

Two further, interconnected points should be underlined in this first account. On the one hand, in line with many contemporaries, Fichte takes for

granted that any reflection on history (and ultimately a philosophy of history) starts from the “present age” and has the understanding of this age at its center. On the other hand, in a way that may remind one of Hegel, Fichte assumes the rootedness of the philosopher’s reflection and her concepts in the historical present. Fichte’s trajectory, however, or at least one direction of his reflection,²³ goes clearly from the *a priori* concept of the age to historical experience (not from the empirical acquaintance with the present or *das Bekannte* to its philosophical conceptualization).

On the basis of this generally described methodological task, namely, to obtain or properly deduce the manifestations of the present age strictly *a priori* and not from experience, the philosopher’s objective is, more specifically, two-fold. The philosopher, Fichte, claims, “must describe *a priori* time as a whole and all its possible epochs.” Herein a metaphysics of time (of “time as a whole” and of “the whole of time”—GA I/8:196, 197) goes hand in hand with the account of the immanent division of the time-succession in historical epochs and periods. The second question the philosopher should address, however, is an entirely different one—one that reminds, this time, of the workings of Kant’s reflective judgment. “The question is whether the present [*Gegenwart*], specifically, can be characterized through those phenomena that flow from the established fundamental concept, and hence whether the epoch painted by the speaker [i.e., Fichte] be really the present age” (GA I/8:196). While the first task is a purely *a priori* one and goes from the general “concept” of the age to the ways in which it enters time and experience, it should be completed and complemented by the latter task, which requires the difficult operation of bringing the speculative results of the *a priori* deduction to bear on the philosopher’s historical experience. Centered on the present, such experience goes back to the “history of the past” and looks forward to the “anticipations of the future” (GA I/8:197). At stake herein is the reflective movement that goes from the particularity of the historically and experientially displayed present age to its concept. The crucial question is then the following: Is the *a priori* deduced (concept of) *Gegenwart* truly the same experienced “*gegenwärtiges Zeitalter*”? Or is the former instead a sort of (Kantian) idea or a regulative principle akin to the purposiveness of Kant’s reflective judgment, and thus never to be fully met in experience and history? The convergence of these two tasks (and not one or the other in its isolation) constitutes the generative point of Fichte’s philosophy of history.²⁴ Herein, however, lies also the limit of a (pure) *philosophy* of history. Fichte explicitly recognizes that “at this point [that is, in executing the latter task] the business of the philosopher ends and that of the observer of the world and of humanity [*das des Welt- und Menschenbeobachters*] begins” (GA I/8:197). At this point, the philosophy of

history, metaphysically grounded and *a priori* outlined, meets empirical anthropology.

Fichte's well-known idea of the "*Weltplan*" and its articulation in the five different epochs of world history follow this broad methodological view.²⁵ The world plan is defined teleologically by its purpose and is captured by the following general proposition: "The purpose of the earthly life of humanity is that in this life human beings may order all their relations with freedom according to reason" (GA I/8:198).²⁶ The successive epochs are different stages in the development of rational and free action, which requires the progressive liberation of reason from blind instincts. Moreover, at stake in this development is the freedom of humanity as a species (*Gattung*), not individual freedom, just as the articulation of the five epochs of the "world plan" concerns the "life of the species" by which individual life is progressively penetrated (GA I/8:201). From the initial general account of the first lecture, it follows that history (which, concerning the "earthly life" of the human species in its development in time, presupposes the species' existence) is a properly human deed and "creation [*Erzeugnis*]," is *collective* and *actualized* action, and is the *living* product of humanity (GA I/8:198).

Even before addressing the specific question of the guiding principle of history, Fichte defines the ontological and epistemological sphere that should be assigned to history and historical knowledge in the system of philosophy. As we have seen above, in the ninth lecture of *The Characteristics* Fichte introduces history as "part of science in general, namely, the second part of the *empirical* next to physics" (GA I/8:295). The "empirical" is here a transcendental concept describing the relation between two forms of being and cognition. It is, at the same time, the *object* of *Wissen* and the *modality* of that *Wissen*. It is one and the same object that in its static, objective unity is called *nature*, addressed in its regularities by a knowledge called *physics*, and that in its dynamic, teleological development is called *history* and is itself knowledge unfolding in time and filling up the sequence of time. From the outset, history is for Fichte both empirical knowledge and the empirical reality which is the object of that knowledge. It is precisely this transformation of the empirical essence of history into a form of knowledge that sets the first condition of possibility of Fichte's philosophy of history. Furthermore, as the distinction between a *formal* and a *material* aspect is brought to bear on the constitution of the realm of history, the recognition of two essential parts of "history proper [*eigentliche Geschichte*]" follows, namely, the *a priori* and the *a posteriori* (GA I/8:304).

The idea of the "*Weltplan*" belongs to the *a priori* part of history. It is the structure that orders the development of mankind and its freedom through

the five epochs of history. It provides the idea of a *necessary succession* in history according to which one can determine, without any previous historical and factual knowledge, “that the five epochs must follow one another” in the directions of the past and the future (GA I/8:304, emphasis added). In this perspective, however, the knowledge proper to history is not itself historical. It presents a whole as “in a single overview [*in einem einzigen Ueberblicke*]” (GA I/8:304)—the totality of history beyond history (and before history). Cognition refers here to the “whole of time,” and presupposes a “unitary concept of this time” that is necessarily formal and does not include the determinations of the “process that fills up that time” (GA I/8:197). Accordingly, the *a priori* determination of history reaches only the notion of “history *in general* [*Geschichte überhaupt*]” (GA I/8:300). It does not yet grasp the “proper” nature of history (or the historicity of history). In other words, the *a priori* part of history offers only a philosophical consideration of history but not a true, full-fledged “philosophy of history.”

The sphere of a philosophy of history in the proper sense is first reached by the thematization of the *a posteriori* part of history, that is, of its genuinely empirical nature. In this perspective, the development of history is not only a generic succession of time determinations but is a process in which the formal succession is materially determined by the causality of “alien forces” and diversion factors, by the *Trägheit* (indolence, inertia) in which freedom constantly finds its hindrance and limitation. These alien forces effect a disturbance in the *Weltplan* that can neither be calculated nor deduced *a priori* from it (GA I/8:304). And yet it is precisely the intervention of this irrational (i.e., not foreseeable, utterly contingent), non-deducible element that constitutes the historical development in its peculiar direction and material significance. In comparison with Kant, Fichte reverses the relation between the *a priori* and the *a posteriori* determination of history. To put Fichte’s claim in a paradoxical way, we can say that *in history the a priori does not precede the a posteriori but rather follows from it*. Fichte does not simply maintain that the empirical and irrational element of history cannot be deduced from the *a priori* concept. He also claims that history in its proper sense (“*eigentliche Geschichte*”) is not constituted by the *a priori Weltplan* but rather by the purely empirical development in which the idea of a *Weltplan* first receives its meaning. It is the logic of the empirical materiality and facticity of the historical element, not the logic of the abstract and universal *a priori* notion, that is responsible for establishing the peculiar “logic” of Fichte’s philosophy of history. This idea implies a strong polemical claim against the assumption that the necessary and sufficient condition of a philosophy of history is to establish the formal principle or the criterion for the historical progress of mankind. The notion of

a *Weltplan* and its teleological guiding thread is not sufficient, according to Fichte, to determine any of the empirical—and yet structural and essential—characters of history. It determines neither the nature of historical teleology nor the bounds of the realm of history, neither the character of the agents of the historical development nor the direction of their freedom.

Since the logic of history is determined by its *a posteriori* and not by its *a priori* part (more precisely: is determined by the *a posteriori* element on the basis of which the *a priori* is eventually taken up), the knowledge of history is, in turn, *historical* knowledge. This explains Fichte's initial—and initially surprising—identification of the “philosopher” with the “historiographer of the present epoch” in the first lecture (GA I/8:196, discussed above). The knowledge of history cannot take place in the closure of the synthetic overview of the whole but necessarily unfolds as an infinite progress:

All pure *a priori* science can be completed, and its research brought to conclusion.... Only the empirical is infinite [*unendlich ist nur die Empirie*]: both the empirical which is static, i.e., nature, in physics, and the empirical which is in flow, i.e., the appearances of mankind in time, in history. (GA I/8:277, emphasis added)

Fichte's claim is that in history the infinite progress of the empirical is regulated by the “logic of historical truth” (GA I/8:277). Importantly, this latter is not the same as the *a priori* construction of history. The logic of historical truth displays both an *a priori* and an *a posteriori* component and provides the method that allows one to think of their relation, that is, the method for thinking that which constitutes the sheer factuality of the empirical in its own right, and yet, paradoxically, for thinking it as part of an *a priori* concept. In turn, the concepts of the “logic of historical truth” derive from the need to think the realm of history on the basis of its metaphysical foundation.

Fichte's systematic division of the empirical part of philosophy is grounded on a “metaphysical proposition” that establishes the two central theses of his philosophy of history. First, history is the point of transition between absolute necessity and sheer contingency. This transition grounds the *possibility of freedom*. Second, the central problem of a philosophy of history is the explanation of the multiplicity that constitutes both its process through time and its differentiation in space. This is the issue of the *realization of freedom*. At the beginning of the ninth lecture, the “metaphysical proposition” establishes the “essence of history” as follows: “What is only effectually there, is there with absolute necessity, and therefore is with absolute necessity there as it is; it could neither not be there, nor be different than it is” (GA I/8:296). This

proposition entails the paradox from which the idea of history arises. The law of necessity is the law of the divine being as *ens necessarium*. Accordingly, the divine being exists with absolute necessity, both in the sense that it is absolutely necessary that the divine being exists (it cannot not be) and that it could not be different than it is. Brought back to this proposition, the metaphysical problem of history is the problem of creation, the problem of thinking the unthinkable, namely, how the necessity and uniqueness of god's being allows for contingency, change, and multiplicity.

History is conceived as the very relation (the possibility of a relation) that links the eternity of the one to the temporality of the many. Such relation becomes possible in the medium of *Wissen*. Thus, although in bringing history back to the necessity of the *ens necessarium*, Fichte seems to make history as such impossible, the appeal to the notion of *Wissen* enables him to show how historical change is compatible with god's necessary existence. God is neither the cause nor the ground (*Ursache, Grund*) of something that is assumed to follow from him; god is neither the cause nor the ground of cognition but is rather cognition itself. While *Wissen* is the *immediate* "existence [*Dasein*]" of god, the *world* is god's *mediated* form of existence—its "factual existence [*faktisches Dasein*]" (GA I/8:296). On the basis of its intentional structure, knowing is a principle of differentiation and exteriorization. It is the "complete image [*Abbild*] of the divine force." Yet it only reflects one aspect of god's being, which becomes its object, and thereby "appears" to cognition as "something determined" and therefore contingent, as something that "could also be different than what it is" (GA I/8:297). History is introduced in this crucial transition from necessity to contingency, since this transition creates the possibility of freedom and its development in time. We have already seen the systematic meaning of the twofold appearance of the object of cognition, in which the divine being is manifested both as nature and as history. Since world and knowledge are two different manifestations of the divine existence, none of them can prevail upon the other or exhaust the other. The knowledge of history owes its specific character to the fact that history is first introduced at the point in which knowledge meets the unknowable and even generates the very necessity of the unknowable. The same contingency that makes cognition possible as *determinate* cognition (or as cognition of a determinate object) establishes the limits of what cannot be penetrated by conceptual knowledge. Fichte presents the irrational as a norm for the necessary "development" of knowledge in time. Thereby, the knowledge of history accomplishes the metamorphosis of eternity into time (GA I/8:296–98).

The second issue addressed by Fichte's philosophy of history is the transition from the "mere *possibility* of history *in general*" to its *actual* and *particular* developments. This task can be summed up in the claim that *the actuality of history is human freedom*. Embracing in its method both an *a priori* and an *a posteriori* approach, the philosophy of history is neither pure metaphysics nor mere historiography. The contingency proper to the empirical reality of history makes (human) freedom possible. Freedom is for Fichte the *immanent* principle of historical development; it is both the necessary and the sufficient principle of historical explanation. Historical epochs are directly produced by the agency of human freedom. In this way, Fichte's argument rules out both the intervention of an "unknown," "external force" or an immanent *impersonal* principle that works similarly to Hegel's "*List der Vernunft*," (see GA I/10:289), and a mechanistic and evolutionary view of historical processes such as the absurd claim that history leads "from the Orang-Outang to a Leibniz or a Kant" (see GA I/8:299). In the 1807/1808 *Addresses to the German Nation*, Fichte suggests that "the peculiar age of mankind as well as all human relations are made and produced by human beings themselves and by no means by a force lying outside them." This claim immediately implies an appeal to human responsibility and agency in history:

Do not let the thought of relying upon the activity of others or upon something else that lies outside of you make you lazy; do not count on the inscrutable wisdom of the age according to which every age produces itself without any human intervention, on the sole ground of an unknown force. (GA I/10:289)

Human beings produce their own history as *human* history. They should not wait for history to produce itself.

In sum, the above overview of the development of Fichte's thoughts on history—the more systematically intentioned ones as well as the "popular" ones—from the early Jena years to the later *Characteristics*, shows an itinerary more complex than the antithetical split separating an *a priori* deduced history that is hard to reconcile with historical experience from a material empirical history that is impossible to conceive conceptually in the framework of a philosophical system. Fichte builds his idea of a philosophy of history upon a paradoxical argument. He pushes to the extreme the claim of the bare factual nature of history as a realm of irrational, not-conceptual, and thoroughly contingent reality. Yet he also maintains that philosophical knowledge of history is possible—although neither as deductive, nor conceptual, nor genetic knowledge. Against the fictitious notion of historical *Wahrscheinlichkeit* (plau-

sibility, probability), Fichte holds on to the notion of “historical truth” and to its “logic.” Despite its radically empirical character, history can be construed *a priori*.

Notes

1. Many are the Fichte scholars who, fearing any hinted proximity to Hegel, are eager to push his specter away: see Klaus Hammacher, “Comment Fichte accède à l’histoire,” *Archives de philosophie* 25 (1962): 388–440 (esp. 411, 423ff.); Reinhard Lauth, “Die Handlung in der Geschichte nach der Wissenschaftslehre,” in *Transzendente Entwicklungslinien von Descartes bis zu Marx und Dostojewski* (Hamburg: Meiner, 1989), 397–410. Compare Claudio Cesa’s position in “Modelli di filosofia della storia nell’idealismo tedesco,” in *Logica e storia in Hegel*, ed. Roberto Racinaro, Vincenzo Vitiello (Napoli: Edizioni Scientifiche Italiane, 1985), 69–97. Also appreciative of the connection with Hegel on the issue of history is Tom Rockmore, “Fichte on Knowledge, Practice, and History,” in *After Jena: New Essays on Fichte’s Later Philosophy*, ed. Daniel Breazeale and Tom Rockmore (Evanston: Northwestern University Press, 2008), 220–36 (esp. 224, 230).
2. See GA I/8:304. Notably, Kant’s *Leitfaden* plays a central role in the “deduction” of the categories in the first *Critique* (A76–82/B102–107); with regard to history, however, Fichte refers to the expression found in Kant’s *Idea for a Universal History* (Ak 8:29). See Roberta Picardi, “The ‘Guiding Thread’ of Universal History,” in *Kant und die Philosophie in weltbürgerlichen Absicht*, ed. Alfredo Ferrarin, Claudio La Rocca (Berlin: de Gruyter, 2013), 817–30.
3. All translations in this chapter are my own.
4. See Cesa, “Modelli di filosofia della storia nell’idealismo tedesco.”
5. Reinhard Lauth, “Der Begriff der Geschichte nach Fichte,” *Philosophisches Jahrbuch* 72, no. 2 (1964): 353–84 (esp. 357f.).
6. For an extensive discussion of the development of Fichte’s conception of history, see Roberta Picardi, *Il concetto e la storia. La filosofia della storia di Fichte* (Bologna: Il Mulino, 2009).
7. On the idea of “application” in the practical realm, see Angelica Nuzzo, “Théorie de l’éthique et éthique appliquée chez Fichte: *Sittenlehre* ou *Metaphysik der Sitten*?” *Revue de Métaphysique et de Morale* 3 (2011): 319–33.
8. The parallel division of Kant’s philosophy into a critical part and a metaphysical part, as well as Hegel’s systematic distinction of the logic from the *Realphilosophie* (i.e., philosophy of nature and philosophy of spirit), should be mentioned here.

9. For Fichte's idea of "pragmatic history," see Daniel Breazeale, "Fichte's Conception of Philosophy as 'Pragmatic History of the Human Mind,'" *Journal of the History of Ideas* 62, no. 4 (2001): 685–703.
10. My claim here runs counter to Lauth's, who sees the difference between Fichte's and Hegel's views of history in the lack of a logic of history characterizing Fichte's position (Lauth, "Die Handlung in der Geschichte," 399–400).
11. See Angelica Nuzzo, "Das Ich denkt nicht, sondern das Wissen denkt—sagt der transzendente Logiker,' Fichte's Logic in Kant's Aftermath" *Internationales Jahrbuch des Deutschen Idealismus* 12 (2017): 189–211.
12. This is the issue at the center of Emil Lask's book *Fichtes Idealismus und die Geschichte* (Tübingen: Mohr, 1902).
13. See GA I/8:277, which refers to the first *Critique* (Bvii, Bxv): the "revolution" in the way of thinking brought forth by the *Critique* is famously what brings philosophy to the secure path of science (Bvii; cf. Bxv with regard to the inconclusive wanderings of historical metaphysics).
14. Friedrich Schiller, "Was heisst und zu welchem Ende studiert man Universalgeschichte?," in *Sämmtliche Werke* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1980), vol. 4, 762; see also Schelling's claim in the 1800 *System of Transcendental Idealism* that "history has no other topic than the explanation of the present state of the world" (in *Sämmtliche Werke* [Stuttgart-Augsburg, 1856ff.], vol. 3, 590).
15. F. W. J. Schelling, *Vorlesungen über die Methode des akademischen Studiums* (Hamburg: Meiner, 1990), 103f.
16. This is the central topic of Hammacher's study, "Comment Fichte accède à l'histoire."
17. See Claudio Cesa, *Introduzione a Fichte* (Bari: Laterza, 1994), 174f.
18. See Ives Radrizzani, "The *Wissenschaftslehre* and Historical Engagement," in *The Cambridge Companion to Fichte*, ed. David James and Günter Zöllner (Cambridge: Cambridge University Press, 2017), 222–47 (esp. 224f.). This leap or transition (or equivalence) is, in my view, problematic if no additional conditions are posited.
19. For the specific notion of *Geschichtlichkeit* and its terminological late emergence after Hegel, see Angelica Nuzzo, "A proposito della costituzione della sfera della *Sittlichkeit* in Hegel: la funzione del concetto di *Gestaltung*," *Annali della Scuola Normale Superiore di Pisa* 20 (1990): 249–87.
20. Hammcher has argued that only once Fichte reaches the formulation of a concept of *Wissen* capable of accommodating the idea of teleology (in knowing), can he use teleology as a speculative entry point into history ("Comment Fichte accède à l'histoire," 398).
21. In fact, the latter term is absent in the first lecture, where what is at stake is rather the notion of "humanity's earthly life [*das Erdenleben des Menschheit*]."

22. Hegel: "Das Bekannte überhaupt ist darum, weil es *bekannt* ist, nicht *erkannt*." *Phenomenology of Spirit*, in *Werke in zwanzig Bände*, ed. Eva Moldenhauer and Hans Markus Michel (Frankfurt: Suhrkamp, 1986), 3:35.
23. As I argue below, however, the *a priori* and *a posteriori* dimensions of Fichte's reflection on history are intertwined in a more complex way.
24. This should be underlined as a counterpoint both to the exclusive emphasis on Fichte's *a priori* deduction of history and to the exclusive attention to his "material" philosophy of history.
25. To be sure, in *The Characteristics* (being a "popular" text), Fichte underlines that such an idea and the different epochs that articulate it are "presupposed" by his investigation: they are "indicated" but not strictly "deduced" (SW 7:7). Although Fichte indicates five epochs in *The Characteristics*, while in the *Doctrine of the State* he mentions two ages or periods (*Zeitalter*), the central idea of the *Weltplan* is the same.
26. From this proposition also follows a first division of the "earthly life" of humanity into two "main epochs": the first, in which freedom is not dominant in human relations, and the second, in which such relations are ordered according to freedom (GA I/8:198–99).

Part VI

Metaphysics and Epistemology



18

Giving Shape to the Shapeless: Divine Incomprehensibility, Moral Knowledge, and Symbolic Representation

Benjamin D. Crowe

The challenge of Fichte's philosophy of religion—both to his contemporaries and to us—can be summed up nicely by a quip offered by a colleague when told that I was working on this very topic: “Oh, I didn't know that he had one.” A look at Fichte's texts would seemingly confirm this sense. Despite his declaration that the philosophy of religion is the highest “rung” of philosophy, and that “the [philosophy] that correctly derives belief in the deity has thereby accomplished everything” (GA II/4:288–89), Fichte has much less to say about what this accomplishment involves than he does about ethics, philosophy of right, education, or logic. What he did manage to (publicly) say struck many as straightforward atheism, and even those more sympathetic were baffled.¹ The gap between Fichte's own understanding of his theological position and that of his contemporaries itself deserves to be queried. A philosophical view that was received in a way so divergent from the intentions of its creator calls for clarification.

On closer inspection, the distinct contours of Fichte's philosophical theology come into view, raising further questions about the reconfiguration of philosophical theology in the aftermath of Kant's critical philosophy. While building on Enlightenment ideas and looking ahead to nineteenth-century liberal Protestantism, Fichte combines two claims that each reflect distinctively Fichtean trains of thought. The first claim is that religiosity (*Religiosität*, a rare word in eighteenth-century scholarly German) or faith (*Glaube*) is

B. D. Crowe (✉)

Department of Philosophy, Boston University, Boston, MA, USA

e-mail: bcrowe@bu.edu

reducible to moral character expressed in action, independent of commitment to a “confession” (*Bekennntnis*) or “creed” (*Symbol*, an unusual Greek-derived word preferred by Fichte).² Long before he scandalized contemporaries by asserting this view in “On the Basis of Our Belief in a Divine Governance of the World” (1798), he observed in one of his theological *Jugendschriften* that “religiosity is the habit [*Gewohnheit*] of thinking and acting virtuously” (GA II/1:176).

The second strand of Fichte’s notably thin philosophy of religion involves not so much the rational grounds of religiosity in practical (i.e., moral) reason but the Idea (i.e., pure *a priori* concept) of God taken all by itself.³ This strand has been less examined in the literature, but proves to be key to grasping one understanding of the difference that Kant makes to modern philosophical theology. Kant’s *Religion within the Boundaries of Mere Reason* (1793), which appeared after Fichte’s *Attempt at a Critique of All Revelation* (first ed. 1791), advertises not only the critical project of setting the boundaries of religion but also the more *positive* or *constructive* project of articulating the religion of practical reason. Likewise, but starting from his own principles and over a longer series of works, Fichte developed his own positive account of rational religion.⁴ Yet at the core of this account is the claim that God is *incomprehensible* (*unbegreiflich*) to finite rational beings.⁵ Fichte’s critics highlighted the centrality of this commitment to Fichte’s view when they included it among the charges hurled against him during the atheism controversy (GA I/6:50). Among the many representative loci for the assertion of this view in Fichte’s writings, the following, from the 1806 *The Way towards the Blessed Life* is illustrative: “God hovers before us as shapeless in himself, without content [*gehaltlos*], [a being] for whom no determinate concept or cognition of his inner essence is given, but rather [only] as that through which we think and understand ourselves and our world” (GA I/9:103). In other words, we can grasp how the Idea of God fulfills a necessary function within the system of reason, but our comprehension ends there. God has neither “determinate concept” nor any “shape” (like that of a loving father), but is for us incomprehensible.

There are two identifiable trains of thought in Fichte that point to this stark claim: (1) an account of what it is to comprehend (*begreifen*) that entails skepticism regarding human cognition of God, and (2) an insistence that human reason only has a grip on God’s relational properties, none of which are essential predicates of the divine nature. Alongside these points, Fichte sometimes develops a Spinozistic conception of God as an impersonal order or “all in all,” devoid of all anthropomorphic qualities. Yet, rather than abandoning any further positive or constructive project, Fichte turns from the understanding to the imagination and the interaction between rationality and imaginative con-

struction in the formation of a shared *Symbol* of the supersensible. It is here that Fichte makes a radical move: the “shapeless” (*gestaltlos*) Idea of God is concretely “given shape” (*gestaltet*) in a communal moral life, in an endless process of progressive clarification of the community’s shared understanding of the “supersensible” not only through education and theological reflection, but through *concrete action* that renders a sensible “image” (*Bild*) of the invisible, incomprehensible God.

God as Moral World Order

Already in his most youthful writings, Fichte adopts the critical attitude toward popular piety shared by many intellectuals in his Enlightenment milieu, at one point even trying his hand at utopian literature as a method of indirectly conveying his cultured contempt (GA II/1:105). In the world of German universities and educated readers in which Fichte spent the 1780s, rationalists competed with “neologians” and *Popularphilosophen* in a public crusade against superstition, intolerance, and “childish” anthropomorphism.⁶ A sensitive and thoughtful youth, no doubt, Fichte attacked the corrupt, mechanical, institutionalized religion of Germany’s multitude of petty principalities for its stultifying effect on the formation of an authentic *Herzensglaube*.⁷ But as Fichte began to further immerse himself in the speculative controversies of the era, he also took aim at traditional rational theology. In *Some Aphorisms Concerning Religion and Deism*, of uncertain date but most likely from 1790, Fichte dramatizes the conflict between “speculation,” for which God is devoid of personality, and the “heart” of the sensitive soul longing for an answered prayer (GA II/1:287–91). The “speculative” theses set forth in this fragment collectively present a monistic, necessitarian world order with a clearly Spinozist flavor, very likely reflecting the then-current fascination with Spinoza in Leipzig and elsewhere.⁸

In the essay on “Divine Governance,” which appeared almost a decade later, Fichte asserts the incoherence of the “concept of God as a *particular* substance” (IWL 152 [GA I/5:356], emphasis added). Elsewhere, Fichte argues for the general claim that the very category *substance* is not applicable to God. But he also asserts in no uncertain terms that there is no rational basis for adding anything to a concept of God beyond the notion of an active “moral world order” (IWL 150–51 [GA I/5:354]). Seen in this light, what is being called into question in the 1790 fragments and in the 1798 essay is the notion of God as a *particular* or individual being—in other words, as a person. All in all, the concept of God that is developed in traditional rational

theology gets a rough handling from Fichte, who elsewhere maintains that one of the primary aims of a philosophical account of religion must be “to eradicate unintelligible, useless, and confusing doctrines about God and to expose irreligiosity” (GA II/5:124).⁹ Far from downplaying or attempting a gentler packaging for his key thesis, Fichte directly asserts that one of the principal implications of his basic principles is that “every belief in the divine which *contains more* than this concept of a moral order is, to that extent, fiction and superstition” (IWL 175 [GA I/6:388]).

Fichte’s comments in the “Divine Governance” essay of 1798 were seized upon by Fichte’s critics, none of whom showed much interest in Fichte’s statement that his views on religion were more fully articulated in lectures he delivered each term on Ernst Platner’s *Philosophical Aphorisms*, where an attentive audience member could become confident that what Fichte was teaching was quite reasonable. While his criticisms of idolatry (*Götzedienst*) and superstition (*Aberglaube*) would be familiar fare, this would hardly be true for his discussion of the moral world order as the “All,” as that “without whom I neither live nor move (the mystics think so as well)” (GA II/4:303), a point also made later, in the *Appeal to the Public* of 1799:

Our philosophy denies the existence of a sensuous God, and of a servant to our concupiscence [*Diener der Begier*]; but the supersensible God is its all in all [*Alles in Allem*]; it is precisely the only thing that *exists*, and all of us other rational spirits live and move [*weben*] only in it. (GA II/5:440)

The “order” that Fichte is describing is the kind of order that *constitutes a world* rather than being itself somehow the property of a particular being (GA I/6:165–66; cf. IWL 160–61 [GA I/6:373–74]). It is the All *in* the All—the universal order that holds everything together. Fragments drafted by Fichte around 1807 reveal him still very much committed to this notion of God, and to the consequences that it has for more traditional ideas.

Moral world order—or if one cannot get used to the word ‘order,’ as absolute *ordo ordinans, eo quo ipse creans*—principle. In any case God *is*, exists, only as such, and there is no other means available to us to grasp him in a concept such that this would not be empty. (GA II/7:43)

Fichte’s many critics, such as Jacobi in his famous open letter of 1799, pointed out that assertions like this are difficult to reconcile with the notion of a personal God. At the same time, Fichte does discuss the question of God’s

form of consciousness, and mentality in some form is an essential attribute of persons. In this context, rather than denying that God has the attributes of a mind, Fichte is much more cautious and asserts only that finite rational beings are unable to *conceive of* or *comprehend* God's consciousness. This is the lesson of a number of important passages, some of which come at key moments in a larger argument. For instance, Fichte makes use of the Idea of God in constructing his account of moral self-awareness in the *Wissenschaftslehre nova methodo*.¹⁰ Fichte's account first establishes that all action rests on a drive, and that the *feeling* occasioned by the limitation of our drive is basic to our mode of consciousness. Since—for reasons not specified in this text—there can be nothing that *limits* God's activity, we are unable to form any sense of God's consciousness (NM 173 [GA IV/2: 61]). Fichte then points to remarks in the *Foundation of the Entire Wissenschaftslehre*, where he maintained that God's self-awareness must come about by reflection on his own being, which is "everything in one and one in everything" (WL 242 [GA I/2:407], translation modified). For the "all," Fichte argues, it would not be possible to distinguish the object of reflection from the one doing the reflecting "in and through God." This line of reasoning, too, is meant to force the conclusion that God's consciousness or awareness is incomprehensible to us, and that we can give no account of it. Hence his contention in *Wissenschaftslehre nova methodo* that, independently of the epistemic status of belief in God, the details of our "representation" of God are *not* determined by the "laws of reason"—and so one "is unable to think of God in any determinate fashion," and consequently "there is no concept of God, but only an Idea" (NM 231–32 [GA IV/2:97]).

Fichte's introductory lectures, using Ernst Platner's *Philosophical Aphorisms* as the text and offered frequently during his tenure at Jena in the 1790s, fill in this Idea of God along the lines pointed out above. The Idea of God is that of the "mediator" (*Vermittler*) between "what is *finite* and the *totality*," or the Idea of "that which orders" (*Ordner*) by apportioning to each person "his measure and goal." God is "the reason in which ours is *rooted* [*aufgepflanzt*]" and which has "been operative in advance of all finite reason" (GA II/4:289). Similarly, in a slightly later text from this same group of lectures, Fichte writes that faith just *is* "the firm conviction of a moral rule of the world [*Weltregierung*]. *It*—this moral world, and rule, is the divine. The sensible world and its whole causality disappears, it has no more power" (GA II/4:302). According to Fichte, this Idea is all that we are licensed to affirm by the genetic deduction of faith from our moral nature. And yet, as I will describe next, even this thin theology is subject to further strictures by Fichte.

Fichte on Conceptual Comprehension

Fichte's conception of God as the "all in all" or "*ordo ordinans*" of the intelligible world furnishes no ground for predicating personal attributes, such as consciousness, to God. This implies that our ability to understand or grasp what God is must be limited by God's nature. Put simply, Fichte's own understanding of God thins the analogy between finite rational minds and God to the point that movement from one to the other, if possible at all, furnishes only the most minimal grasp of God's nature.¹¹ At the same time, Fichte's account of what it is to conceptually grasp or comprehend (*begreifen*) something sets a further limit on human cognition of God. During the 1790s, this account of cognition via concepts is invoked most frequently in discussions of the philosophy of religion. Fichte returns to these issues in a series of lectures on "transcendental logic" delivered at the end of his life at the new university in Berlin. In discussions of religion from that period, for instance in his 1812 lectures on ethics, Fichte points his audience to these logic lectures as sources for his views on the nature of concepts. For present purposes, the somewhat more schematic view presented in lectures and writings from his time in Jena serves best to illuminate Fichte's views on the limits of rational comprehension.

The account of comprehension that Fichte presents in these Jena-period texts is recognizably rationalist in character. Perhaps this should not be surprising, since the logic texts used in most Saxon universities during Fichte's student years presented the views of the mainly Wolffian philosophy faculty. Fichte's exposure to Spinoza in the late 1780s, most likely in Leipzig, as well as his careful study of Kant's critical philosophy around 1790, further cemented the thought that "adequate" or "complete" concepts must be clear or evident as a whole and in detail. Leibniz had developed the thought that there is a "complete concept" of each substantial entity of which God alone has intuitive knowledge: "the nature of an individual substance or of a complete being is to have a notion so complete that it is sufficient to contain and to allow us to deduce from it all the predicates of the subject to which this notion is attributed."¹² Closer to home, Kant's discussion of the necessary Idea of the *omnitudo realitatis* in the *Critique of Pure Reason* likewise influenced Fichte. There, Kant argues that our effort to understand anything at all assumes the "all," since a complete rational comprehension of a thing requires that we be able to say for every property and its opposite whether or not it belongs to the thing. To "define" or "determine" on this view means to *negate* or *deny* the properties thus excluded from the thing's nature.

Fichte introduces his own account in the midst of his discussion of religion in the lectures on Platner. After rehearsing his genetic account of belief in God as that which “orders” the moral world toward the end of practical reason, Fichte observes that God’s manner of doing so is necessarily “incomprehensible” to us. To say that God is “incomprehensible” is not to say that there is anything contradictory or “absurd” (*unsinnig*) about the very Idea. As described previously, Fichte accepts that certain predicates (e.g., personality) are indeed inconsistent with the idea of God, which entails that the idea is itself internally consistent or possible. The problem with incomprehensible things is not that they are logically impossible *per se* but rather that they outstrip human cognition to a superlative degree. Fichte reminds his listeners that to “comprehend” (*begreifen*) is to possess a completely determinate concept of a thing, such that each of its elements is clearly grasped on its own *and* in “reciprocal efficacy” (*Wechselwirkung*) with the whole. If some element of a thing *cannot* be understood this way, then the thing as a whole is incomprehensible (GA II/4:291). Without commenting on whether or not created substances can be comprehended in principle, Fichte tries to show how it is true of God that he, at least, is incomprehensible in precisely this sense:

The irreconcilable nature of free action and nature, which is the object of action, either in understanding or in concepts, is posited by reason—but [they are] possibly [reconcilable] in something higher that unites concept and action but which is itself incomprehensible; [that is] in the *absolute*, which one finds prior to all concepts and which forms their basis. Therefore, one cannot comprehend that which unifies, but rather only *posit* it in a partial manner. Still one *does posit* it—and must do so—God [cannot be] defined [*bestimmt*] [and cannot be] in any way grasped as a whole, but rather only in relation to us. It is contradictory not to *assume* [*annehmen*] his existence, [but] assuming that He is comprehensible is equally so. Nothing is as incomprehensible as God. (GA II/4:291)

The beginning of this passage serves as a reminder of the basic shape of Fichte’s genetic account of religion, as presented most famously in “Divine Governance” (1798) but developed carefully in lectures starting in 1794 at the latest. Reason requires us to promote the highest end of morality, which can only be carried out by the exercise of freedom within the realm of nature, which is bound by its own laws. Only on the assumption of a moral world order, according to Fichte, can one be assured that this fusion of freedom and nature will eventually be attained. As he puts it at the close of the *Wissenschaftslehre nova methodo*, in a brief account of the architectonic of his system:

The philosophy of religion ... deals with the postulate that practical philosophy addresses to the theoretical realm, to nature, which, by means of a supersensible law, is supposed to accommodate itself to the goal of morality. {This is the postulate of religion, and} the *Wissenschaftslehre* has to derive and explain this postulate {as such}. (NM 471 [GA IV/2:265])

Returning now to the argument for the incomprehensibility of God, Fichte echoes Kant's discussion in the opening portion of the *Critique of Judgment* of the competing *schemata* of nature and freedom, asserting that the *moral world order* is itself neither of these *schemata* but rather that which unifies them in some sense. But nature and freedom are, as it were, the highest "genera" under which we ultimately subsume everything in judging. Fichte's focus is on nature and freedom *as concepts* that we use in making judgments of the form "God is..." Elsewhere, he joins with Kant in thinking of nature and freedom as two distinct law-governed domains whose members cannot be judged in accordance with the laws of the other domain. Either way, God is incomprehensible. Whatever it is that reconciles nature and freedom cannot be defined or determined using *any* of our concepts. Nothing is on hand that can allow us to define God as a whole, which means that even if some element or other were accessible, it would be impossible for us to comprehend it in "reciprocal efficacy" with God as a whole. This line of reasoning certainly converges with Kant's discussions of the "supersensible substrate" of nature *and* freedom in the *Critique of Judgment*, a work that Fichte began to study in earnest just as it appeared in 1790. Regarding this "substrate," Kant maintains that "from a theoretical point of view, we cannot form the least affirmative determinate concept of this" (CJ 5:412). But a passage from "The Methodology of the Teleological Power of Judgment" section of the text comes closest to asserting Fichte's position:

Our reason does not comprehend the possibility of a unification of two entirely different kinds of causality, that of nature in its universal lawfulness and that of an idea that limits the latter to a particular form for which nature does not contain any ground at all; it lies in the supersensible substrate of nature, about which we can determine nothing affirmative except that it is the being in itself of which we know merely the appearance. (CJ 5:422)¹³

For Kant, the basis of this incomprehensibility lies elsewhere than it seems to on Fichte's account. Whatever information we might have from which to further "determine" the concept of an "intelligent world-cause" is *empirical*—that is, some appearance in nature suggests design. But as Kant was at pains

to show in the *Critique of Pure Reason* (1781), such appearances “do not allow us to infer any properties beyond what experience reveals to us in its effects” (CJ 5:438). The essential properties of an “intelligent world-cause” cannot be grasped on their own, and we are not licensed to draw any inferences about them from what does appear evident to us. Another group of comments on physico-theology suggests that Kant may have shared some of Fichte’s intuitions about comprehensibility. The challenge of “expanding” the “very restricted concept” that we can derive from physico-theology cannot, Kant maintains, be met by the understanding (CJ 5:441).

For without this complete knowledge of the effect [i.e., nature as a totality], I cannot infer to any determinate concept of a supreme cause, which can only be found in that of an intelligence which is infinite in every respect, i.e., the concept of a divinity, and thus establish a foundation for theology. (CJ 5:444)

Kant stops short, however, of denying the applicability of most predicates to God. Instead, unlike Fichte, Kant falls back on the derivation of “all of the remaining transcendental properties ... which must be presupposed in relation to such a final end” (CJ 5:444). That is, *ethico-theology*, oriented by the concept of the highest good (*summum bonum*), makes possible the derivation of properties needed by a supreme being in order to vouchsafe the highest end of reason. Fichte certainly agrees that what Kant calls ethico-theology furnishes the only pathway to an intelligible conception of a “divine world governance.” Yet, there is no evidence that he shared Kant’s optimism about the straightforward derivation of the divine attributes from the demands of the highest end of reason.

Fichte had earlier observed that incomprehensibility is distinct from logical impossibility, primarily in that the former rests on a failure of our cognitive powers rather than on the nature or reality of the object. There is nothing in Fichte to suggest that God is somehow *per se* incomprehensible. No argument is offered that the “elements,” as it were, of the absolute are not perfectly determinate in themselves; the difficulty lies in our inability to grasp them in their determinacy. Given the further stricture that they must be grasped in their determinate relations to the whole, comprehension is placed even further beyond the grasp of finite reason. To adapt a Spinozist idiom, there is nothing to suggest that God-or-Nature is indeterminate in such a manner that intuitive knowledge of it is rendered impossible. Instead, the failure to have such knowledge must rest with the knower—for Fichte, it must ultimately rest upon the nature of all finite rationality.

Another discussion of God's incomprehensibility that turns on this theory of concepts is set forth in Fichte's "Juridical Defense" (*Verantwortungsschrift*), the mandated public acknowledgment of the accusation of atheism. While the polemical nature of the piece and the circumstances of its publication certainly limit its value as an authoritative statement of Fichte's position, the text is nevertheless important since it is here that Fichte directly responds to the charge that his views on God's incomprehensibility constitute atheism. He first asserts that all "thinking" involves "limiting" or "restricting." This is most clearly reflected in the fact that "comprehending" (*begreifen*) involves gathering together something out of "a mass of *what is determinable*; so that outside of the boundaries that are drawn there always remains something that is not comprehended within then and thus does not enter the concept" (GA I/6:50). By comprehending something we make it *finite*. "Everything is *something* for us insofar as there is something else that it is *not*; all positing is only possible through negation; for the word *defining* itself means nothing other than *restricting*" (GA I/6:50). Were one, *per impossibile*, to comprehend God, God would no longer be infinite, and thus would no longer be God. There is literally nothing, no predicate, that can be contrasted with the absolute, because the absolute is precisely the "mass of what is determinable." It is for this reason, Fichte insists, that he has denied God's personality. Properly speaking, however, "the divinity is nothing but [*lauter*] consciousness, it is intelligence, pure intelligence, spiritual life and activity. But to grasp this intelligence in a concept, to describe it as it knows itself and others, is simply impossible" (GA I/6:51).

Fichte concludes these reflections with a thinly veiled accusation of idolatry against his critics. While ill-advised as an effort to win public support, this move is illuminating in the present context, since Fichte links his assertion of God's incomprehensibility with no less an authority than Moses:

God is neither one, nor many, nor a man, nor a spirit: all of these predicates only apply to finite natures, but not to one that is incomprehensible and infinite. In sum: if, therefore, something is comprehended, it ceases to be God; and every putative concept of God is necessarily a concept of an idol. Therefore, whoever says: you should make for yourself no concept of God, says with other words: you should make no idols for yourself, and his command means spiritually the same thing as the ancient Mosaic [command meant] sensibly: you should make no image or likeness for yourself, etc., do not pray to them nor serve them. (GA I/6:52)

For Fichte, the prohibition of idols extends not simply to the "work of human hands," but also to the work of the human understanding.

God's Relations

So far, I have examined two moments or elements of Fichte's denial of God's comprehensibility. First, his conception of God as "all in all" or the "moral world order" not only leaves out many of the predicates that usually are taken to comprise God's personhood, but also furnishes a critical standard against which to judge illicit anthropomorphisms. Second, on the grounds of his view of the nature of conceptual cognition, Fichte denies repeatedly that God is comprehensible by finite rational beings. One consequence of this is a denial of God's personality. But Fichte discusses one final "boundary stone" marking the limits of finite reason in the domain of theology. In several perspicuous discussions of the topic, Fichte argues that God's relations to rational beings (or the relational properties that God possesses) *are* cognitively accessible to us, *and* that we nevertheless cannot infer anything about God *per se* on their basis.

In the very early *Aphorisms Concerning Religion and Deism*, already discussed above, Fichte draws a distinction between the standpoints of "speculation" and of the pious heart. As he will argue again at some length in the Sixth Lecture of *The Way towards the Blessed Life* (GA I/9:116–26), Fichte here urges that the standpoint of "speculation" is actually aligned with the true spirit of primitive Christianity, in that only God's *relations* to people are conceptualized and described, and "investigations about his objective existence are cut off" (GA II/1:287). He goes on to make this observation:

It is remarkable that in the first century uneducated apostles broke off their investigations precisely where the greatest thinker of the eighteenth century, *Kant*, of course independently of them, draws the boundaries—at the investigation of the objective being of God; at the investigation of freedom, imputation, guilt, and offense. ... If one steps over these boundaries, even without giving free rein to his investigations; if, upon embarking upon thinking one already posits at the beginning the goal at which one will arrive in order, so far as possible, to unite speculation with the claims of religion: there arises a house built in the air, loosely assembled from very dissimilar materials: in the case of the timid, unimaginative Crusius a religious philosophy, and with bold and witty modern theologians a philosophical religion, or a deism that is not even worth as much as deism. One suspects of this sort of work that it isn't done in good faith. (GA II/1:289)

While Fichte invokes Kant here, he emphasizes the incompatibility of speculation and the needs of the pious heart, which demands a *personal God* "who can be entreated, who feels sympathy and affection" (GA II/1:287). Unlike

Kant, Fichte does not make room for the needs of rational beings in fleshing out the concept of God (GA II/1:288).

The view that only God's relations to rational beings can be described and conceived of reemerges in his account of religion in the lectures on Platner. At one point, he interrupts the train of thought recorded in the surviving manuscript with this observation:

I am talking only about relations; only [about] what God does, not what He *is*. That He exists *überhaupt* follows on its own accord from the popular mode of thought, which should not be impeded for there is no cause to do so. But *what* He is [does] not [follow on its own accord from the popular mode of thought]. (GA II/4:322)

The reference to the “popular mode of thought [*Denkart*]” here connects these comments to Fichte's claim that religious belief is a “fact of consciousness” or “representation accompanied by a feeling of necessity”—in other words, a sort of basic element of the consciousness of rational agents. The task that Fichte sets himself in the *Wissenschaftslehre*, both in the 1790s and in lectures given much later in Berlin, is to construct a genetic deduction of these “facts of consciousness.” To say that God's existence “follows on its own accord from the popular mode of thought” is to say that whether or not the belief is formulated in explicit doctrinal or credal form, it is nonetheless a necessary element of the experience of moral agents. The genetic deduction (outlined above and set forth by Fichte in “Divine Governance”) is meant to show that the Idea of a *moral world order* is rationally required. But, as Fichte asserted to the surprise of more conservative contemporaries, nothing more than this can be said about the moral world order *in itself*.

Another discussion of these issues shows up in the *Appeal to the Public*, where, among other things, Fichte attempts to explain his position on God's nature. He first describes how the concept of God arises naturally, as it were, from the operations of the human understanding. Specifically, the relations of a “supersensible order” undergo a process of “summing up,” “consolidating,” or “condensing” (*zusammenfassen*)—that is to say, they are reduced to a kind of abstract or outline.

In that case a person does nothing other than what we all do when we sum up [*zusammenfassen*] certain determinations of our feeling in the concept of something cold or warm present outside of us; notwithstanding the fact that no rational person would assert that there is such warmth and coldness independently of any relation to his feeling. This relation of a conceptual thing

[*Gedanke=Dinge*] to our sensible [feeling]—the relation of a supernatural world-order to our moral feeling—is the first thing that is simply immediate; the concept arises later, and is mediated through the former. (GA I/5:428)

After insisting once again that the relations of a supersensible order are immediately given in feeling, Fichte concludes by asserting that “a particular divine being is conceived of simply as a result of our finite representation, and this being contains nothing other than immediately given relations summed up in the unity of a concept” (GA I/5:432–33). Relations between God and a person are given immediately in feeling, and only then can one extrapolate a theology. Earlier in the same text, Fichte had identified the “feeling” in question as moral feeling, or a sense of the dignity of one’s vocation as a free, rational creature. As he tries to demonstrate, the fulfillment of this vocation further requires that there be a *moral world order*. Moral feeling, a “fact of consciousness,” cannot be denied, and the feeling implies a specific relation between a finite rational being and God, made palpable by a sense of one’s overriding moral “vocation” (*Bestimmung*) in life.

Moral Life and the Image (*Bild*) of God

The preceding discussion establishes Fichte’s deep and abiding commitment to the incomprehensibility of God from the standpoint of finite reason. For Fichte, “there is no concept of God, but only an Idea” (NM 231–32 [GA IV/2:97]). Fichte draws the line here even more strictly than Kant, excluding anything with the whiff of anthropomorphism and more or less equating the theological views of most of his compatriots with idolatry (*Abgötterei*). It is natural to suppose that a view like Fichte’s would motivate theological quietism or even agnosticism. The remarkably thin nature of his philosophical theology bears this out. Yet, although the incomprehensibility of God represents a barrier to human understanding, Fichte takes an intriguing turn, exploring the ways in which imagination, language, and, above all, the formation (*Bildung*) of the moral character in community—all of which emerge and evolve historically in concrete ways—make it possible for human beings to collectively refine their understanding of God and to give sensible shape to the Idea of the moral world order.

In his 1798 *System of Ethics* (and again in his 1812 lectures on ethics) Fichte returns at several points to what he variously calls “institutions of positive religion” or “the church.” His most detailed treatment of religion in this work starts with the claim that morality commits us to the progressive harmoniza-

tion of our judgments through reciprocal interaction and shared deliberation (and thus not by means of physical force or legal compulsion) (SE 221 [GA I/5:211]). The moral life is a communal life, rather than one of solitary contemplation, however necessary the latter might be for one's own personal formation. Such reciprocity in community requires some shared basis for deliberation (SE 224 [GA I/5:213]). This shared basis is twofold. First, there is the "state contract" (*Staatsvertrag*), a "shared conviction and agreement concerning the manner in which everyone ought to be permitted to influence everyone else" (SE 226 [GA I/5:215]). Second, and of more importance to the present discussion, there is what Fichte calls the "symbol" or "creed." It is noteworthy that Fichte uses the Greek-derived term *Symbol* (unusual in eighteenth-century German, which typically employed Latinate terms like *Konfession* or *Kredo*, as well as *Glaubensbekenntnis*) here, calling attention to what might be termed the *aesthetic* dimensions of a community's shared sense of its moral vocation. This aesthetic association likely reflects Fichte's deep familiarity with Kant's *Critique of the Power of Judgment*, which is one of the first works of Kant's that Fichte studied closely and which contains influential discussions of beauty as a "symbol" of morality.¹⁴

Fichte argues that the creed must be vague, imprecise, or indeterminate, and that it consists in a sensory presentation or "costume" that is distinct from yet expressive of an underlying "concept" (SE 229–30 [GA I/5:217–18]). As for why a particular "costume" is adopted, Fichte indicates that the form taken by a community's representation of the supersensible is the product of people's attempts to meet the need for moral consensus in a particular time and at a specific place, lending it a strong element of contingency and rendering the whole into a revisable *Notsymbol*.¹⁵ What the creed aims to accomplish is to give some content to the proposition that "there is something or other that is elevated above all nature" (SE 230 [GA I/5:218]). "What this supersensible something might be" is precisely that about which "the community seeks to determine and to unify itself more and more, by means of mutual interaction" (SE 230–31 [GA I/5:218]). This process of progressive determination reflects the "customs, types of representation, and images" that are historically available; for example, the "symbol of our Christian church" reflects its origin in Judaism, while Muhammad "gave this same supersensible something a different form, one more suitable to his nation" (SE 231 [GA I/5:218]).

It is important to emphasize that, for Fichte, these "enveloping images" (*einkleidenden Bilder*) in no way "determine what is supersensible in a universally valid manner" (SE 231 [GA I/5:219]). They share this imperfection with what Kant called "aesthetic ideals" or "ideals of the imagination," which necessarily elude precise conceptual determination.¹⁶ Recall here as well Fichte's

argument that the understanding cannot comprehend God because no determinate concept of God can be formed. It is for just this reason that the process of determination on the part of the community “continues for all eternity” (SE 231 [GA I/5:219]). While the fact that “there is something or other that is supersensible” is beyond dispute from a moral point of view, “the manner of *designating* what is supersensible, understood as a *fixed determination* of the same” remains ever doubtful (SE 232 [GA I/5:220]). Thus “the symbol is the starting point. It is not something that is *taught*—that is the spirit of priestcraft—instead, teaching begins with the symbol, which is presupposed” (SE 233 [GA I/5:220]). In other words, genuine religious instruction aims at furnishing people with a basis for shared deliberations about their ideals, as opposed to enforcing a rigid, inalterable orthodoxy.

At the beginning of his discussion in the 1798 *System of Ethics*, Fichte makes an easily overlooked remark that lends a radical direction to his views on the aesthetic presentation of the supersensible. In introducing the contrast between “creed” (*Symbol*) and “state contract” (*Staatsvertrag*), Fichte avers that the “first article of faith” is that every human being is infinitely moral perfectable. But, rather than stressing the doxastic side of faith alone, Fichte insists that this “article of faith” is principally a *command* to treat people in accordance with one’s conviction concerning their perfectibility (SE 229 [GA I/5:217]). In other words, the progressive determination of the idea of the supersensible within the moral community is not principally a matter of theological debate (although it is that as well) but of *action*. The progressive determination of a community’s understanding of God is carried out by working towards the harmonization of our moral outlooks, on the assumption that each individual is capable of exemplifying morality more and more adequately in their own lives and in their reciprocal communications. As he writes, to the shock of the guardians of orthodoxy, in “On the Basis of Our Belief in a Divine Governance of the World,” “this is the only possible confession of faith: joyfully and innocently to accomplish whatever duty commands in every circumstance, without doubting and without pettifogging over the consequences. In this way, what is divine becomes living and actual for us” (IWL 150 [GA I/5:354]). The indeterminate Idea of the supersensible is given a *representation* in practically efficacious belief and in action.

Already in the 1798 *System of Ethics*, one finds evidence for a view, which is much more prominent in Fichte’s later writings and lectures, that might be termed a representational conception of action. As rational agents, human beings act by “making objective,” that is, by creating a sensible representation, expressing something intelligible in a way that is accessible to our sensibility (SE 140–41 [GA I/5:139]).¹⁷ This representational conception of action reso-

nates with Kant's discussions of beauty and morality in the *Critique of Judgment*, which, as mentioned previously, is the likely inspiration for Fichte's remarks on the "creed" (*Symbol*) of the moral community in the 1798 *System of Ethics*. By the end of the following decade, Fichte places this conception of action at the heart of his ethical doctrine.¹⁸ There one finds the claim that moral life is the progressive *symbolic* determination of the Idea of God, which remains forever undeterminable, and hence, incomprehensible, to human cognition.

A text from the last years of Fichte's life takes on particular significance in this connection, namely his 1811 *Lectures on the Vocation of the Scholar* (StA 4–69). The kind of "knowledge" (*Wissen*) that scholars must aspire to gain is "practical knowledge" that is "*determined by itself*," *a priori* knowledge, which Fichte understands as coming to see a certain "vision [*Gesicht*], as the German language expresses the Greek word 'idea'" (StA 6).¹⁹ In particular, this practical knowledge can be seen as a glimpse of a "world that does not at all *exist*, a supersensible and spiritual [*geistigen*] world, though one that ought to become actual through our action and become inserted into the domain [*Umkreis*] of the sensible world" (StA 6). In other words, the moral imperative for the scholar is to "express" (*ausdrücken*) and "present" (*darstellen*) the image (*Bild*) of God in the sensible world (StA 8). Such an image is *infinite*, in the specific sense that no exact "likeness" or "portrait" (*Bildniß*) is available at any point in the historical process; instead, each sensible expression of the idea is "only an image of [God's] future images, and so on into infinity" (StA 9). In other words, since what is being presented is "beyond all time as an eternally invisible ground and law," no particular representation can be judged to fully determine it. Such images are not "fixed" (*festes*) but rather need to be seen as steps in a process of "infinite formation of images [*ein unendliches Bilden*]" (StA 9). The supersensible world is made visible in ever new shapes, each of which is partly conditioned by the preceding *Darstellungen*.

Viewed in this light, the knowledge that Fichte's audience of budding scholars needs to acquire is *moral knowledge*, and the end or purpose of all human existence is just "that God be clarified [*verklärt*], that His image continually emerge into new clarity within the visible world from out of his eternal invisibility" (StA 11). What is particularly striking in the present context about this discussion is the manner in which it clearly echoes the account of the "creed" (*Symbol*) Fichte first articulated in the 1798 *System of Ethics*. There, the process of portraying God in sensible terms is primarily conceived of as a cognitive enterprise, typified by the formulation of the classic creeds of historic Christianity. Here, in 1811, the scholar is charged with becoming a

“driving force for the continuation [*Fortsetzung*] of creation [*Schöpfung*]” (StA 12).²⁰

God, forever shapeless (*gestaltlos*), is given shape on this account through the active formation of “*present human society*” (StA 22). This requires that a person comes to possess some vision of the supersensible and has the ability to represent “what is seen” (another good translation for *Gesicht*). For wholly contingent reasons, it is typically the case that only a few grasp this vision, and it is their vocation to be *mediators* between what is supersensible and humanity. Over the course of human history, people have been receptive to and shaped by such mediation in a variety of ways. According to Fichte, in prior ages people had a sort of natural receptivity to “inspiration” (*Begeisterung*) that came to be gradually replaced in modernity by a “communal [*gemeinschaftliche*] intuition of the sensible world” that, like the vision of the spiritual world, can become the “drive and determining force [*Kraft*] of common life” (StA 24). These moments of inspiration do not involve the creation of a fixed representation that is taken to be valid for all times and peoples, much less of an exact “portrayal” of God (StA 24). Instead, since all human beings are commanded to exercise freedom in making themselves what they ought to be, this historical process sometimes involves a painful rupture or break with the ethico-religious outlook of the preceding generation.

In the modern era, this process has evolved to the point at which the “seer” no longer adopts the role of the prophet or wonder-worker, but rather than of the “poet and artist” (StA 25). The artists’ works do not aim to articulate “an actual state of the world that must be produced,” but rather the general *form* that such a vision of an alternate world might take. Rather than motivating a specific action, the goal of artistic production for Fichte is to set the “spirituality” (*Geistigkeit*) of the masses into motion, to “maintain the general organ for the supersensible world in activity” (StA 25). It falls not to the artists but to Fichte’s audience of scholars to “determine the view [*Gesicht*] *precisely*” in the interests of “planting it in the soil of actual experience” (StA 26). As he had insisted in his discussion of the creed in the 1798 *System of Ethics*, Fichte asserts here that this goal is never attained, and that the “image of God” is continually developed while those tasked with articulating it strive to do so in order to communicate it adequately to others (StA 27).

Read in the light of Fichte’s strident insistence on God’s incomprehensibility and alongside his theory of the formation of the community’s “creed,” this 1811 lecture series is best read as articulating Fichte’s mature account of how God becomes intelligible to human beings. This process certainly involves a cognitive component—and his discussion of fine art reveals that there is also a large role for the imagination here—after all, it is practical *knowledge* that

Fichte's audience is meant to acquire. Yet, the accent has shifted notably from *grasping the supersensible with the understanding to making it understandable in communal moral action*. This shift of accent becomes even more pronounced in the *Lectures on the Theory of Ethics* that Fichte delivered the following summer. Here, the representational conception of action gestured at in the 1798 *System of Ethics* becomes the centerpiece of Fichte's final articulation of his moral philosophy.

The entire account in the lectures is framed by Fichte as the analysis of an initial hypothesis: "let the concept be the ground of the world in consciousness." Action (as opposed to a purely natural process) proceeds from a "paradigm" (*Vorbild*), to a product, to the "organic unity of a manifold" that is determined "according to the unity that the power already intuits and surveys" (LTE 23 [StA 284]). Human agency or "power," in other words, involves an *ideal* synthesis of a manifold in an "image" as well as a *real* one; it manifests the "productive force of an image in being, where the latter [being] is directed in its succession by the former [image]" (LTE 24 [StA 284]). Fichte later glosses this image as a "completely new world" that is taken up into a "formative" or "representational" (*bildende*) life (LTE 27 [StA 286]). Such an active life, with its capacity to create "another objective being outside of the I," gives shape to the otherwise shapeless "concept" (LTE 28–29 [StA 286–88]). The concept takes on a shape first of all in individual deliberation and action. What this shape might be "is something about which each person must be referred to his own moral consciousness" (LTE 38–39 [StA 296]). Thus, the theory of ethics is not so much a "doctrine of duties" (*Pflichtenlehre*) as it is a *phainomenologia* (LTE 53 [GA IV/6:100–101]) or "doctrine of appearance" (*Erscheinungslehre*) that outlines in an abstract and formal manner the elements of "a complete image of the phenomenon of the true [i.e., moral] I" (LTE 55–56 [StA 311]).²¹

In a striking passage in the lectures, Fichte argues that Plato's theory of Ideas (or Forms) is essentially correct, so long as the Ideas are not so much paradigms of natural objects but rather of the products of freedom. Indeed, in transcripts of the course, we are told that Fichte explained the superiority of Christianity to Platonism precisely in terms of the former's *practical* orientation:

[Plato's theory of Ideas is true] *practically*—for the cultivation [*Bildung*] of the character. This point of view is based on a character that is seized by the pure causality of the concept. One such [practical] teaching is Christianity. John's Gospel and his other writings should be considered as the foundation. There it is said directly that the entire sensible world is nothing; the concept is continu-

ally regarded in its original meaning as the image of God, the will of God. Only to the degree that a human being attains this image does he *exist* at all. Christ is presented as the pure likeness [*Abbild*] of this image of God. (LTE 65; cf. GA IV/6:105–106)

What Fichte finds congenial about Christianity is precisely that it shares his shift of emphasis from metaphysics to morals when it comes to the progressive understanding of God. Moral life, rather than the objective domain of the natural world, is the realm in which the Idea receives its actuality. More precisely, the image of the supersensible concept is a moral community dedicated to the progressive attainment of a unified “spirit” or “mind” (*Geist*) (LTE 107–108 [StA 345–47]).²² In the twenty-first lecture in the series, Fichte fleshes out these ideas by discussing a sort of contrast case in which, while inspired by an idea of a “new order” in nature that benefits the “rational community of agents,” a person might nonetheless be more of a “blind instrument” than a reflective agent of social change (LTE 114 [StA 351]). Understood properly, this “new order” is a “higher whole” of ends, or an organic totality, none of which can be neglected. In the moral life the individual’s “will is directed not toward this or that shape of dutifulness but rather toward the idea [*Idee*] of absolute unity” (LTE 116 [GA IV/6:129]). Put generically, then, one’s duty lies in the “upbuilding” (*Erbauung*) of all “into one single moral community” (LTE 116–17 [StA 353–54]). The image of God turns out to be, at one level, the moral community, unified by shared convictions and a commitment to open communication. At another level, however, it consists in the character of the individual person within such a community. Fichte dedicates three lectures to this latter issue, describing how the traits of selflessness (*Selbstlosigkeit*), philanthropy (*Menschenliebe*), and truthfulness mark the character of the individual given over the realization of the moral concept.

Conclusion: Representing God

Fichte’s philosophy of religion turns out to be at once sparse *and* rich—and perhaps rich *because* of this sparseness. Whereas the history of philosophy contains plenty of figures whose inquiries did not stop short of claiming to know the nature of God, Fichte stands to one side with his strident arguments for the incomprehensibility of God for finite rational beings. The concept of God is undeterminable by us, with the possible exception of some relational properties. Moreover, the God that Fichte says we are licensed to postulate by practical reason is an abstract, impersonal “moral world order,” closer in some

respects to Spinoza's *deus sive natura* than to the God of Kant's moral theology. At the same time, the moral vocation of humanity demands that we not throw up our hands and adopt complete quietism in matters theological. Instead, as Fichte explains in the 1798 *System of Ethics*, it is incumbent upon all to join in the shared project of progressively articulating a salutary and adequate conception of the supersensible. In other words, while God cannot be *comprehended*, God can indeed be *symbolized*. Fichte's most radical claim is that this symbolic grasp of the divine is accomplished in the formation of a moral community dedicated to the uplifting of all through free, reciprocal communication, and in the shaping of each individual into an image of the incomprehensible God.

Notes

1. The resulting "atheism controversy," while personally and professionally disastrous for Fichte, was still an intellectual watershed for the era. A vast literature has, with justice, developed about the episode, including excellent modern editions of all of Fichte's contributions. However, some of the ephemera, as well as a few more substantive contributions (e.g., from J. A. Eberhard), have yet to be organized or edited. Many of the central texts are available in English: see AD.
2. In the German-speaking milieu in particular, the Reformation and the long turmoil of the Thirty Years' War had sparked a movement toward "confessionalization" (especially but not exclusively among Protestants), in which faith was defined by adherence to a precise list of articles on the hot-button topics of the day, such as justification by faith or the nature of the Eucharist. Despite the resistance of the Pietist movement, by the late eighteenth century this process had long since been completed, with compulsory attendance at religious services and public confession of faith monitored by the local consistory. Fichte's declaration about the "the only possible confession of faith" being simply "joyfully and innocently to accomplish whatever duty commands in every circumstance, without doubting and without pettifogging over the consequences" (IWL 150 [GA I/5:354]) needs to be understood against this background, which is crucial for seeing why people thought Fichte an atheist.
3. See my "Fichte's Transcendental Theology," *Archiv für Geschichte der Philosophie* 92, no. 1 (2010): 68–88.
4. Besides the two editions of the *Attempt at a Critique of All Revelation*, Fichte also discusses the interpretive principles he applies to the historical "documents" of Christianity (i.e., the Bible), principles that are crucial to this reconstructive effort, in *The Way towards the Blessed Life* (1806). Other works,

largely categorized as “popular” by Fichte himself, such as *The Vocation of Man* (1800) and the *Addresses to the German Nation* (1808), describe rational faith (*Glaube*) variously, from the personal, educational, and institutional points of view respectively.

5. Fichte occasionally asserts that this view of God is a central element of the entire *Wissenschaftslehre*. For instance, in the *Wissenschaftslehre nova methodo*, he writes:

It is a fundamental principle of the *Wissenschaftslehre* that all being is something produced or created and that the intelligible foundation that underlies being is not any sort of being, but is pure activity. The Deity is therefore the same sort of pure activity as the intellect except that the Deity is something that cannot be comprehended. (NM 436 [GA IV/2: 240])

In a Berlin lecture of winter 1805, Fichte asserts that this claim is precisely what aligns his thought with “genuine Christianity and with every person who understands himself” (GA II/7:378).

6. For valuable discussions of the Wolffian or rationalist strand in German theology, see Stephan Lorenz, “Theologischer Wolffianismus. Das Beispiel Johann Gustav Reinbeck,” in *Christian Wolff und die Europäische Aufklärung. Akten des 1. Internationalen Christian-Wolff-Kongresses, Halle (Saale), 4.–8. April 2004*, 5 vols. (Hildesheim: Georg Olms, 2007) and the earlier account in Emmanuel Hirsch, *Geschichte der neuern evangelischen Theologie, im Zusammenhang mit den allgemeinen Bewegungen des europäischen Denkens*, vol. 2. (Gütersloh: C. Bertelsmann, 1964). On the neologians especially, the classic study is Karl Aner, *Die Theologie der Lessingzeit* (Hildesheim: Georg Olms Verlagsbuchhandlung, 1964). The impact on Fichte of the key players in the theology of this era is very difficult to overestimate. To take just two examples, Lessing’s justly famous account of the evolution of religion as the “education of the human race” (*Erziehung des Menschengeschlechts*) is echoed in Fichte’s account of the evolution of the creed in both the 1798 and 1812 versions of the theory of ethics (*Sittenlehre*), while the influential neologian Spalding’s wildly popular reflections on the “vocation of humanity” were essential instigators for Fichte. On this latter influence in particular, see George di Giovanni, *Freedom and Religion in Kant and His Immediate Successors: The Vocation of Humankind 1774–1800* (Cambridge: Cambridge University Press, 2005).
7. The only full length study of this critical period in Fichte’s intellectual development remains Rainer Preul, *Reflexion und Gefühl: Die Theologie Fichtes in seiner vorkantischen Zeit* (Berlin: de Gruyter, 1969).
8. For a discussion of the reception of Spinoza in Saxon universities during the 1780s and early 1790s and its connection with Fichte, see Benjamin D. Crowe, “‘Theismus des Gefühls’: Heydenreich, Fichte, and the

Transcendental Philosophy of Religion,” *Journal of the History of Ideas* 70, no. 4 (2009): 569–92. Much more should be known about the intellectual milieu in Leipzig around the time of Fichte’s residence there, which included correspondents of Kant such as F. G. Born and K. A. Caesar, Schiller’s associate Körner, and the professor of medicine and physiology, Ernst Platner.

9. This critical project is evidently behind some of Fichte’s comments on *creeds* or *confessions of faith* in the *Theory of Ethics* of 1798:

What do these enveloping images [*einkleidenden Bilder*] have to say? Do they determine what is supersensible in a universally valid manner? By no means, for why would there then be any need for people to combine in a church, the end of which is none other than the further determination of what is supersensible? ... It can therefore be presumed that these costumes [*Einkleidungen*] are merely the manner in which a community expresses for itself and for the time being the proposition, ‘*there is something supersensible.*’ (SE 231 [GA I/5:219])

I say more about Fichte’s account of these “images” below.

10. There is a long history in philosophy of employing the Idea of God in certain kinds of arguments, including those involving counterfactual states of affairs and what we might think of as thought experiments. See Edward Grant, *God and Reason in the Middle Ages* (Cambridge: Cambridge University Press, 2001). The proscription of certain theses associated with Aristotle (1277) actually made new kinds of moves available to philosophers. Important moments in early modern metaphysics (Descartes on atomism, say, or Leibniz’s mill) reflect this medieval legacy. Kant and Fichte inherit the rationalist approach in this respect as well. In the case of Kant, the role that the idea of a “holy will” plays in his account of moral obligation exemplifies this kind of treatment. For a perspicuous recent discussion, see Robert Stern, *Understanding Moral Obligation: Kant, Hegel, Kierkegaard* (Cambridge: Cambridge University Press, 2012).
11. Kant makes a similar point in *Religion Within the Boundaries of Mere Reason*, describing the core Christian notion of God the Father’s giving up of His Son for the sake of human redemption. “We have here (as means of elucidation) a *schematism of analogy*, with which we cannot dispense. To transform it, however, into a *schematism of object-determination* (as means for expanding our cognition) constitutes *anthropomorphism*, and from the moral point of view (in religion) this has most injurious consequences” (Rel 6:63–66). On Kant’s account, to schematize an idea is “to render a concept comprehensible through analogy with something of the senses.” Naturally, we cannot attribute what pertains to the sensible to the supersensible—therefore, it does not follow from the necessity of the schema that it captures an actual predicate of the object. Rather, to “render comprehensible” here means “to support it with an example” (Rel 6:97–98). Thus, “between the relationship of a schema to its

- concept and the relationship of this very schema of the concept to the thing itself there is no analogy, but a formidable leap (*metabasis eis allo genos*) which leads straight into anthropomorphism” (Rel 6:65n).
12. G.W. Leibniz, *Philosophical Essays*, trans. Roger Ariew and Daniel Garber (Indianapolis: Hackett, 1989), 41.
 13. In his account of “physico-theology” in § 85, Kant asserts that reason “cannot determine this concept [of an intentionally acting cause of the world] any further in either a theoretical or a practical respect; and its attempt does not fulfill its aim of establishing a theology” (CJ 5:437).
 14. To take one relevant example of Fichte’s lifelong interest in Kant’s aesthetics, Fichte freely cites the “Third Critique” and discusses poetic representations of moral ideas in his 1812 lectures on ethics (LTE 104; 120 [StA 344; 355–56]).
 15. Fichte makes much the same point in a stronger way further on in the same discussion: “Yet even if my propositions are actually in accord with universal reason and hence are universally valid, the particular presentation of any proposition still always remains something individual; this clothing for the proposition is the best available, above all for me” (SE 235 [GA I/5:222]). This individuality, reflecting as it does wholly contingent features of a person’s education, personality, and the like, is what is gradually overcome in the infinite process of reciprocal communication.
 16. Indeed, in remarks that could just as well have been written by Fichte, Kant at one point writes: “This idea of the supersensible [nature in itself], however, which of course we cannot further determine, so that we cannot *cognize* nature as a presentation of it but can only *think* it, is awakened in us by means of an object the aesthetic judging of which stretches imagination to its limit” (CJ 5:268).
 17. In a discussion of the duties of the clergy later in the *System of Ethics*, Fichte describes their primary function as creating “public moral representations [*Vorstellungen*]” (perhaps sermons, public rites, or both) in order to “animate and strengthen” our inchoate “sense” of our own moral vocation (SE 331 [GA I/5:305]).
 18. This is not to say that Fichte aims to aestheticize morality completely. He is quite critical of his erstwhile comrades-in-arms among the early German Romantics for what he sees as their substitution of unbridled imagination (*Phantasie*) for the clarity of the concept (e.g., in a lecture on the *Wissenschaftslehre* from the winter of 1804 [GA II/7:82]).
 19. A later summary passage is illuminating in this connection: “Supersensible knowledge expresses itself in a twofold manner: either *in general* [*überhaupt*], merely *that* there is something supersensible, without any further determination [*Bestimmung*]; or in some mode of determination, shaped in a certain way” (StA 29). The first is largely the situation as Fichte leaves it at the end of his discussions of God’s incomprehensibility. The second, on the other hand,

represents for Fichte the only intelligible way to give shape to the idea of the supersensible.

20. This remark should be connected with a later comment, to the effect that God's creation of the world is not finished or perfected, "but rather the creative process [*das Erschaffen*] continually progresses, and [God] remains creative, though the immediate object of His creation is not an *inert and stationary* physical world [*Körperwelt*], but rather a free *life* that eternally lives on its own basis [*aus sich selbst lebende Leben*]" (StA 53).
21. Fichte later provides a succinct formulation of the idea behind his "moral phenomenology": "As is the I that you see, and that you alone see, so is the concept that you do not see..." (LTE 67 [StA 319]).
22. Fichte describes the process of reciprocal communication that this requires in the twenty-second lecture of the series (LTE 119–23 [StA 354–58]).



19

The Letter and the Spirit: Kant's Metaphysics and Fichte's Epistemology

Matthew C. Altman

Critics differ dramatically in their evaluation of the historical and philosophical importance of the Jena *Wissenschaftslehre*. For much of the last two hundred years, due mostly to Hegel's self-serving interpretation, Fichte has been considered a subjectivist who reduces the whole of reality to mere appearances for an individual consciousness. This is a serious misinterpretation, but it is one that Fichte's own writings often invite. Fichte's denial of the thing in itself, in particular, seems to be a rejection of the realism that, when measured against our everyday view of the world, makes Kant more plausible than his idealist successor.

In this chapter, I defend Fichte's characterization of the *Wissenschaftslehre* as an extension of Kantian idealism. On Fichte's view, Kant had not carried his own insights into the subjective conditions for the possibility of experience far enough. Kant showed that the extent of our knowledge is limited to the objects of consciousness and that we cannot make speculative claims beyond those epistemic limits. Fichte argues that Kant goes beyond these limits when he explains appearances by referring to the thing in itself as their cause. For Fichte, the reality of the world independent of human perception can, like the reality of God, freedom, and immortality, be established only on practical grounds, as a necessary condition of moral agency. Rather than denying the existence of a mind-independent world, Fichte justifies a belief in its reality in a way that,

M. C. Altman (✉)

Department of Philosophy and Religious Studies, Central Washington University,
Ellensburg, WA, USA

e-mail: matthew.altman@cwu.edu

although it contradicts the letter of Kant's philosophy, is more consistent with its spirit, and in particular with Kant's critique of dogmatic metaphysics.

What Is Idealism?

Idealism is not a monolithic movement, but a number of different philosophies, spread over the history of Western thought, that share family resemblances. For example, Berkeley denies the existence of mind-independent things and says that we have knowledge only of ideas because nothing but ideas exist. Plato claims that eternal ideas or forms are most real because they are changeless, as opposed to the flux of sensory perceptions, and that knowledge of the ideas is most true. He does not deny that physical objects exist; he claims only that they are degraded and unclear versions of the forms that we can directly apprehend through reason. Kant's transcendental idealism is the view that we can know only appearances and never things in themselves. He affirms the existence of mind-independent reality while denying that we can have cognition of it by means of concepts. And these are only three examples of a philosophical approach that, on some accounts, also includes figures as different as Parmenides, Leibniz, and Schopenhauer.

Schelling and Hegel, two of the three major post-Kantian idealists, further complicate this picture, especially since it is unclear even now what they are claiming about the nature of reality and our knowledge of it. Like Fichte, Hegel denies the existence of the thing in itself, but the resulting position is variously interpreted as a kind of spirit monism, conceptual realism, or an investigation into the space of reasons. On the traditional reading, he defends a dogmatic metaphysics that identifies God or Absolute Spirit as the ultimate reality. Recent interpretations of Hegel have insisted either that he is identifying the conceptually necessary features of reality, thus anticipating more recent forms of analytic metaphysics; or that he is not doing metaphysics at all but is rather chronicling culturally and historically specific ways of knowing. Schelling's idealism is even harder to pin down, since expositors identify anywhere from two to five distinct philosophical periods over the course of his career: transcendental philosophy, nature philosophy, identity philosophy, ages of the world, and positive philosophy. And he characterizes the ultimate unity of mind and matter in different ways: as the absolute I, the unconditioned, the infinite, the Absolute, the All, and God. Depending on who is reading him or which book one focuses on, Schelling could be a Fichtean, a Spinozist, a Hegelian, a mystic, or some unique combination of these. Given the fact that Hegel may be a kind of realist and Schelling may be a Spinozistic

materialist, one can hardly be blamed for not understanding what idealism means, even when it is applied narrowly to the German Idealists.

Introducing some distinctions will help to clarify the meaning of idealism in general and to highlight the differences among particular idealists. Generally speaking, all idealists make the epistemological claim that we can know only ideas rather than material things. They disagree on whether these ideas exhaust the content of what exists or whether they are in principle separable from a material reality. That is, some idealists claim that we only know ideas because only ideas exist to be known (Berkeley), while others claim that the ideas we know are distinct from material things, which are either unknowable (Kant) or known indistinctly through the senses (Plato). Idealism in the former sense is contrasted with materialism or physicalism, the metaphysical claim that everything is composed of physical stuff or, more technically speaking, that all existing things supervene on the physical. Idealism in the latter sense is contrasted with realism, the epistemological claim that our perception of the world through the senses is indicative of the way the world is apart from our perception of it. Berkeley is a metaphysical idealist and an epistemological realist, since our perceptions of the world are merely ideas, and this is what is true of the world. Kant is a metaphysical realist and an epistemological idealist—or, as he puts it, an empirical realist and a transcendental idealist (A35–36/B52, A369–70)—meaning that, although we know only appearances, there is a mind-independent thing in itself that would be directly available to us if we were, like a divine being, capable of intellectual intuition.

Clearly, there is no one idealist philosophy. Even within idealism, there is metaphysical disagreement about the reality of the external world apart from consciousness, and there is epistemological disagreement about what we know and how we know it. Labeling Fichte as an idealist, then, does not answer the question of whether he is committed to the existence of a mind-independent world. Indeed, I argue that this very ambiguity has led to persistent misinterpretations of Fichte's view. Rescuing Fichte from these uncharitable evaluations will help us both to understand the *Wissenschaftslehre* in its post-Kantian context and to appreciate Fichte's historical relevance.

Kant's Alternative to Wolffian Metaphysics

In the *Critique of Pure Reason*, Kant demonstrates (1) that objects appear in space and time because of how we, as finite beings, receive perceptual data through the senses (pure forms of sensible intuition), and (2) that we organize sensible intuitions into coherent experience using *a priori* rules (pure concepts

of the understanding, or categories). Our experience of the world is not entirely passive, as Lockean empiricists claim, but is the result of an active engagement with and interpretation of what is given to us passively through the senses. For example, because we use the *a priori* concept of causality, every event that we experience must have a cause. It would not make sense for me to say that an object came into existence out of nothing, that an event is an anomalous moment that is completely unrelated to all other events, or that an event brought about something that preceded it in time. Just as general logic describes the minimal structure of claim-making in general, transcendental logic explains how a judgment can be about (or represent) an object, rather than merely reporting on the subject's sensations.

Once Kant establishes that there are subjective conditions for the possibility of experience, he concludes that we can know the world only as an appearance and never as it is in itself. Although Kant claims that sensible intuitions are caused by, grounded in, or otherwise given to us by the thing in itself—this is what makes him an empirical realist—the objects that we experience are mere representations, produced by means of judgment, according to the categories. There are perceptual and cognitive constraints on any possible experience, which entails that, in principle, I cannot know things as they are apart from those epistemic conditions.

Kant's transcendental idealism has important implications for metaphysics. He characterizes traditional metaphysics as “dogmatic” (Bxxxvi–xxxvii, B22–23), “speculative” (Bxiv, Bxxi–xxxvii), or “transcendent” (A295–96/B352–53) because it extends the categories beyond their limited application to possible experience without a prior critique of the faculty of reason. Speculative metaphysicians claim to know things about the world as it is apart from our way of representing it. As it is defined by Kant's rationalist predecessors, the content of metaphysics includes both general metaphysics (or ontology), dealing with “the first grounds of our knowledge of things in general,”¹ and the three topics of “special metaphysics”: the soul (psychology); the world as a whole, especially first causes (cosmology); and God (theology).

Kant examines the implications of transcendental idealism for special metaphysics in the Transcendental Dialectic, where he diagnoses the mistakes that previous philosophers have made in their claims regarding the soul, freedom, and God. Dogmatic metaphysicians misuse the categories by applying them beyond possible experience—transcendent rather than immanent use (A295–96/B352–53)—leading to different kinds of mistakes: using the category of inherence and subsistence to make claims about the soul leads to paralogisms, using the category of causality and dependence to make claims about freedom leads to antinomies, and using the category of community to make claims about God leads to the Idea of pure reason (A334–35/B391–92).

For example, Descartes infers from self-consciousness that the soul is a substance, turning a purely formal condition of objective knowledge (apperception, or the “I think”) into an objective knowledge claim about the thing in itself (about the soul’s substantiality, simplicity, unity, and relation to possible objects in space) (A341–405/B399–432).

By contrast, Kant identifies our epistemic limits and enumerates the subjective conditions of objective judgments. In the *Transcendental Analytic*, Kant redefines the subject matter of general metaphysics in light of his epistemology. Critical metaphysics is “the investigation of everything that can ever be cognized *a priori* as well as the presentation of that which constitutes a system of pure philosophical cognitions of this kind” (A841/B869; see also B23). Having shown that synthetic *a priori* concepts apply only to things as they appear, and having distinguished appearances from things in themselves, Kant concludes that nature in general is, in its material sense, merely “the sum total of appearances” and, in its formal sense, “the sum total of the rules” by which we organize our experience (Pro 4:318). The “first ground of our knowledge of things in general” is “the constitution of our understanding” (Pro 4:318), which entails that general metaphysics, having been subjected to Kant’s critique of reason, is now redefined as “a science of the *limits of human reason*” (DSS 2:368).

Although we cannot have knowledge (*Wissen*) of the objects of special metaphysics, Kant does make metaphysical assertions regarding freedom, God, and immortality in the *Critique of Practical Reason*. There he argues that faith or belief (*Glaube*) in such things is established practically rather than theoretically; they are rationally justified presuppositions of the moral life. Kant characterizes this approach as “practico-dogmatic” metaphysics, as opposed to “theoretico-dogmatic” metaphysics (RP 20:293, 296, 305–11). Practical metaphysics is not dogmatic, since it follows from a critique of the faculty of reason, but it does commit us to dogmata, or propositions that are derived directly from concepts (A736/B764). Thus Kant radically transforms metaphysics, limiting knowledge claims to the realm of appearances yet justifying beliefs about the supersensible insofar as they are practically necessary. This had a profound effect on Fichte, especially his analysis of objectivity and the thing in itself.

Positing and the *Anstoß*

Kant claims that, independently of the activity of judgment, all we have are sense data. Although we usually think of objects as simply given to us through the senses, in fact we must make conceptually informed judgments about

sense data in order to construct a world that we take to be separate from consciousness. For Kant, we conceive of sensible intuitions as objective representations. Although Fichte uses different terminology, he says the same thing: we posit (*setzen*) the object in opposition to the subject.

According to Fichte, self-consciousness is an act of asserting oneself as an I, or an act of self-positing (*Selbstsetzung*). It is by virtue of reflecting on my own activity that I become a self-consciousness, and, by becoming conscious of myself as a particular subject, I also limit my activity. I can be a subject only in opposition to an object from which my activity is excluded. Although I must posit myself as limited—something becomes separate from me only by my conceiving of it as an objective representation rather than merely subjective sensations—the impetus for that representation must come from some resistance within the I itself.

Fichte says that there are two possible explanations of the source of this limitation: dogmatism and idealism. Either we attribute it to mind-independent, material objects that affect us through the senses (dogmatism/realism) or we attribute it to the activity of the I, which limits itself (idealism/criticism). Dogmatism sacrifices the self-sufficiency of the I to that of the thing, and idealism sacrifices the self-sufficiency of the thing to that of the I (IWL 17 [GA I/4:193]). That is, either thinking is determined by physical processes, or objects are the result of the activity of judgment.

Fichte rejects dogmatism for several reasons, most importantly because it wrongly conceives of self-consciousness as just another caused thing and it cannot make sense of the normativity of empirical judgments. Furthermore, we are conscious only of how our senses are affected, so using a thing in itself to explain experience begins with an unjustified assumption and begs the question in favor of dogmatism. For Fichte, there is only a resistance to the I's activity—what he calls the *Anstoß* (check)—that is inherent to consciousness. It begins as a feeling, is then perceived as a given sensation (or sensible intuition), and ultimately is subjected to concepts, such that we take it to be an objective representation. Fichte concludes that there is no thing in itself, only an “intellect in itself” (*Intelligenz an sich*) (IWL 11 [GA I/4:188]) or an “I in itself” (*Ich an sich*) (EPW 290 [GA I/3:192]; IWL 13 [GA I/4:190]). The grounds of both subject and object are acts of the I: respectively, the I's self-positing and its positing of a not-I in response to the check.

Since Fichte first formulated his position, many philosophers have dismissed the *Wissenschaftslehre* as an untenable form of subjectivism. On this reading, Fichte does away with the reality of the external world and reduces everything to the I's activity. Nature, other minds, and God are all elements within consciousness: the world is merely the not-I as a condition of self-

consciousness (WL 122–26 [GA I/2:285–89]), other people are constructs for the expression of our moral duties (SE 214 [GA I/5:205]), and faith in the divine is nothing but belief in the moral order of the universe (IWL 150 [GA I/5:354]). Expressed initially by Jacobi in his open letter to Fichte and later reinforced by Hegel in the *Differenzschrift*, the charge of subjectivism has been the lens through which many subsequent philosophers have understood Fichte's work.² For example, in his *History of Western Philosophy*, Bertrand Russell says that Fichte “carried subjectivism to a point which seems almost to involve a kind of insanity.”³ Heidegger repeats Schiller's criticism of Fichte in order to distance his phenomenological approach from the *Wissenschaftslehre*: “The world is for him only a ball which the ego has thrown and which it catches again in reflexion.”⁴ If objects are mere appearances and there is no thing in itself, then Fichte seems to be a metaphysical idealist rather than an epistemic idealist—a disciple of Berkeley, not Kant.

Fichte's Denial of the Thing in Itself

What it means for Fichte to deny the existence of the thing in itself, however, is not unambiguous. Most objections to Fichte's metaphysics rest on either a failure fully to understand Kant's critical legacy or a refusal to see the apparent inconsistencies in Kant's philosophy that Fichte seeks to correct. So, to assess the Jena *Wissenschaftslehre*, one must begin by clarifying Kant's distinction between appearance and reality, and its implications for our belief in the existence of a mind-independent world.

According to Kant, what makes a judgment able to be true or false is not its content but its form—that is, whether its subject and predicate are properly related by means of an *a priori* concept. Whether it is actually true or false depends on whether the judgment conforms to its object (A58/B82). “The sun warms the stone” is true so long as the concept of causality is used correctly to relate two objective representations, the sun and the stone. But not everything I say, not even every claim I make, is a judgment of this kind. For example, “There is a pink elephant in the room” is very different from “I see a pink elephant in the room.” The former is an objective claim. In making such a claim—what Kant calls a “judgment of experience” (Pro 4:298–99)—I am demanding that you assent to it or else be wrong. If you deny that there is an elephant there, then we cannot both be right. The truth of “There is a pink elephant in the room” has a publicity criterion, such that everyone else should see it because of what is given to us by a shared world—that is, the judgment has “necessary universal validity” (Pro 4:298). By contrast, merely relating to

you what I see or feel—"I see a pink elephant in the room"—is a "judgment of perception" (Pro 4:298–99). The fact that you do not see a pink elephant, or that there is in fact no pink elephant there, entails nothing about whether I perceive it. A fact is no counterexample to my hallucination—so long as I make no objective claim on the basis of that hallucination.

If one claims that the thing in itself exists or that it causes our sensible intuitions, is that a judgment of perception or a judgment of experience? The thing in itself is not perceived but instead stands behind (in some relationship with) perceptions. It is, by definition, mind-independent, so it purports to be the content (or the source of the content) of an objective claim. In other words, Kant makes an ontological commitment to a thing that exists regardless of whether or how we perceive it. Therefore, claims about the thing in itself are not judgments of perception. However, the thing in itself is also not the object of a judgment of experience, since it is, again by definition, not something about which we can make a conceptually informed judgment. It is the world considered apart from our subjective conditions of knowing, including the categories. If what it means to exist, for Kant, is to be the object of a true judgment, then the thing in itself does not exist, because *a priori* concepts do not apply to it. As Alejandro Naranjo Sandoval notes, Kant has a correspondence theory of truth, according to which a true judgment must contain representations that accurately describe or refer to their objects. Since the thing in itself cannot be represented, claims about the thing in itself are incapable of being true or false.⁵ Asserting that the thing in itself exists, then, is neither a judgment of perception nor a judgment of experience.

Kant has often been accused of inconsistency in his use of the thing in itself to explain the content of experience. On the one hand, he claims that synthetic *a priori* concepts are only applicable to possible experience, and insists that, as a result, we have knowledge only of appearances. On the other hand, by appealing to the thing in itself to explain experience (its matter, if not its form), Kant seems to be reverting to dogmatic metaphysics, explaining "the first grounds of our knowledge of things in general" by referring to an absolute, mind-independent entity that affects the senses as one of the two sources (along with the understanding) that make knowledge possible:

There are things given to us as objects of our senses existing outside us, yet we know nothing of them as they may be in themselves, but are acquainted only with their appearances, i.e., with the representations that they produce in us because they affect our senses. Accordingly, I by all means avow that there are bodies outside us, i.e., things which, though completely unknown to us as to what they may be in themselves, we know through the representations which

their influence on our sensibility provides for us, and to which we give the name of a body—which word therefore merely signifies the appearance of this object that is unknown to us but is nonetheless real. Can this be called idealism? It is the very opposite of it. (Pro 4:289)

If objective representations are the result of judgments by means of the categories, then claiming that the thing in itself exists and affects us through the senses goes beyond the scope of human understanding. Kant's thing in itself is equivalent to Wolff's being—what-is, metaphysically speaking.

Jacobi famously said of Kant's thing in itself: “*Without* that presupposition I could not enter into the system, but *with* it I could not stay within it.”⁶ On the one side, we have the subjective conditions for the possibility of experience, which provide the form of experience; and on the other, we have the sensations that seem to be given from without, which provide the matter of experience. Therefore, in order to have experience, we need both the activity of thinking and the givenness of sensations: “Thoughts without content are empty, intuitions without concepts are blind” (A51/B75). Kant explains the content of experience by referring to a mind-independent thing in itself. However, because of our epistemic limitations, we can know nothing about the thing in itself, and it cannot be part of any explanation of experience.

Hume exposed the circular reasoning in assuming that sense data must have a mind-independent object as their cause.⁷ We have the idea of a tree, and that idea seems not to be up to us. We then conclude, on the basis of that idea, that an actual tree caused the idea in us. This begs the question in favor of realism. What causes the idea of a tree? An actual tree. How do we know that? Because we have the idea. Kant uses the same reasoning: “Even if we cannot **cognize** these same objects as things in themselves, we at least must be able to **think** them as things in themselves. For otherwise there would follow the absurd proposition that there is an appearance without anything that appears” (Bxxvi). What is the ground of appearances? Things in themselves. Why do we think that? Because we have appearances. Fichte notes the irony of taking the thing in itself to be something that is independent of representations, in the sense that it is something that we cannot know, even though the only reason we claim to know about it is because we infer it from our representations: “The concept of a being that, when viewed from a certain standpoint, is supposed to occur independently of representation must nevertheless be derived from representation, since it is only through representation that this concept is supposed to exist at all” (IWL 85 [GA I/4:253]).

Fichte also says that people who reason this way “are in much closer agreement with the *Wissenschaftslehre* than they themselves would ever have imag-

ined" (IWL 85 [GA I/4:253]), because deriving the thing in itself from representations, as their cause, establishes it as a product of consciousness. Thinking of the thing in itself through the categories shows that the supposed thing in itself, as a thing *for us*, is not in fact a thing *in itself*, but is rather posited by us as the ground of appearances. We use the categories to make sense of such a thing: it is one thing in itself or many things in themselves (unity and plurality), it persists from moment to moment (reality), it affects us through the senses (causality and dependence), and it is the ground of actual objects in space and time (existence) (EPW 369 [GA III/1, no. 135]; IWL 67 [GA I/4:235]).⁸ Fichte rejects the idea of a thing in itself because it would be an object of thought considered in abstraction from our rules of thinking. Since thinking is judging, and our judgment is constrained by the categories, something that we could conceive of without the use of concepts is epistemically impossible: "The thought of a thing possessing existence and specific properties *in itself* and apart from any faculty of representation is a piece of whimsy, a pipe dream, a nonthought [*Nicht-Gedanke*]" (EPW 71 [GA I/2:57]).⁹ Kant dogmatically assumes, because of appearances, that a thing in itself is their explanatory basis. Fichte claims that it is more in keeping with the spirit of transcendental idealism to remain within the limits of what we can know and, accordingly, to purge our epistemology of the idea of an affection originating outside the mind. This is Kantian metaphysics, "a science of the *limits of human reason*," rather than dogmatic metaphysics (DSS 2:368).

Objects as Objective Representations

All we can say about the content of our experience is that it is a felt resistance to the I's activity that seems not to be up to us. Maimon says that the transcendental idealist cannot refer to things outside of us without making an unjustified inference, so, for the idealist, "given' signifies only this: a representation that arises in us in an unknown [*unbekannt*] way."¹⁰ We begin with merely the sense of givenness, and then we have to explain that feeling. As Fichte phrases it, some of our representations are "accompanied by a feeling of necessity [*Gefühle der Nothwendigkeit*]" (IWL 8 [GA I/4:186]; NM 88 [K 12]). For example, I can imagine a unicorn at will or can imagine a centaur in its place, but I bump into the coffee table in my living room, and it remains there no matter how hard I try to wish it away.

If we take the cause of that resistance to be a thing, then we are positing the thing in opposition to consciousness, as the mind-independent reality that stands behind and causes appearances. However, because we are representing

the thing as a cause of representations, it is not a thing in itself but an object that is posited as distinct from the subject. This puts us in a kind of circle, where we take there to be a thing in itself behind representations, but this positing of the thing as the cause (the "taking to be") makes it into another object for consciousness rather than a thing in itself. Taking there to be a mind-independent cause of that object again makes it into a posited (not mind-independent) thing, and so on: "This fact, that the finite spirit must necessarily posit something absolute outside itself (a thing-in-itself), and yet must recognize, from the other side, that the latter exists only *for it* (as a necessary noumenon), is that circle which it is able to extend into infinity, but can never escape" (WL 247 [GA I/2:412]). Kant defines a noumenon positively, as a thing as it would be known directly through intellectual (non-sensible) intuition, but also negatively, as a thing considered apart from our forms of sensibility (B306–7, A289/B345–46). Fichte emphasizes the latter claim (IWL 68 [GA I/4:236–37]), and, anticipating Hegel,¹¹ he notes that, since we cannot escape the laws of thinking, attempts to think of the thing in itself always render it a noumenon, or subject it to the laws of thinking. Kant concedes that, although we have no cognition of things in themselves, we must think of them using the categories (Bxxvi). Therefore, Fichte says, such a thing is a product of thinking rather than a thing in itself. Every time that we attempt to make sense of appearances with reference to a thing in itself, such a thing will remain beyond our grasp, and we will return always to the thing as a noumenon.

One must fully absorb the implications of Kant's idealism to understand what Fichte means when he says that the thing in itself does not exist. For the transcendental idealist, "to be" is "to be an objective representation." The tree is an object for me because my tree-regarding sensations are spatiotemporally located and because I make judgments about them using the categories of unity (it is one tree), reality (it exists from moment to moment), inherence and subsistence (it is a substance with certain qualities), and existence (that the tree exists in space and time is a contingent fact about the world). The reason why Descartes cannot justifiably claim that the soul exists is because one cannot rightly employ the categories to make objective claims based on the subject's apperception (as a merely formal unity of sensible intuitions). Fichte is saying that Kant's thing in itself is more like Descartes's soul than it is like the tree, in the sense that, by definition, it is not possible for the thing in itself to be the object of a theoretical judgment:

[The *Wissenschaftslehre*] shows, in opposition to those systems that wish to explain all of our cognition in terms of the constitution of things existing inde-

pendently of us, that things exist for us only insofar as we are conscious of them, and that, consequently, with our explanation of consciousness we can never arrive at things that exist independently of us. (AP 99 [GA I/5:423]; see also NM 332 [GA IV/2:163])

If the thing in itself cannot be an object for consciousness, then it does not exist and cannot serve as the basis of an explanation of representations within consciousness, as Kant's empirical realism would have it.

Philosophers such as Russell, who dismiss Fichte for his supposed subjectivism, are assuming that realism is correct from the outset. How could we have appearances without something that appears? And, of course, if we assume that realism is right, then Fichte is bound to be wrong. This begs the question. Even Kant, in committing himself to the existence of a mind-independent thing, was, according to Fichte, not fully appreciating the implications of his own view: he was retaining an element of dogmatism within his idealism. Fichte begins only with appearances and the fact that some of them are accompanied by a feeling of necessity. To explain appearances by referring to the thing in itself is to posit an object as their cause. But then it is no thing in itself but a noumenon, thought through the category of causality.

As noted above, other philosophers say that Kant wrongly applies concepts to the thing in itself. Fichte is not faulting him for this. Indeed, Fichte thinks that we necessarily apply concepts to what we take to be the cause of appearances. What he objects to is Kant calling the ground of appearances a thing *in itself*. If the thing behind representations is the product of our mental activity, as an entity posited by the subject, then the idea that it is the cause of appearances, or that it is a unity or a plurality, does not contradict the rest of Kant's idealism. Rather, the thing in itself is a contradictory concept, insofar as it is supposed to be an object that is absolutely mind-independent, even though applying concepts to it is unavoidable since it is posited as the ground of appearances. Maimon compares the thing in itself to an imaginary number.¹² If a mathematical equation results in an imaginary number, then the equation must be wrongly formulated. Similarly, when Kant explicates the notion of a thing in itself, it becomes apparent that such a thing is impossible, since it is supposed to be the world as it is apart from our epistemic conditions, yet it can only have objective reality—that is, it can only be the content of an objective claim—if we subject it to the categories.

How should a consistent epistemic idealist respond to such a predicament? According to Fichte, rather than eliminating the use of concepts with regard to the thing in itself, we should embrace the use of concepts—that is, we should recognize the necessity of using concepts to make sense of the thing—

and eliminate the contradictory notion of a thing in itself. This is true to the spirit of transcendental idealism, if not to the letter of Kant's philosophy. The object is posited in opposition to consciousness in response to the *Anstoß*. The thing in itself is explanatorily unnecessary and our belief in it is theoretically unjustified.

The Feeling of Necessity

Kant's view entails that the feeling of necessity that accompanies some of our representations is not up to us, but is due to how the thing in itself affects us through the senses. Without the thing in itself, Fichte must explain how something that seems not to be up to us is actually attributable to the I's activity. What Fichte says is that there are constraints on the I's activity that make some representations necessary. Not only is the *Anstoß* not a matter of choice—the feeling of resistance is intrinsic to the I's activity (see WL 268 [GA I/2:433]; IWL 77–78 [GA I/4:245–46])—but the way that we represent the resulting objects is constrained by the nature of rational activity. Just as the rules of logic are not up to us, but are necessary given our way of thinking, the rules that we use to organize our experience make some representations seem like they must exist regardless of what we do:

The intellect acts; but, as a consequence of its very nature, it can act only in a certain, specific manner. If one considers the intellect's necessary modes of acting in isolation from any [actual] acting, then it is quite appropriate to call these the "laws of acting." Hence there are necessary laws of the intellect.—At the same time, the feeling of necessity accompanying these determinate representations is also made comprehensible in this way: For what the intellect feels in this case is not, as it were, an external impression; instead, what it feels when it acts are the limits of its own nature. (IWL 26 [GA I/4:200])

Idealism sacrifices the efficacy of the thing to the freedom of the I, but this is not an unconstrained freedom. Rules of thinking serve as limitations to our activity, and those limitations manifest themselves as objective representations that are opposed to the subject and define its sphere of acting. In fact, Fichte says, the notion that the intellect is governed by "necessary laws" is what distinguishes critical or transcendental idealism from other forms of idealism (IWL 26–27 [GA I/4:200]). For Plato, the world depends on and is defined by forms. For Berkeley, objects are ideas in the mind of God. Fichte's transcendental idealism explains the objects of the world with reference to an I that engages in rationally constrained acts of judgment.

Transcendental Idealism and Empirical Realism

Kant says that he is a transcendental idealist and an empirical realist: we can know things merely as appearances and never as they are in themselves, but given sensations are indicative of a mind-independent world, and without them, we would have no objective knowledge. Kant introduces a threefold distinction to capture his idealism and his realism, and to distinguish subjective experiences (Locke's secondary qualities) from objective claims (Locke's primary qualities). He gives the example of a rainbow: the colors do not exist as objects, but have to do with how we are affected by objects; the water droplets exist as objects for us, but even those objects are mere representations, subject to our epistemic conditions; and the thing in itself is the basis or ground of the water droplets, but it is in principle unknowable (A45–46/B62–63).

Fichte considers himself a transcendental idealist partly because he agrees with Kant's analysis of objective representations. For Kant, nature is the sum total of appearances; for Fichte, the world is a not-I that is posited in opposition to the I. From the philosophical standpoint, we come to realize that even Lockean primary qualities are mere appearances and a result of the I's activity rather than self-subsistent things. With Fichte's elimination of the thing in itself, Kant's empirical realism is dismissed as a form of dogmatism. Fichte diagnoses the mistake being made: the original feeling of resistance is purely subjective, and on that basis the I posits an object as its cause. But dogmatists—he specifically mentions two of Kant's followers, J. S. Beck and K. L. Reinhold—forget this and attribute the feeling to “the efficacy of ‘something’” (*der Wirksamkeit eines Etwas*), namely a thing in itself (IWL 75 [GA I/4:243]).

Fichte recognizes that what we discover philosophically contradicts our everyday conception of the world. From the transcendental standpoint, a critique of our epistemic capacities reveals that the not-I is posited in opposition to the I in response to the *Anstoß*. We have no cognitive access to a thing in itself and thus have no basis on which to claim knowledge of its existence. However, from the standpoint of life, our images of things seem to be given by mind-independent objects. Sometimes Fichte claims that empirical realism results from confusing the standpoint of life and the standpoint of speculation. In effect, Beck and Reinhold mistake the ordinary point of view, from which objects seem to be independent of the I's activity, for a transcendental explanation (IWL 75–76 [GA I/4:243]). Substance, not mind, is then said to constitute the reality of a thing's existence, even though, as good Kantians, Beck and Reinhold agree that its form is contributed by the activity of judgment.

Elsewhere Fichte dismisses this explanation of how we come to believe in the thing in itself. Kant makes a transcendental distinction between things as they are subject to our epistemic conditions and things as they are independent of those conditions. However, from the ordinary standpoint, there is no such distinction: “the ordinary consciousness knows nothing of a thing-in-itself” (IWL 99 [GA I/4:264–65]). The idea that we relate to mind-independent objects directly through the senses is a staple of Lockean empiricism. We think that we encounter things as they are in themselves: we see the water droplets that make up the rainbow. The question is whether someone is capable of committing himself to a philosophical account of the world that derives the reality of objects from the activity of thinking, or whether he is unable to free himself from the everyday conception of the world as a mind-independent, material thing. According to Fichte, a belief in being that is absolutely independent of our activity, and to which we are passively subject, is the result of the dogmatist's inability fully to grasp his own freedom, a lack of commitment to personal responsibility, or character defects brought about through bad education and upbringing (see, e.g., IWL 20, 92 [GA I/4:195, 259–60]; WL 162n [GA I/2:326n]).

Regardless of the explanation of why some people turn to dogmatism, Fichte says that Kant was deceived by the idea of a mind-independent reality, recognized it as a deception, and yet remained deceived, which subjected him to “a state of serious inner conflict” (IWL 98 [GA I/4:264]). When Fichte dismisses the thing in itself, he is realizing the full implications of critical idealism in claiming that there is no being without thinking. Philosophers such as Beck and Reinhold, who commit themselves to the thing in itself, are following the letter of Kant's philosophy without internalizing its spirit (EPW 289, 376 [GA I/3:190; GA III/2, no. 189]; IWL 63–64n [GA I/4:231–32n]). In spite of himself, Kant believed in the reality of the thing in itself, but a true Kantian like Fichte rejects it as a remnant of dogmatism, at odds with the core of the critical philosophy: that thinking is judging, “that we are the subject who thinks whatever it is we may be thinking, and therefore that we can never encounter anything independent of us, since everything is necessarily related to our thinking” (IWL 86 [GA I/4:254]).

Special Metaphysics and the “Real World”

When Fichte criticizes Kant for his belief that the matter of appearances is given by the thing in itself, he argues that Kant is undertaking a dogmatic form of general metaphysics, inquiring into “the first grounds of our knowl-

edge of things in general.” Kant is using concepts, chiefly causality, in a transcendent way to make claims about something that is beyond our epistemic limits, rather than restricting himself to their empirical use as immanent principles:

The principles of pure understanding ... should be only of empirical and not of transcendental use, i.e., of a use that reaches out beyond the boundaries of experience. But a principle that takes away these limits, which indeed bids us to overstep them, is called **transcendent**. If our critique can succeed in discovering the illusion in these supposed principles, then those principles that are of merely empirical use can be called, in opposition to them, **immanent** principles of pure understanding. (A296/B352–53)

Using concepts to transcend the limits of possible experience in our pursuit of the unconditioned leads to transcendental illusions. And, according to Fichte, this is exactly what Kant does in believing in the thing in itself, going beyond what we have in consciousness—namely, the bare feeling of resistance (*Anstoß*)—to make a claim about the existence of an ultimate, mind-independent cause of reality as we know it.

Speculation about the thing in itself is dogmatic because it makes the activity of the I into something that is opposed to a mind-independent reality that exists, is real, and causes sensations. According to Fichte, a consistent idealist does not explain representations by appealing to a thing that is outside of consciousness. Fichte extends Kant’s distinction between the immanent and transcendent uses of concepts: “In the critical system, a thing is what is posited in the self; in the dogmatic, it is that wherein the self is itself posited: critical philosophy is thus *immanent*, since it posits everything in the self; dogmatism is *transcendent*, since it goes on beyond the self” (WL 117 [GA I/2:279]). Fichte’s idealism is a form of subjectivism only in the sense that we are confined within the epistemic boundaries that Kant establishes in the *Critique of Pure Reason*. Fichte follows the spirit of Kant’s philosophy in claiming that we can only know the world as it is subject to our epistemic conditions, so any thing is merely an appearance, or an objective representation made possible by the forms of sensible intuition and the categories. There is no thing in itself.

Kant was truer to the critical program when he excluded the objects of special metaphysics from theoretical philosophy. Although we cannot know whether freedom, God, and the soul are real, Kant argues in the *Critique of Practical Reason* that we can justify belief (*Glaube*) in their reality because they are necessary presuppositions in our moral lives. Because of my immediate

sense of moral obligation (“the fact of reason”), I must be committed to a belief in my own freedom. To be able to do what I ought to do, I must be able to choose from different options, such that I could have done otherwise; to act on the basis of a principle that I give to myself through pure practical reason; and to determine my actions solely on the basis of my choice (CPrR 5:31–33). Furthermore, Kant says that as rational but also human beings, we value acting rightly for its own sake, but we also value happiness. The “highest good” is the convergence of these two final ends of human beings, namely, complete moral virtue coupled with complete happiness. For this to be possible, and thus for our moral lives to make sense, I must be able to pursue absolutely perfect virtue (to move toward the supreme good), which is possible only if I have an immortal soul; and happiness must come about for me in proportion to how virtuous I am (my worthiness to be happy), which requires God as a divine apportioner (CPrR 5:122–33). In this context, metaphysics is permissible, because it is not transgressing our epistemic boundaries by falsely pretending to possess knowledge of transcendent objects. Rather, Kant is making practical claims to which we must commit ourselves as moral agents. This is practical metaphysics, not the speculative metaphysics of Descartes and Wolff.

Fichte largely follows Kant regarding all three elements of special metaphysics. He excludes them as objects of knowledge but claims that we can assert that they are real for practical purposes. First, he says, because we ought to act rightly, we must believe that we are free to act rightly (SE 31 [GA I/5:43]). Second, although Fichte's God is neither the traditional Judeo-Christian God nor Kant's divine apportioner, Fichte claims that we must commit ourselves to the existence of God as a “moral order” in the universe (IWL 151 [GA I/5:354]). “The One Eternal Infinite Will” (*der Eine, ewige unendliche Wille*) moves us inevitably toward a more perfect moral community (VM 109–10 [GA I/6:294–95]). Third, because this progress may not be accomplished in the limited time we have on earth, we must have faith in “constant progress to greater perfection in a straight line which goes on to infinity” (VM 122 [GA I/6:307]; see also EPW 152 [GA I/3:32]; SE 142–43 [GA I/5:140–41]), which entails that we must have a soul that continues on after bodily death (SE 331 [GA I/5:305]).

Fichte diverges from Kant with regard to what, in the *Vocation of Man*, he calls “the real world” (*die wirkliche Welt*) (VM 79 [GA I/6:265]). While Kant is committed to the thing in itself in his theoretical philosophy, Fichte gives a practical argument for the existence of a mind-independent reality. The immediate sense of moral constraint (the fact of reason) entails that we must be moral agents, which entails that we must effect change in the world through our free activity. Thus, our metaphysical belief in the real world is validated by

pure practical reason, and specifically the rational requirement for self-sufficiency. Like special metaphysics (freedom, God, and immortality), general metaphysics is, for Fichte, also a practical endeavor.

Both Kant and Fichte define freedom, in part, as the ability to cause changes in the world by means of our self-determined actions. Kant says that we would not be moral agents if our actions did not bring about a series of appearances; this is part of what it means to have transcendental freedom (see, e.g., A446/B474; G 4:446, 453; CPrR 5:132). If there were no mind-independent reality, Fichte says, then we could never be morally obligated to do something, since our actions would amount to nothing. In Book II of the *Vocation of Man*, Fichte imagines a form of idealism for which the world is only a series of representations in consciousness. Under that kind of idealism, my seeming accomplishments would be merely “images which do not represent anything, without meaning and purpose” (VM 63 [GA I/6:251]). If I am to have moral purposes and if my actions are to be meaningful, then there must be some external world, not just ideas and representations, that I change through my actions:

It is ... the necessary belief [*Glaube*] in our freedom and strength, in the reality of our acting, and in specific laws of human acting that justifies all consciousness of a reality existing outside of us, a consciousness which itself is only a faith [*Glaube*] since it is based on faith, but a faith which necessarily follows from consciousness. We are compelled to accept that we act at all and that we ought to act in a certain way. We are compelled to accept a certain sphere for this acting. This sphere is the real world [*wirklich ... Welt*], which indeed exists as we encounter it. (VM 79 [GA I/6:264–65])

However we evaluate the strength of Fichte’s argument, his strategy, at least, is clear. Theoretical reason can only give us appearances; we cannot justifiably make knowledge claims about the thing in itself. Yet we need something other than “images” to affect through our actions, or else morality would amount to nothing. We must affect others and transform the world so that it more closely approximates the moral ideal. For Fichte, then, practical reason gets us beyond the bounds of consciousness. As a matter of faith, the “real world” is a postulate of pure practical reason.¹³

Basing our metaphysical beliefs on practical grounds limits what we can justifiably believe to what is necessary for morality. Kant’s God is not the God of the Old and New Testaments, but a divine apportioner whose role is defined with reference to the highest good. Similarly, Fichte’s mind-independent world is not the equivalent of Kant’s thing in itself, since its being a cause or ground of appearances, for example, is not a condition for the possibility of transcendental freedom. The only thing we can say about it is that it is mind-

independent and that it is affected by our willing. It need not even be a material world. Fichte characterizes the sensible world as “a sphere for freedom” and “the material of our duty made sensible” (IWL 149–50 [GA I/5:353]). The sensible world is one viewpoint on the supersensible world that sustains it and through which finite rational beings and God are united in free, morally purposive activity, endlessly progressing toward perfection (VM 110 [GA I/6:295]). This is general metaphysics within the boundaries of mere reason.

Conclusion: Fichte's Epistemic Modesty

Fichte claims that he is making critical idealism more consistent with its basic principles—the spirit if not the letter of Kant's philosophy. With regard to Fichte's metaphysics in particular, this is plausible. The *Wissenschaftslehre* is not concerned with a possible world beyond consciousness, but with what we can know of the world and what ontological commitments we ought to have, given the limited applicability of *a priori* concepts. From the theoretical perspective, we ought to remain agnostic about the very existence of a mind-independent world. A more modest explanation is necessary: the I experiences a check on its activity, and the thing that we take to be the cause of representations is posited by consciousness as the cause.

Like Kant, Fichte limits the extent of what we can know and claims that the objects of special metaphysics—freedom, God, and the soul—are matters of practical faith. Unlike Kant, Fichte says that even the mind-independent world is a practical postulate. Our immediate sense of moral obligation justifies a commitment to freedom, and, as a condition for the possibility of transcendental freedom, we must believe that we can affect a “real world” through our actions. This world is not a cause of appearances, but a sphere of moral activity. Both general and special metaphysics are practical endeavors. If Fichte is a subjectivist, then this is only in the sense that he keeps within the epistemic limits that Kant sets out in the theoretical philosophy. To the extent that Kant continued to do dogmatic metaphysics, Fichte's denial of the thing in itself and his practical metaphysics regarding the mind-independent world are truer to the spirit of the critical philosophy.

Notes

1. Chapter 2 of Wolff's *Deutscher Metaphysik* is titled “Von den ersten Gründen unserer Erkenntnis und allen Dingen überhaupt” (Christian Wolff, *Vernünfftige Gedancken von Gott, der Welt und der Seele des Menschen, auch*

- allen Dingen überhaupt* [Marburg: Renger, 1752], 6). See also Johann Christoph Adelung, *Versuch eines vollständigen grammatisch-kritischen Wörterbuches der Hochdeutschen Mundart*, 4 vols. (Leipzig: Breitkopf, 1777), 3:488 (“Metaphysik”).
2. Friedrich Heinrich Jacobi, *Jacobi to Fichte*, in *The Main Philosophical Writings and the Novel “Allwill,”* ed. George di Giovanni (Montreal: McGill-Queen’s University Press, 1994), 497–536; and G. W. F. Hegel, *The Difference between Fichte’s and Schelling’s System of Philosophy*, trans. H. S. Harris and Walter Cerf (Albany: State University of New York Press, 1977). Hegel says that, in Fichte’s system, “pure consciousness, the identity of subject and object, established as absolute in the system, is a *subjective* identity of subject and object” (*Difference*, 117).
 3. Bertrand Russell, *A History of Western Philosophy* (New York: Simon and Schuster, 1945), 718.
 4. Martin Heidegger, *Schelling’s Treatise on the Essence of Human Freedom*, trans. Joan Stambaugh (Athens, Ohio: Ohio University Press, 1985), 187–88. Heidegger is quoting from: Friedrich Schiller to Johann Wolfgang von Goethe, Jena, 28 October 1794, in *Correspondence between Goethe and Schiller, 1794–1805*, trans. Liselotte Dieckmann (New York: Peter Lang, 1994), 19.
 5. Alejandro Naranjo Sandoval and Andrew Chignell, “Noumenal Ignorance: Why, for Kant, Can’t We Know Things in Themselves?” in *The Palgrave Kant Handbook*, ed. Matthew C. Altman (London: Palgrave Macmillan, 2017), 104–11.
 6. Friedrich Heinrich Jacobi, *David Hume on Faith; or Idealism and Realism: A Dialogue*, in *Main Philosophical Writings*, 336.
 7. David Hume, *A Treatise of Human Nature*, ed. L. A. Selby-Bigge, rev. ed. P. H. Nidditch, 2nd ed. (Oxford: Clarendon, 1978), 209–10.
 8. Fichte focuses mostly on Kant’s apparent claim that the thing in itself causes appearances. This criticism is also expressed by Jacobi, Schulze, and Schopenhauer. See Jacobi, *David Hume on Faith*, 331–38; G. E. Schulze, *Aenesidemus oder über die Fundamente der von dem Herrn Professor Reinhold in Jena gelieferten Elementar-Philosophie*, ed. Manfred Frank (Hamburg: Meiner, 1996), 184; and Arthur Schopenhauer, *The World as Will and Representation*, vol. 1, trans. and ed. Judith Norman, Alistair Welchman, and Christopher Janaway (Cambridge: Cambridge University Press, 2010), 463, 475, 532–33, 535–36. Schopenhauer also criticizes Kant’s application of the concept of plurality (things in themselves) to what is undifferentiated (*World as Will and Representation*, 152–53).
 9. Hegel makes a similar claim in the *Science of Logic*, where he says that any substantive claim about the thing in itself must be nonsense:

Things are called ‘in themselves’ in so far as abstraction is made from all being-for-other, which really means, in so far as they are thought without

all determination, as nothing. In this sense, of course, it is impossible to know *what* the thing-in-itself is. For the question '*what?*' calls for determinations to be produced; but since the things of which the determinations are called for are at the same time presumed to be *things-in-themselves*, which means precisely without determination, the impossibility of an answer is thoughtlessly implanted in the question, or else a senseless answer is given. (Georg Wilhelm Friedrich Hegel, *The Science of Logic*, trans. George di Giovanni [Cambridge: Cambridge University Press, 2010], 93–94)

10. Salomon Maimon, *Essay on Transcendental Philosophy*, trans. Nick Midgley et al. (London: Continuum, 2010), 108.
11. Hegel claims that the distinction between appearances and the thing in itself is a distinction of the understanding, so the so-called thing in itself is also a reflection of consciousness. See G. W. F. Hegel, *Phenomenology of Spirit*, trans. A. V. Miller (Oxford: Oxford University Press, 1977), §§145–48. See also Hegel, *Science of Logic*, 41, 93–94, 423–30.
12. Salomon Maimon, *Kritische Untersuchungen über den menschlichen Geist oder das höhere Erkenntniss und Willensvermögen* (Leipzig: Fleischer, 1797), 158–91.
13. I develop this claim in more detail in Matthew C. Altman, "Fichte's Meditations: The Practical Reality of the 'Real World' in *The Vocation of Man*," in *The Bloomsbury Companion to Fichte*, ed. Marina Bykova (London: Bloomsbury, forthcoming).



20

Transcendental Ontology in Fichte's *Wissenschaftslehre* of 1804

Markus Gabriel

It is widely held that the standpoint of transcendental philosophy starkly contrasts with ontology. One of the principal historical reasons for belief in this contrast is Kant's famous declaration that "the proud name of an ontology, which presumes to offer synthetic *a priori* cognitions of things in general ... must give way to the modest one of a mere analytic of the pure understanding" (A247/B304). One line of supplying an argumentative reconstruction of this claim goes something like this: Human knowledge acquisition presupposes the availability of a conceptual framework grounded in the human mind. This framework delimits the bounds of reason, in that it ties human knowledge acquisition to insurmountable, yet contingent conditions. Human knowledge acquisition, according to this reconstruction, has a certain form unearthed by "transcendental reflection" (A261/B317). Let us call the picture that results from the project of a transcendental inquiry into the insurmountable yet contingent conditions of human mindedness, *the human cognitive architecture*. The human cognitive architecture counts as contingent, in that it is but one possible instantiation of thinking supplemented by additional faculties—such as our faculties of spatio-temporal intuition, the pure forms of the understanding, and so on. There might well be other instantiations, then, such as the divine intellect, which is not sensory (that is, not receptive at all) and nevertheless capable of thinking true thoughts about what there is. In one of his reflections, Kant tells us that "God cognizes all things [*Dinge*] *a priori*,

M. Gabriel (✉)

International Centre for Philosophy NRW, University of Bonn, Bonn, Germany
e-mail: gabrielm@uni-bonn.de

therefore his understanding is pure understanding. In this there have to be subjective conditions of possibility of these things (but not of their appearances, because his cognition is not sensory), hence, subjective conditions of possibility of things in themselves [*Sachen an sich*]" (Ak 18:431, R 6041, my translation).

On this construal, Kant's rejection of ontology in favor of a transcendental analytic rests on arguments designed to show that humans—unlike God—cannot occupy a cognitive stance capable of surveying reality as a whole in the sense of the total domain of objects. This shortcoming, if it is one, cannot be overcome by granting human inquirers more time and empirical resources with which to figure out what objects there are and what their properties are. No amount of empirical knowledge is sufficient for ontological knowledge, in the sense of an insight into the architecture of the world-whole. Rather, due to the fact that there are more objects of thought (*Denken*) than there are objects of human cognition (*Erkenntnis*), there is nothing we can do to even approximate a position from which we could achieve synthetic knowledge *a priori* of all objects. Whatever the details of this account of the human cognitive architecture, it presupposes that ontology is the project of trying to accomplish the humanly impossible: synthetic cognition *a priori* of things in general.

On a prominent traditional reading of Fichte's relationship to Kant, Fichte radicalizes the Kantian project by attempting to present it in a more stringent form. In particular, the 1794/1795 *Wissenschaftslehre* seems to be carrying out some such project of drawing the limits of human knowledge from within. If successful, Fichte would have shown that ontology is impossible for humans, insofar as the best account of human knowledge and knowledge acquisition informs us that there are objects that in principle are beyond our ken. To be sure, it is not easy to reconcile this reading with Fichte's official rejection of things in themselves. However, there seems to be a tendency in Fichte to think of philosophy as an epistemological or perhaps semantic enterprise that limits itself to a rational reconstruction of our ways of knowing and remains silent on the question of what, if anything, the inventory of mind- and knowledge-independent reality would look like.

Contrary to the line of thought just sketched, in this chapter I argue that Fichte's 1804 *Wissenschaftslehre* presents the outlines of a full-blown transcendental ontology. In my book *Transcendental Ontology: Essays in German Idealism*, I introduce the notion of a transcendental ontology thus:

Transcendental ontology investigates the ontological conditions of our conditions of access to what there is. It sets out with the simple insight that the subject (in whichever way conceived) exists, that the analysis of the concept of existence is,

hence, methodologically prior to the analysis of the subject's access to existence. The subject with its conceptual capacities actually exists, it is part of the world. Therefore, the question arises: what conditions have to be fulfilled by being (the world) in order for it to appear to finite thinkers who in turn change the structure of what there is by referring to it?¹

In what follows, I will first reconstruct Fichte's accounts of being and existence in the *Wissenschaftslehre* of 1804. I maintain that the best way to make sense of them is in terms of a transcendental ontology. According to this reading, the 1804 *Wissenschaftslehre* addresses the question how of being and our knowledge of being hang together. The answer given has the shape of a commitment to the view that what there is cannot be separated from what can be known in principle. Hence, there can be no domain of objects that are beyond our ken in the sense that they would metaphysically defy human inquisitiveness. At most, there are contingent, empirical facts that we happen not to know, which as such does not reflect any in-principle limitations upon our capacities for knowledge. Fichte in this regard defends a kind of *ontological monism* according to which being is essentially one and cannot be split into a knowable domain on the one hand and an unknowable one on the other.

I will then give an account of Fichte's concept of "absolute knowing," which he introduces in the 1804 *Wissenschaftslehre*. I will look at what I regard as Fichte's master-argument for absolute knowing in the Twentieth Lecture. The argument is supposed to establish an *epistemological monism*, that is, a view of the form that there is just one form of knowledge. Knowers, in other words, cannot differ in kind. There is just one kind of knower on the level of absolute knowledge, which means that the distinction between a human and other intellects is rejected. If the argument goes through, it establishes that there can be no difference in knowing between humans and, for example, God.

In this chapter's third and concluding section, I will discuss Fichte's claim that "the science of knowing justifiably presents itself as the complete resolution of the puzzle of the world and of consciousness" (WL₁₈₀₄ 151 [GA II/8:308]). In light of the interpretation proposed here, I will explore the relationship between Fichte's transcendental ontology and two alternative readings offered by Sebastian Gardner and Steven Hoeltzel, respectively.²

Being in the 1804 *Wissenschaftslehre*

Fichte frequently speaks of being and existence throughout the 1804 lecture course. In the penultimate lecture he says: "Thus, we genetically derive *being there* {*Dasein*}, the true inner essence of existence {*Existenz*}" (WL₁₈₀₄ 191 [GA

II/8:398]). The essence of existence can be grasped with recourse to the paradigmatic case of existence: reason's insight. Fichte maintains that "indeed, the immediately derivable existence is that of seeing" (WL₁₈₀₄ 191 [GA II/8:398]). Reason is a paradigmatic case of existence, as it alone can be guaranteed to exist in light of theoretical considerations. If reason did not exist, if there were no reason, then we could not count as knowing anything about what there is. To be in a position to grasp a propositional thought that puts a thinker in touch with a corresponding reality, the fact that *p*, presupposes that we can give some account or other of how we came to believe that *p*. If there were no way ever to guarantee for any thought that it is in touch with how things really are, then we would already have subscribed to an incoherent "general doubt [*Generalzweifel*]" (WL₁₈₀₄ 107f. [GA II/8:207f.]).

At the center of Fichte's enterprise is an argument to the effect that the thought that we can never grasp a thought that is necessarily true is incompatible with the exercise of our rationality. Hence, there is no rational way to establish that any such thought is even conceivable. Let me unpack this argument on the basis of Fichte's formulation of the principle (*Grundsatz*) of the theory of truth and reason offered in the first part of the lecture course (Lectures I–XV). The second part of the lecture course deals with phenomenology, in the sense of a derivation of the necessity of illusions. Despite the fact that being is one and that being and knowledge essentially hang together, the illusion that reality is spread out in a container equipped with mind-independent spatio-temporal furniture is a common mistake. Instead of merely denouncing the mistake, in the phenomenology section Fichte anticipates Hegel's project of a *Phenomenology of Spirit* by providing a rational reconstruction of the possibility and actuality of error in the realm of a theory of consciousness. In this context, he provides a success criterion for a theory of knowledge, namely the principle of truth and reason, which states that: "*Being is entirely a self-enclosed singularity {Singulum} of immediately living being that can never get outside of itself*" (WL₁₈₀₄ 121 [GA II/8:243]).

I propose the following reconstruction of the purport of this principle. The first step towards understanding Fichte's transcendental ontology is to give up the notion that the meaning of "existence" is grounded in the fact that there is an external world. What it means for something to exist must not be modeled in terms of the property of belonging to mindless reality.³ For any such construal ultimately leads to an irresolvable placement issue. If to be is not to be a mind, how could we possibly conceive of our own mental grasp of reality? If thought cannot itself be something that exists, how can it be in touch with what there is? Once we have maneuvered ourselves into this deadlock, which characterizes the conceptual space of modern naturalism, there is

no way out, since we are forced to choose between the following two broad options: either we deny that the mind exists, or we bite the bullet of absolute skepticism and deny that the mind is any position whatsoever to know anything about reality. Let us call this *naturalism's mental dilemma*.

The situation is familiar from contemporary debates surrounding the placement of consciousness in the natural order. If the mind exists with the same right as non-mental reality, dualism is the consequence. Yet, if dualism is accepted, how can the mind be in touch with non-mental reality? If the mind causally interacts with it, either by receiving input from non-mental reality on the level of sensation or by changing non-mental reality through mental causation, then the mind has to have a non-mental part. The purely mental—if defined in strict opposition to the non-mental—cannot non-mentally interact with the non-mental, whence the widespread rejection of dualism as an untenable option. It often goes unnoticed that the deeper issue in this context is not ontological, but epistemological. If the mind were screened off from the world, it would not be in any position to know anything about it.

Hence, we have to find a way to put the mind in touch with non-mental reality. On the way to a full-blown denial of the existence of anything intrinsically mental (eliminative materialism), there is a whole range of intermediate positions that try to keep the mind in existence while somehow grounding it in the non-mental. Yet, these intermediate positions typically are either implicitly dualistic (such as functionalism; weak forms of theory reduction that reduce talk of the mental to talk of the non-mental, without pretending to touch the ontology of mind; supervenience theories; and grounding theories) or implicitly eliminatory (such as ontological forms of reductionism that reduce the mind itself to the non-mental).

If the mind did not exist at all, the ontological problem would not go away. Without the mind, the unity of reality is threatened, which is a lesson Fichte draws from Kant's transcendental dialectics. Imagine that all there is is non-mental reality. In that case, to be is to be part of non-mental reality as a whole. But then what about the property of belonging to non-mental reality? How can we account for the alleged fact that all there is is non-mental? We cannot simply read this off from non-mental givenness. Insofar as it makes sense to ontologically commit to a non-mental given playing a role in theory-construction, we then would have to affirm an unjustifiable metaphysical closure principle. This principle states that all there is is the non-mental—an alleged totality fact that is not itself a non-mental item readily given to theory-construction. In my view, Fichte's earlier *Wissenschaftslehre* describes theory-construction in an egological vocabulary, which he takes back in his later *Wissenschaftslehre*, where he switches from the singular self to the lan-

guage of a more general ‘we,’ or rather to an account of knowledge as such, regardless of its relation to the fact that there happen to be finite knowers. In the context of an interpretation of the earlier project, I agree with Hoeltzel’s description:

On Fichte’s account, outside of this pure, categorially organized and normatively superintended frame of reference, there lies (for us) only an intellectually opaque and ethically indifferent mass of arational empirical data, the simple givenness of which does not suffice for any truth-apt judgment or reason-responsive volition.⁴

Empirical data radically underdetermine theory-construction, as they do not transform themselves into models. The rational patterns that are properties of our models of what there is cannot simply be found by adding more empirical data to our observation set.

In 1804, Fichte circumvents naturalism’s mental dilemma by radically changing the ontology: according to the 1804 *Wissenschaftslehre*, to be is to appear within a single frame of thought that encompasses both mental and non-mental reality. From the methodological standpoint of philosophy, mental reality is prior to the non-mental. This has the advantage of guaranteeing the knowability of the non-mental from the outset. If our concept of the non-mental is grounded in our concept of empirical knowledge, then we can come to know that there really are non-mental parts of reality.

From the higher-order standpoint of our knowledge of empirical knowledge we can think of empirical knowledge as “objectification” (*Objektivierung*).⁵ Some mental states are such that they comprise items that epistemically relate to (refer to) items in non-mental reality. Let us call this *first-order objectivity of stance*. First-order objectivity is a property of the mind and not of non-mental reality. This means that non-mental reality only counts as non-mental within a specific mindset under investigation in Fichte’s phenomenology.

Fichte explicitly distinguishes this account of empirical knowledge from the way in which “all previous idealisms have reasoned” (WL₁₈₀₄ 121 [GA II/8:244]). He explicitly rejects an idealistic reading of the objectivity of empirical knowledge. Idealism in this context is the principle that being depends on a theoretical construction in which it is ontologically and epistemologically grounded.⁶ He gives an argument against idealism as a reading of the objectivity of stance. The argument sets out from the observation that idealism accepts the existence of an objectified reality without deriving it from any principle. In Fichte’s view, idealism is a form of dualism that covers up the incoherence of the notion of a “projection through a gap” (WL₁₈₀₄ 122 [GA

II/8:244]). The idealist projects conceptual structures from the mental realm onto the non-mental. Famously, Berkeley argued that the three-dimensionality of conscious visual experience is a projection on the basis of a two-dimensional sensory given. But that means that idealism ontologically commits to there being a mental reality on the one hand and a non-mental reality on the other, despite the fact that it claims to be able to perform the miracle of a top-down reduction of the non-mental to projective mechanisms of the mind. Idealism therefore does not make up leeway in comparison to the incoherence of naturalism's reverse, bottom-up strategy of reducing the mental to the non-mental. Both options remain within the same framework of accepting non-mental reality as a given, such that we need to find a way to integrate it with our data concerning mental and non-mental being.

It may come us a surprise to readers of earlier Fichte (and to the general philosophical audience) that Fichte's major principle in 1804 is a form of realism. After rejecting idealism as a viable account of being, he specifies the structure of his own theory-construction as purely realistic. The following passage encapsulates the architecture of his transcendental ontology:

trusting in the truth of the insight's content and so in our principle, we will thus conclude entirely realistically: if being cannot ever get outside of itself and nothing can be apart from it, then it must be being itself which thus constructs itself, to the extent that this construction is to occur. Or, as is completely synonymous: We certainly are the agents who carry out this construction, but we do it insofar as we are being itself, as has been seen *{eingesehen}*, and we coincide with it; but by no means as a "we" which is *free* and *independent* from being, as could possible [sic] seem to be the case, and as it actually appears to be, if we give ourselves over to appearance. (WL₁₈₀₄ 122 [GA II/8:244])

We have both empirical and non-empirical knowledge. Yet, this does not mean that being is said in two ways, in an empirical and a transcendental way. Reality does not fall apart into two halves, the mental and the non-mental one. Rather, according to Fichte, reality knows itself in our knowledge of the fact that there is empirical knowledge. Despite the fact that there seem to be two utterly distinct realms of knowledge—knowledge of the external world and knowledge of our own minds—there is no associated split in reality. All there is on the level of epistemological theory-construction is the fact that there are two levels of knowledge: first-order and second-order.

Fichte's name for first-order knowledge is "facticity." The procedure of using "elevator words,"⁷ such as "reality," "being," "existence," "knowledge," "truth," and "reason" to climb up the ladder of semantic ascent is called "gen-

esis.” In the Twenty-fifth Lecture, Fichte himself uses the ladder metaphor in a summary of “the entire outcome of our doctrine” (WL₁₈₀₄, 182 [GA II/8:378]):

Simple existence, whatever name it may have, from the very lowest up to the highest (the existence of absolute knowing), does not have its ground in itself, but instead in an absolute purpose. And this purpose is that absolute knowing should be. Everything is posited and determined through this purpose; and it achieves and exhibits its true destination only in the attainment of this purpose. Value exists only in knowing, indeed in absolute knowing; all else is without value. I have deliberately said “in absolute knowing,” and by no means “in the science of knowing *in specie*,” because the latter is only a means *{Weg}*, and has only instrumental value, by no means intrinsic value. Whoever has arrived no longer worries about the ladder [*Wer hinaufgekommen ist, der kümmert sich nicht weiter um die Leiter*]. (WL₁₈₀₄, 182 [GA II/8:378])

Fichte defends realism about the architecture of knowledge and a kind of idealism about genesis in the following sense. It is a matter of fact that there is first-order, empirical knowledge. In this respect, I agree with Breazeale’s characterization of “Fichtean realism” in the early *Wissenschaftslehre*, according to which the self must “discover” “its own limitations.”⁸ However, in my reading of the 1804 transcendental ontology, Fichte has given up “Fichtean idealism, the cardinal principle of which is the insistence that all being is being for a subject, and hence, that all *Sein* is *Gesetztsein*.”⁹ The very point of realism about empirical knowledge is the recognition that being is irreducible to any activity or presence of a subject. The subject depends on being. It is simply more of what there is. The meaning of “being” therefore is not exclusively determinable either by an account of mental reality or by an account of non-mental reality.

Fichte clearly commits to ontological monism, that is, to the univocity of being. There is exactly one overarching sense of being, which we can call pure immanence. Whatever there is, insofar as it exists or has being, it cannot stand in opposition to anything else. This has the consequence that any thought about being has to be conceived in terms of being itself. Grasping the sense of being in a methodologically controlled exercise such as the *Wissenschaftslehre* is therefore a self-construal of being.

To use a phrase coined by Wolfram Hogebe in a groundbreaking book on Schelling, Fichte’s transcendental ontology spells out the shape of an “auto-epistemic structure.”¹⁰ The difference between Fichte and Schelling, with respect to the details of a transcendental ontology, comes to the fore when we

realize that Schelling, at around the time when Fichte was following his writing, had a naturalistic inclination to think of the self-construal of being in terms of a fact about nature. Ontology for Fichte is, thus, not a kind of aprioristic natural science that speculates about the emergence of thought from inanimate matter. This would just repeat the mistake of naturalism on a higher level.¹¹ The univocity of being can only be grasped from a standpoint that avoids any specific ontological commitment on the first-order level of reflection. This is why Fichte insists that his insight manifests itself in the form of “abstraction,” a term used throughout the *Wissenschaftslehre* of 1804.

Absolute Knowing

In the Twentieth Lecture, Fichte introduces the notion of “absolute knowing” (*absolutes Wissen*). In analogy with his ontological monism, he there defends an epistemological counterpart according to which there is exactly one concept of knowledge. This concept of knowledge cannot itself be known in the way in which we know all other facts or objects. In the following passage he presents an argument for this claim.

Question: what then is *knowing*? If you know, then you just know. You cannot know knowing again in its qualitative absoluteness; since if you did know it, and even now were knowing it, then for you the absolute would not stay in the knowing that you knew about, but rather in the knowing by which you knew it; and it would go on this way for you even if you repeated the procedure a thousand times. It remains forever the same, that in absolute knowing you recapitulate knowing as essential qualitative oneness. (WL₁₈₀₄ 149 [GA II/8:305f.])

This argument can be reconstructed along the following lines.¹² First, we can draw a distinction between knowledge claims and knowledge. A knowledge claim is either successful and, hence, knowledge, or it fails in some way such that someone made a mistake. Using the usual labels, we can call these “the good case” and the “bad case” respectively. The difference between a Gettier-style scenario and an actual good case is such that we have the right kind of justification in the good case. We can say that in the good case knowledge is true, nonaccidentally justified belief.

Now imagine that we are confronted with the usual kind of worry that arises at this point: How can we know, in any given situation, whether we are in the good rather than the bad case and vice versa? The answer to this worry is that it is ill-posed. If we could never know whether we are in a good or a bad

case, this would equally apply to our knowledge claim concerning the alleged fact that there is a distinction between the good and the bad case. There are cases—the epistemological ones in which we deal with knowledge itself—where we are not entitled to drive a wedge between knowledge claims and knowledge. In wondering what it would take to know in a given case whether we are in the good or the bad case, we guarantee that we are ipso facto in the good case. Thus, not all knowledge claims are open to the worry that we are never in any position to know in which of the two cases we are. Otherwise put, there is absolute knowledge.

Yet, contrary to the most recent brand of absolute idealism proposed by Sebastian Rödl, Fichte does not think of this fact as a kind of infallible self-knowledge. We do not know that we have absolute knowledge under conditions in which the issue of knowledge claims versus knowledge can so much as arise. This is why the *Wissenschaftslehre* explicitly states that it deals with “nothing” (WL₁₈₀₄ 28f. [GA II/8:21f.]), meaning that its primary object, knowledge, is not an object after all. Knowledge is not in the domain of the knowable. If it were, the idea of failing to know what knowledge is would make sense.

Knowledge is the unity of the disjunction of being and thinking. This means that to know just is to be in conscious touch with how things are. This unity can neither be exclusively located in the realm of entities (being) nor in the realm of thinkers. The concept of knowledge is the concept of a connection (*Band*) between being and thinking. Thus, grasping it cannot be modelled along the lines of grasping ordinary, empirical objects. In comparison to knowledge of empirical objects, knowledge about knowledge, therefore, seems to be “knowledge of nothing” (WL₁₈₀₄ 28 [GA II/8:21]). However, this does not mean that knowledge about knowledge has no content. On the contrary, the content of this higher-order knowledge is the form of knowledge as a connection between what there is and how we relate to it. Fichte also calls this connection an “image.” As we imagine our position as knowers with respect to what there is, we

must also have a living *image of this oneness* which is firmly fixed and which never leaves [us]. With my lectures I attend to this, your fixed image; we will extend and clarify it together. If someone does not have this image, there is no way for me to address them, and for this person my whole discourse becomes talk about nothing, since in fact I will discuss nothing except this image. (WL₁₈₀₄ 29 [GA II/8:23])

Absolute knowing does not satisfy “the contrast of objectivity” that separates being true from taking to be true.¹³ Absolute knowing is not objective.

However, it is not subjective either. It is nothing but the fact that we happen to be acquainted with the architecture of being. The lowest level is identified with respect to the concept of empirical knowledge. Yet, empirical knowledge does not exhaust the concept of knowledge. If it did, we could not know this. We would forever be barred from guaranteeing that there really ever is a good case, one where the justification of a knowledge claim is identical to knowledge itself.

Comprehending this argument is a case of genesis, since we climb up the ladder from empirical to second-order knowledge. At this stage Fichte argues that there is no third level. Genesis does not trigger a problematic infinite regress that would force us to push our ultimate knowledge claims always one level up from where we set out. The second order is, thus, not a justification of the first order, a justification which in turn stands in need of a third-order justification. Rather, on the second level we realize that we are entitled to believe that we are in possession of sufficient justification for empirical knowledge. If we could not realize this on the second level, pushing the infinity button on our epistemological elevator clearly would not get us anywhere. The realization that the second order level delivers conclusive evidence for the presence of sufficient first-order warrant is called “absolute genesis.”

The proof of absolute genesis was conducted purely through its possibility and facticity, and thus [is] itself only immediately factual. In this case, therefore, facticity and genesis entirely coincide. Knowing's immediate facticity is absolute genesis; and the absolute genesis is—exists as a mere fact—without any possible further ground. To be sure, it must happen so, if we are ever actually to arrive at the ground. (WL₁₈₀₄ 164 [GA II/8:339f.])

This argument leaves our first-order empirical knowledge intact. Fichte's transcendental ontology is, therefore, an exercise in descriptive rather than in revisionary metaphysics. Fichte does not deny that there really are tables, plants, or what have you. On transcendental grounds, he need not deny at all that there are mind-independent objects and facts in the following undemanding sense: there are objects and facts, knowledge of which presupposes that no knower contributes anything to their real existence. We do not produce the objects of our first-order, empirical knowledge. Rather, the concept of first-order, empirical knowledge is precisely the concept of a knowledge of objects that is not produced by any act of knowledge. Fichte has no problem with admitting the existence of empirical knowledge and an associated domain of objects.

On my reading, Fichte goes so far as to argue that the very idea that we make anything the case by knowing it is incoherent. We do not even make it

the case that we know what knowledge is by achieving the reflective insights of transcendental ontology. This is why the construction of being is being's self-construction. Knowing that knowledge is such and so and that it relates to being in some way or other is itself a case of being. If I know that p , there is a fact in addition to p , namely that I know it, a fact not accounted for by unpacking the content of " p ."

Thus, Fichte does not denounce empirical knowledge. What he calls "mere appearance" (*Schein*) is not empirical knowledge as such, but a misguided generalization of its pattern to knowledge as such. We should not think of empirical knowledge as a catalogue of reality that essentially splits reality into two halves: the knowers and what they know about. For such a division in being would make it impossible for us to ever know it, as I have argued in the preceding section of this chapter.

Naturalism and Transcendental Ontology

In a groundbreaking essay, Sebastian Gardner has argued that any non-ontological reading of the core ideas of German Idealism common to Fichte, Schelling, and Hegel would make their antinaturalistic edge completely anodyne.¹⁴ If the only resistance to naturalism were a retreat to the appearances that seem to count against it, naturalism would be an easy game, as it would be entitled to rely on the familiar strategy of a "promissory materialism." Typically, some object or other—intentionality, free will, the mind, culture, society, morality, or what have you—that is not yet best explained by reference to scientific knowledge about the natural order is relegated to future research. The naturalist is justified in doing this to the extent to which it is the essence of empirical science's knowledge-acquisition to be open-minded about the details of what there is. If free will, say, is not yet in the object domain of eliminatory neuroscientific explanation as we know it, there is no reason to believe that it will not make its appearance in that domain in the future.

The antinaturalist, by contrast, cannot retreat to the position that the object under investigation is currently not in the domain of scientific investigation, since this is common ground between the naturalist and the antinaturalist. Evidently, one cannot derive argumentative force against the naturalist from the claim that some object or other is hard to figure out from the standpoint of natural science. The antinaturalist needs an argument to the effect that the phenomenon in question *cannot* be treated in any way that it lends itself to the open-minded model of inference to the best explanation definitive of natural science.

At this point of the dialectic, a prevalent model of transcendental philosophy runs into a metaphysical dead end. According to this model, there is a human perspective that does not go away regardless of how much scientific knowledge we accrue. Transcendental philosophy is understood as a descriptive metaphysics of this human perspective. However, this perspective is ripe for naturalistic takeover. The very point of naturalism in this context is precisely the claim that the human perspective amounts to a manifest image of man grounded in a scientific image, which one day will turn out to be entirely derivable from the best explanation of the phenomena constitutive of the manifest image.¹⁵ If German Idealism only expresses a perspective in the sense of a descriptive metaphysics of how things necessarily look to human observers, it is perfectly compatible with many forms of naturalism. Yet, this is hardly reconcilable with Fichte's view that nature (in the sense of an external reality furnished with mindless objects) cannot contribute anything to an understanding of our perspective as thinkers and knowers. In order to meet the real threat of naturalism—namely, the gradual explanatory reduction of the manifest to the scientific image of man—

it appears necessary for the idealist to reassert a correlation between the ontological and the conceptual/explanatory orders: the ontological order cannot be allowed to be indifferent to what we think, and the conceptual richness of idealism must be regarded as echoed in it. While this of course does nothing to refute the naturalistic view, it does something else, of crucial importance, to meet the naturalist's challenge: it meets the demand that a reason be given for thinking that things in the ontological domain are *not* as the naturalistic explanation says they are.¹⁶

The transcendental ontology presented in the *Wissenschaftslehre* of 1804 should be viewed as a project designed to undermine naturalism on the ontological level. Being, reality, existence, and truth are not primarily features of the domain of mindless entities and facts. Nor are they primarily defined in terms of the human perspective. Neither thought nor mindless being exhausts the meaning of "existence." Rather, thought's grasp of itself is a methodological paradigm for ontology. If thought could only be grasped in thought under the condition that it might not be real, then there would be no reality left for an explanatory reduction.

Fichte establishes thought's methodological priority in terms of his account of absolute knowing. Our perspective is entirely epistemic. The reason to reject naturalism is the fact that the activity of knowledge-acquisition can never become an object in the domain of empirical knowledge. We cannot know ourselves as knowers by accumulating insights into empirical facts con-

cerning ourselves. This is why Fichte calls absolute knowing the “*Von*” (From) and puts it center stage in his transcendental ontology.

This ‘from,’ in pure, absolute, immediate oneness and without any disjunction, as the pure self-positing of the original light, is the light’s first and absolute creation; the ground and original source even of the *is*, and of *everything* that exists; and the disjunction within this ‘from,’ in which true living perishes and is reduced to the mere intuition of a dead being, is the second re-creation in intuition, that is, in the already divided original light. (WL₁₈₀₄ 151 [GA II/8:309])

Absolute knowing is the medium in which reality appears. This medium is the reason why we can be misled into thinking that reality is primarily mindless. We can be wrong about the ontology of knowledge, because the medium within which we know it does not appear alongside the objects of empirical knowledge.

Naturalism is the kind of mistake one makes on the level of a characterization of the essence of knowledge. It identifies knowledge acquisition in general with empirical theory-construction in particular. From the standpoint of empirical theory-construction it can easily seem plausible that reality could be entirely different from how it appears to the theory agent, that is, to the subject or community of peers attempting to figure out what empirical reality is like.¹⁷ However, knowing what knowledge is cannot be treated in the same way as knowledge of bits and pieces of empirical reality. If we make a mistake in the realm of self-knowledge, we do not simply miss the mark laid out there in reality in the form of a joint in nature. Knowledge of empirical reality is, therefore, simply not part of the natural order.

The ontological reason for this, I take it, is that the natural order is itself not part of the natural order. The fact that there is a natural order defined as a system of real patterns with joints to be mapped onto our theory is not “out there” in the wake of fermions, electromagnetic fields, or tectonic shifts. That there is a natural order accessible to knowers is not a further natural fact. If it were, we could be entirely wrong about ourselves as knowers without thereby changing the reality of our knowledge. If we did not know anything about a natural kind (a joint in nature), this would not distort the natural kind. Yet, if we did not know anything about ourselves as knowers, we simply would not be the knowers we are. In particular, we would not be systematic, scientific knowers of empirical reality.

The very idea of experimental science arises in the context of a reflection on empirical knowledge. It is no coincidence that Kant’s first *Critique* addresses the question what kind of knowledge could possibly be characteristic of meta-

physics, given the way in which empirical knowledge acquisition (“experience,” *Erfahrung*) works. The naturalist attempts to reduce self-knowledge to empirical knowledge of external reality. In order to make any move towards his goal, he has to draw on a notion of knowledge and, thus, make knowledge claims concerning knowledge. If none of these second-order knowledge claims could be thought of as successful, neither naturalism nor antinaturalism would get off the ground.

If either naturalism or antinaturalism is true about the human epistemic perspective, this very perspective therefore has to exist. Yet, for it to exist is for it to attempt to get itself into view. It would not exist had it never gotten hold of itself as such. This is exactly why human knowledge is not part of the natural order. No part of the natural order is such that we could not be entirely wrong about it. It is part and parcel of the notion of the natural order that it does not necessarily reveal itself to knowers. Yet, it is constitutive of the human epistemic perspective that it could not exist if no one knew about it. This does not rule out that we are fallible with respect to our own epistemic standpoint. After all, there are naturalists, and if antinaturalism is correct, they are wrong on the level of their claim to self-knowledge.

I wholeheartedly agree with the upshot of Gardner’s application of his overall argument against non-ontological readings of German Idealism to the status of the *Wissenschaftslehre* (early and late). He presents non-ontological readings with

a kind of antinomy. The Non-Ontological conception will meet the objection that, if perspective is adduced as the ultimate term of philosophical explanation, then some sort of ontological status must be attributed to it, if only implicitly, without which philosophical explanation will have merely subjective status and the perspective it articulates will amount to nothing more than a mere unanchored representation; while to the Ontological conception it will be objected that, to take the mere fact of the existence of anything, whatever it may be, as itself explanatory, apart from and outside a framework which allows us to understand ontological facts as explanatory and so which must itself have pre-ontological grounding status, is to collapse transcendental back into pre-transcendental explanation, and to reinstitute the skeptical gap which transcendental philosophy was meant to close, between facts of existence and our claims to knowledge of them.¹⁸

In earlier work I added to the lines of thought sketched in this chapter that transcendental ontology, nevertheless, should not be identified with ontotheology. By “ontotheology”, I mean a worldview according to which there is a

hierarchy of beings grounded in a highest being, God. To be sure, Fichte (with reference to Spinoza) calls being “God,” but he hastens to add that God is not himself a being, but rather the pure light through which we come to know it. Otherwise put, “God” is Fichte’s name for the principle of intelligibility, according to which reality necessarily manifests itself as it is to knowers.¹⁹ Reality would not be what it is, if it had an intrinsic tendency to hide itself from our view. If reality could not be disclosed to our epistemic standpoint, if nothing were manifest, then we could not even come to wonder how thought and being hang together. This does not mean that Fichte offers a worldview with God on the top of the hierarchy of beings. Rather, transcendental ontology resists commitment to any specific architecture of reality. This is a consequence of Fichte’s strict ontological monism. Being is not a being, existence is not an entity. Rather, being is the fact that reality is not hidden from view. Being and intelligibility coincide.

Transcendental ontology is not a form of ontic idealism. Ontic idealism is the view that reality is mental. Fichte does not even commit to the first step towards such a view, namely to the notion that nothing is the case without there being an associated knower. All he argues for is that reality itself is not compatible with any view that makes it impossible in principle to think of knowledge as a genuine, irreducible part of what there is. Knowledge is irreducible, because no part of external, natural reality can account for the fact that we are in a position to know how things really are.

This does not entail that according to Fichte “extrasubjective reality is always epistemically out of reach.”²⁰ On the contrary, Fichte gives an account of how we are in a position to know extra-subjective reality despite the fact that our knowledge is not itself part of that reality. Transcendental ontology overcomes the subject-object-dichotomy built into the concept of empirical knowledge. Fichte calls this dichotomy “*Schein*” in order to demonstrate that it potentially misleads us into a misconception of “our *metaphysical status* as thinkers and explainers,”²¹ as Gardner points out.

The “metaphysical significance”²² of our epistemic standing derives from the fact that our very existence as knowers falsifies naturalism. We are evidence against the possibility of identifying everything that exists with some item in the natural order. However, this does not mean that we occupy a place in a special order alongside or above the natural one. Transcendental ontology is not a commitment to a higher realm of entities either, but a rebuttal of the very idea that to be is to be an object of thought—be it an object that belongs to the natural order or an object that would belong to an allegedly supernatural realm, as an ontotheological reading of the project of transcendental ontology would have it.²³

Notes

1. Markus Gabriel, *Transcendental Ontology: Essays in German Idealism* (London: Bloomsbury, 2013), ix.
2. Sebastian Gardner, "The Limits of Naturalism and the Metaphysics of German Idealism," in *German Idealism: Contemporary Perspectives*, ed. Espen Hammer (London: Routledge, 2007), 19–49; Sebastian Gardner, "The Status of the *Wissenschaftslehre*: Transcendental and Ontological Grounds in Fichte," *International Yearbook of German Idealism – Metaphysics in German Idealism* 5 (2007): 90–125; Steven Hoeltzel, "Fichte, Transcendental Ontology, and the Ethics of Belief," in *Transcendental Inquiry. Its History, Methods and Critiques*, ed. Halla Kim and Steven Hoeltzel (London: Palgrave Macmillan, 2016), 55–82.
3. For a defense of this opening move of Fichte's transcendental ontology, see the argument from facticity in Markus Gabriel, "Neutral Realism," *The Monist* 98, no. 2 (2015): 181–96.
4. Hoeltzel, "Fichte, Transcendental Ontology, and the Ethics of Belief," 77.
5. Fichte frequently uses this term. In the Seventeenth Lecture he links it to his theory of representation (of the image of the light):

because it is clear that a representative without the representation of what is represented or an image without the imaging of what it images, is nothing. In short, an image as such, according to its nature, has no intrinsic self-sufficiency, but rather points toward some external, primordial source. (WL₁₈₀₄ 63 [GA II/8:101])

I believe that Fichte here deals with the notion of the content of a thought. The light is the concept of a content that puts a thinker in touch with a reality that cannot be identified with the fact that it is represented.

6. The principle of idealism here states that "consequently being depends on its being constructed" (WL₁₈₀₄ 121 [GA II/8:244]).
7. This is Ian Hacking's term for "a group of words that arise by what Quine calls semantic ascent: truth, facts, reality." Ian Hacking, *The Social Construction of What?* (Cambridge: Harvard University Press, 1999), 21.
8. Daniel Breazeale, *Thinking Through the Wissenschaftslehre: Themes from Fichte's Early Philosophy* (Oxford: Oxford University Press, 2013), 192.
9. Ibid.
10. Wolfram Högbe, *Prädikation und Genesis. Metaphysik als Fundamentalheuristik im Ausgang von Schellings "Die Weltalter"* (Frankfurt: Suhrkamp, 1989), 52.
11. For a clear-cut case of this effect, see Thomas Nagel's naturalistic brand of objective idealism in his *Mind and Cosmos*, where he identifies Schelling and Hegel as predecessors of his proposed framework. See Thomas Nagel, *Mind*

and Cosmos: Why the Materialist Neo-Darwinian Conception of Nature is Almost Certainly False (Oxford: Oxford University Press, 2012), 17.

12. The following is a version of a train of thought spelled out in different ways by Andrea Kern, *Sources of Knowledge: On the Concept of a Rational Capacity for Knowledge* (Cambridge: Harvard University Press, 2017) and Sebastian Rödl, *Self-Consciousness and Objectivity: An Introduction to Absolute Idealism* (Cambridge: Harvard University Press, 2018).
13. On this concept, see Markus Gabriel, *The Limits of Epistemology*, trans. Alex Englander (Cambridge: Polity, 2019).
14. Gardner, "The Limits of Naturalism and the Metaphysics of German Idealism."
15. On this see, of course, Wilfrid Sellars, "Philosophy and the Scientific Image of Man," in *In the Space of Reasons. Selected Essays of Wilfrid Sellars*, ed. Kevin Scharp and Robert B. Brandom (Cambridge: Harvard University Press, 2007), 369–408.
16. Gardner, "The Limits of Naturalism and the Metaphysics of German Idealism," 36–37.
17. On the notion of a theory agent (Theorieagent) in a critical metaphysics, see Markus Gabriel, *Das Absolute und die Welt in Schellings Freiheitsschrift* (Bonn: Bonn University Press, 2006).
18. Gardner, "The Status of the *Wissenschaftslehre*," 93.
19. On the concept of an idealistic principle of intelligibility see Markus Gabriel, "What Kind of an Idealist (if any) is Hegel?" *Hegel-Bulletin* 27, no. 2 (2016): 181–208.
20. Hoeltzel, "Fichte, Transcendental Ontology, and the Ethics of Belief," 74.
21. Gardner, "The Limits of Naturalism and the Metaphysics of German Idealism," 37.
22. *Ibid.*, 34.
23. To be sure, Hoeltzel's ontotheological reading of Fichte's position is explicitly restricted to the 1798–1800 period and, thus, explicitly leaves it open to read the later project as a critical reaction to the earlier ontotheological approach.

Part VII

Repercussions



21

Heidegger's Modest Fichteanism

Michael Stevenson

The motivation behind this chapter is a desire to trace existentialism back to transcendental philosophy, more specifically to the peculiarly *Fichtean* response to and interpretation of Kantian philosophy. If we allow Sartre's dictum—that for human beings *existence precedes essence*—to stand as the general credo of existentialism, then we can understand the latter to mean the claim that human subjectivity is *self-constituting*, and that this is a sui generis metaphysical characteristic of human beings. My claim is that this understanding of human beings originates with Fichte, and that we will do well to understand the prehistory of existentialism as rooted in Fichteanism, and thus—to the extent that Fichte understood his own thought to be essentially Kantian—as rooted in Kant himself. I will argue for these claims in this chapter by focusing on the case of Heidegger, at least during the period in which he described his project as “fundamental ontology.”

Heidegger's debt to Kant himself is becoming increasingly appreciated¹; that Heidegger's fundamental ontology shares profound structural similarities with Kant's transcendental philosophy has been acknowledged by many and seems sufficiently clear.² Heidegger himself acknowledges the debt in the attention he pays to Kant during and immediately following the publication of *Being and Time* in 1927, resulting in both his high-profile debate with the leading neo-Kantian Ernst Cassirer in Davos, Switzerland in 1929 and the publication of *Kant and the Problem of Metaphysics* in that same year. The main claim of the latter work is that Kant's transcendental idealism, properly

M. Stevenson (✉)

Core Faculty, Brooklyn Institute for Social Research, Brooklyn, NY, USA

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interpreted, essentially amounts to fundamental ontology *avant la lettre*. What is less appreciated, I think, is the extent to which Heidegger's Kant is a German-Idealized Kant, which is to say that both Heidegger's appraisal of Kant's significance and his assessment of what was still missing in Kant reflected much the same attitude toward Kant that motivated the Idealists. Heidegger saw Kant the way the Idealists did, and saw *in* Kant what the Idealists saw. In the period immediately following the publication of *Being and Time*, Heidegger begins rereading and lecturing on the Idealists and confesses in a letter to Jaspers that "a whole new world [has] opened up" for him.³ Heidegger's return to Kant thus was really a return to German Idealism. There is a clue to this tucked away in a footnote in the Kantbook (or *Kantbuch*, as Heidegger customarily called his 1929 volume), in which he admits that his insights with regard to Kant were already anticipated by the Idealists—but he then insists, enigmatically, that his reading nevertheless "moves in the opposite direction" from them.⁴

But what is the insight shared with German Idealism, and how does this insight also lie on a vector that moves away from the Idealists? This is what I want to outline in this chapter, taking Fichte as representative of German Idealism as Heidegger approaches it toward the end of the 1920s. To briefly anticipate my answer, Heidegger shares with Fichte an insight into the metaphysical nature of subjectivity as *self-constituting* (derived from Fichte's reading of Kant), while wanting to avoid Fichte's further claim that subjectivity is thereby also to be understood as *self-sufficient*.

To begin, let me first characterize the structural similarity with transcendental philosophy that I mentioned above. Transcendental philosophy, for Kant, begins with the attempt to "get farther with the problems of metaphysics" by enacting a Copernican Revolution in metaphysics—that is, by redirecting our attention away from the objects of cognition to our *mode* of cognizing them, insofar as this is possible *a priori* (Bxvi ff.). The question thus became: How must the cognitive subject be constituted, what must its essential structure be, if metaphysical knowledge, which means synthetic *a priori* knowledge, is possible for it?

For Heidegger, the question metaphysics tries to answer is the question of the meaning of being. Fundamental ontology begins with an investigation into the meaning of the being of those entities for whom being is an issue—namely, human beings, whose way of being Heidegger labels "Dasein." The question therefore becomes: How must the being of Dasein be constituted, what must its essential structure be, if metaphysical knowledge, which means an understanding of the being of entities, is possible for it? Fundamental ontology is transcendental philosophy because "being is the *transcendens* pure and simple." Because "disclosure of being" belongs to the essential constitution

of Dasein, “every disclosure of being as the *transcendens* is *transcendental* knowledge.”⁵ Heidegger is relying here on the distinction, explicitly thematized in the 1927 lecture course *Basic Problems of Phenomenology* but implicit throughout *Being and Time*, between “being” on the one hand and “entities” on the other, that is, the doctrine of ontological difference.

With this distinction between being and entities and the selection of being as [our] theme we depart in principle from the domain of entities. We surmount it, transcend it. We can also call the science of being, as critical science, transcendental science.⁶

Hence, transcendental knowledge does not investigate the entity itself, but rather the possibility of the ... understanding of being, i.e., at one and the same time: the constitution of the being of the entity.⁷

Synthetic *a priori* knowledge for Kant means knowledge of what the world is like, of what makes nature nature—the existence of things insofar as they are subject to universal laws, as Kant’s *Prolegomena to any Future Metaphysics* defines it—but knowledge which nevertheless is independent of our sensible and empirical intuition of the natural world. “Ontological knowledge,” which is what Heidegger calls synthetic *a priori* knowledge in the Kantbook, is an understanding of the constitution of the being of entities which is nevertheless independent of our “encounter” with those entities. For Kant, it is the *a priori* structure of our mode of cognition—revealed through transcendental philosophy—which makes objective knowledge of empirical nature possible; for Heidegger it is the *a priori* structure of our disclosive understanding of the being of entities—ontological knowledge, revealed through fundamental ontology—which makes our ontic knowledge of the entities which we encounter within the world possible. As the Kantbook has it:

So the question concerning the possibility of *a priori* synthesis narrows down to this...*how must this finite being be with respect to the constitution of its own being*, so that such a bringing-forward of the constitution of the being of entities which is free from experience, i.e. ontological synthesis, is possible? ... The problem of the transcendental, i.e. of *the synthesis which forms transcendence*, thus can be put in this way: *how must the finite entity that we call human being be with respect to its innermost essence so that in general it can be open to an entity that it itself is not and that therefore must be able to show itself from itself.*⁸

This question, “How must the human being be in its essence?” might put one immediately in mind of Kant’s question from the Logic lectures, “What is the

human being?” This is the question which the three famous questions from the final section of the *Critique of Pure Reason* (What can I know? What ought I to do? For what may I hope? (A804–5/B832–33)) are all supposed to amount to, as the unifying question of all of philosophy in a cosmopolitan sense: the question which unifies, Kant says, all the interests of reason. But does Kant ever directly answer his own question about what a human being *is*? One of the main complaints that the early Idealists made is that Kant is not sensitive enough to the ramifications of his own Copernican Revolution vis-à-vis the nature of subjectivity itself. The Copernican Revolution was enacted *in order to* put metaphysics—that is, metaphysics of nature and metaphysics of morals—on a secure footing. More precisely, this means that it was enacted *in order to* demonstrate the objective validity and the rational pedigree of our knowledge of necessary causal relations on the one hand, and the objective validity and rational pedigree of our will’s subjection to the moral law on the other. But in establishing that objective validity and that rational pedigree, Kant makes many claims which certainly look like metaphysical claims about the nature of subjectivity, both theoretical and practical.

A central insight of the transcendental deduction, for instance, is that the synthetic activity of unifying the manifold of intuition, which results in our experience of an objective empirical world, must be *spontaneous*, which means self-caused. The affections that give rise to our intuitions are not sufficient—even though perhaps necessary—to produce the activity of synthesizing them. This means that such activity must somehow lie outside of the order of efficient causes; indeed, according to Kant, it legislates that order. Likewise in the practical sphere, reason’s “pure self-activity” (G 4:452) is said to be the basis for our rational nature’s ability to abstract from all wholly empirical incentives and thereby to give itself a purely rational motive for action out of respect for law.

These seem to be not only metaphysical claims, but also metaphysical claims that point to a specific kind of dualism. There is subjectivity on the one hand—which is capable of cognitive activity and moral agency, on the basis of its spontaneous activity—and there are objects and actions on the other: in a word, nature. “The fact that the human being can have the ‘I’ in his representations raises him *infinitely* above all other ... things on earth. Because of this he is a *person*, and ... through rank and dignity *an entirely different being from things*” (An 7:127, emphasis added). The dualism is of course also present in Kant’s moral philosophy, where it also tracks the distinction between relative and absolute worth: “Beings the existence of which rests not on our will but on nature, if they are beings without reason, still have only a relative worth ... and are therefore called *things*, whereas rational beings are called

persons because their nature already marks them out as an end in itself" (G 4:428).

Aren't these claims about the metaphysical nature of subjectivity? Kant seems hesitant. Insofar as the subject's spontaneous activity is the doing of the productive imagination, Kant says it is an "art lying hidden in the depths of the soul" (B181). He insists on what he calls in the first *Critique* "that paradox," namely that my self-knowledge remains restricted to my mere empirical self, the way I appear to myself in inner sense, and that knowledge of how my self may be constituted in itself, or my "proper" or true or authentic self (*das eigentliche Selbst*, as the *Groundwork* says (G 4:457)), is impossible for me. This is why the possibility of explaining how mere respect for law can motivate us is said to lie beyond the "limits of all moral inquiry" (G 4:462).

Despite Kant's humble insistence that the metaphysical nature of subjectivity must remain shrouded in the darkness of an intelligible world of which I can have no further cognizance, the early Idealists and Heidegger insist that Kant's real genius lay in his planting the seed for a truly radical and novel metaphysics of subjectivity, one that grounds and serves to unify both the metaphysics of nature and the metaphysics of morals into a harmonious systematic whole.

The core tenet of this metaphysics of subjectivity is what I would like to call the doctrine of the "ontological asymmetry" between persons—beings possessing subjectivity—and things. Subjectivity is absolutely metaphysically *sui generis*. To attempt to explain subjectivity—the "I" in Idealist parlance—on the basis of thinghood is simply a category mistake, and in fact the basic mistake which is the source of all philosophical error. It is the mistake of what Fichte calls "dogmatism" in *An Attempt at a New Presentation of the Wissenschaftslehre* (1797–1798). The only viable alternative, which he calls idealism, is that philosophy begins with the thought that I-hood is *sui generis* and metaphysically unique.

It's also obvious that Heidegger begins here. Fundamental ontology begins with the *Daseinsanalytik* because of Dasein's onto-ontological priority: only Dasein has an understanding of being; that is what makes Dasein Dasein. Dasein's mode of being is absolutely *sui generis*, and the biggest and most persistent mistake in the history of philosophy is to mistake it for another mode: to treat Dasein as something *vorhanden* (that is, as simply present to our disinterested beholding) or as something *zuhanden* (that is, as a piece of equipment assigned a place within the world as a meaningful totality and conditioning our concerned dealings with it). The doctrine of ontological asymmetry, according to which Dasein's mode of being is *sui generis* and

irreducible to any other mode, is a corollary of the doctrine of ontological *difference*.

While Kant is indeed the catalyst for this Fichtean—and later Heideggerian—insight, it can seem as if Kant himself did not fully grasp its significance or fully embrace its consequences. His account of the source of the error involved in all paralogistic inferences to the nature of the self in itself, for instance, is ambiguous. It could be that the paralogisms go wrong for the very same reason that *any* attempt to know what something is in itself goes wrong: Kant has shown that we can't know things in themselves. But Kant also says that “one can place all **illusion** in the taking of a *subjective* condition of thinking for the cognition of an *object*” (A396), and that it is “indeed very illuminating” that “I cannot cognize *as an object* itself that which I must presuppose in order to cognize an object at all.” This is because the “determining self is as different from the determinable Self as cognition is different from its object” (A402). According to this understanding, the paralogisms go wrong because they are trying to characterize the self as a thing in itself, *when it isn't a thing at all*. The paralogisms are “a subreption of hypostatized consciousness” (A402).

This is indeed what Dieter Henrich has rightly called Fichte's “original insight.”⁹ The self *just is* the identity of the determining and determinable self, and so the first claim of Fichte's metaphysics of subjectivity is that this self is a pure, original, self-relating, and self-constituting activity. This thought is there from the inception. In the review of Schulze's *Aenesidemus*, in response to Schulze's doubts about the “objective existence” of the faculty of representation, Fichte writes, regarding the skeptic, that “as soon as he hears the words ‘faculty of representation,’ [he] can think only of some sort of thing (round or square?) which exists as a thing in itself, *independently of its being represented*, and indeed, exists as *a thing which represents*” (EPW 66–67 [GA I/2:10], emphasis added). Rather, “idealism considers the intellect [the I] to be a kind of *doing* [*ein Thun*] and *absolutely nothing more*. One should not even call it an *active subject* [*ein Thätiges*], for such an appellation suggests the presence of something that continues to exist and in which an activity inheres” (IWL 26 [GA I/4:200], emphasis added). The metaphysical mark of distinction of beings with subjectivity is that they *are* an activity, but an activity which is *self-relating*. And the full positive characterization, beyond the negative one of simply being different from *things*, is that beings with subjectivity are *self-constituting*. In the *New Presentation*, Fichte again refers to the I as a “self-reverting activity” and says that “the I originally comes into being for itself by means of this activity, and it is only in this way that the I comes into being at all” (IWL 42 [GA I/4:213], translation modified). Things, by contrast, are not

self-constituting but are constituted as what they are rather by other things and conditions outside themselves. "Things of nature" are constituted as what they are by bits of matter and the laws of nature which govern the interaction between bits of matter. A work of art, as another example, does not constitute itself but is constituted (qua work of art) by the artist's creative activity and the social conditions of the art world (among other things, perhaps).

Let me illustrate, through a specific textual example, how Fichte moves away from Kant's minimal claims about the self-determination of the cognitive subject to a more robust metaphysics of subjectivity as self-constituting. First, the original, spontaneous synthetic activity of unifying the manifold of intuition for Kant *is* a self-relating activity, because all such activity must stand under the transcendental unity of apperception, whereby the "I think" must be able to accompany each of my representations. But in a footnote to the B-deduction, which I think of as a *locus classicus* for the Idealist transformation of Kant's account of theoretical subjectivity, Kant denies that this fact gives us insight into the nature of subjectivity as self-constituting:

The **I think** expresses the act of determining my existence. The existence is thereby given, but the way in which I am to determinate it, i.e., the manifold that I am to posit in myself as belonging to it, is not thereby given. For that self-intuition is required, which is grounded in an *a priori* given form, i.e. time, which is sensible and belongs to the receptivity of the determinable. Now I *do not have yet another self-intuition*, which would give the **determining** in me, the spontaneity of which alone I am conscious, *even before* the act of **determination**, in the same way as time gives that which is to be determined, thus I *cannot determine my existence as that of a self-active being*, rather I *merely represent the spontaneity of my thought*, i.e., of the determining, and my existence always remains only sensibly determinable, i.e., determinable as the existence of an appearance. Yet this spontaneity is the reason I call myself an **intelligence**. (B157n)

The cognitive subject determines its existence through the self-relating activity which stands under the unity of apperception: in the "activity of determining" (*expressed* through the "I think"), my *existence* is "thereby given," that is, given through or by means of the activity itself. While Kant denies here that I can "determine my existence" qua "self-active being," he says that I nevertheless *represent* the spontaneity of my thought, that is, of my determining. That is, we simply represent to ourselves our own spontaneity and append this representation somehow to the *sensible* representation of our empirical selves as appearances derived from inner sense, that is, according to the form of

time. What Kant calls the “paradox” of subjectivity, namely that I can only cognize myself as an appearance, is supposed to be wholly solved through the very distinction between apperception and inner sense.

There are two difficulties here. For one, Kant’s account gives us no way of understanding the *inner relation* between these two representations: the representation of the spontaneity of the *determining* self on the one hand and of the sensibly *determined* self on the other. After all, they are both supposed to be representations of one and the same cognitive subject. In addition, there is the further problem of just what kind of representation the representation of spontaneity *is*, and how it comes about. It is clearly not an empirical representation, so it is neither an empirical concept nor a sensible intuition; it also is neither a pure intuition (like space or time) nor a pure concept (a category). Kant doesn’t call it an idea or a postulate either. Indeed, it seems to be a unique kind of representation for Kant, one which he never explicitly thematizes.¹⁰

The core of Fichte’s theory of subjectivity as self-positing consists in the claim that, contra but pace Kant, we do have “yet another self-intuition” (B157n) through which we determine ourselves qua self-active beings. This “other self-intuition” must be a non-sensible intuition, because what is given in it is not the empirical self subject to the form of time, but the self qua self-active being. This is why Fichte calls it, in the *Aenesidemus* review among other places, an “intellectual intuition.” It is the faculty through which I-hood can be understood to be self-constituting. The theory of “intellectual intuition” is precisely meant to avoid the difficulties mentioned above regarding Kant’s treatment of the “paradox” of subjectivity. It is intended to make intelligible (1) the possibility of awareness of the spontaneity of one’s synthetic activity, as well as (2) the inner relationship between this awareness of activity and the *determinacy* of the activity itself. Fichte is agreeing with Kant that the putative non-sensible form of intuition is incapable of representing the I as “a self-active being” *if* the latter means a kind of thing which possesses the property of being self-active. This is the point of avoiding even calling it an “active subject.” It is an activity and nothing more. But, crucially, intellectual intuition for Fichte does not disclose the determining in me *before* the act of determination, as Kant suggests it must. It, rather, discloses the determining in me *in the very act* of determining. This is because the I has no “being” prior to the activity itself; its “being” as self-active is constituted by that very activity.

Fichte takes great pains in the *New Presentation* to justify his appeal to intellectual intuition in light of Kant’s explicit denial of it. *Because*, Fichte says, all intuition is, *for Kant*, “directed at a being,” intellectual intuition for Kant refers to “an immediate consciousness *of the thing in itself*” which—echoing

the traditional ascription of intellectual intuition to the “divine consciousness”—would then “amount to a creation of the thing in itself simply from the concept of it” (IWL 55 [SW I: 471–72]). Fichte avoids *this* conception of intellectual intuition primarily because, although the latter is indeed for him a kind of immediate awareness, it is not an immediate awareness of a *thing in itself*; simply because the activity of which the intuition is aware is not a *thing* at all, let alone a thing in itself. It is the self-awareness of *an activity*. But at the same time, since the latter is an activity which is meant to be self-constituting, it looks like the claim is that the I creates itself in its activity after all. But it is absolutely crucial to be very specific about what Fichte is committed to in asserting that the I is “created” in and through its own activity. Fichte says that the I “originally comes into being *for itself* by means of this activity.” This means: only in the activity does the I “originally” become *for itself*. What is being created in the activity is the “being for itself” or the “being for the I” of the I. What is coming into being is the I’s *self-relation*, which is supposed to be, after all, just what the I *is*.

My claim here is that Heidegger’s reading of the ontological constitution of transcendental subjectivity is structurally the same as Fichte’s. Heidegger calls Kant’s original, spontaneous synthetic activity the activity of “ontological synthesis,”¹¹ and he glosses the “problem of transcendence” as the problem of *the synthesis which forms transcendence*.¹² Transcendence means having an understanding of the constitution of the being of entities, transcending entities toward their being. Heidegger refers to ontological synthesis as the *self-formation* of transcendence. It is self-forming first in the sense that the ontological synthesis which forms transcendence is *a priori* and self-active; it is not grounded wholly in encounters with innerworldly entities, that is, it is not the causal result of such encounters. It is, rather, the prior formation of the understanding of being which makes encounters with entities within the world possible at all. It arises *from out of itself*; it belongs to Dasein’s essence qua Dasein. Next, this synthesis is essentially *self-relating*, because understanding of being is “in each case mine” [*jemeinig*].¹³ Lastly, in so forming ontological understanding—or transcendence—Dasein is forming *itself*. The self-formation of transcendence *is* the self-constitution of Dasein, because Dasein *is* transcendence; Dasein is, essentially, its understanding of being.

Now Heidegger indeed refrains from calling this “intellectual intuition.” The *intuitus originarius* remains, as it does for Kant, a term reserved for infinite, divine knowing. Rather, on Heidegger’s reading of Kant, this power of self-formation belongs to the faculty of transcendental, or productive, imagination. It is the activity of *imagination*, then, which “self-forms” transcendence and thus an understanding of the constitution of the being of entities.

The transcendental imagination is then, notoriously, identified as the “common root”¹⁴ of the faculties of sensible intuition and the understanding. A full discussion of this would take us too far afield, so let me confine myself to a few remarks.

The structural difficulty of identifying a faculty as the common root of the faculties of sensibility and understanding is that sensibility is a faculty of receptivity (immediate relation to objects insofar as they affect us) and the understanding is spontaneous (its activity is not the causal result of these affections). If there is to be a common root of these two faculties, its structure must somehow make intelligible both the receptivity of sensibility and the spontaneity of understanding. The common root, it seems, must be both receptive and spontaneous at the same time.

Heidegger’s ingenious move in the *Kantbook* is to show how the spontaneous activity of the imagination, in self-forming transcendence, forms the very conditions of receptivity. He writes:

In order to be able to encounter an entity as the entity it is, it must already be “recognized” generally and in advance as an entity, i.e. with respect to the constitution of its being. But this implies that ontological knowledge ... is the condition for the possibility that in general something like an entity can itself stand-in-opposition to a finite being. *Finite beings must have this basic capacity to turn-toward while letting-stand-in-opposition.*¹⁵

This “basic capacity”—here identified with the productive imagination—is the ability to actively assume a stance of acquiescence to objects. It is the active “turning toward” entities that makes it possible that entities can at the same time “stand-in-opposition” to me. What this means is that it is *my* activity that first lets the object *be an object* for me: a *Gegen-stand*—that which stands against me. And this means: I recognize that the object exists in its own right and it is what it is independently of my perceiving or conceiving of it. In cognizing the object—coming to know it—I am making myself beholden to the fact that the object is and the facts about what the object is anyway, independently and in its own right. In *Being and Time*, Heidegger calls this *Seinlassen*; in understanding entities, we are “letting the entities be”¹⁶ what they are.

The productive imagination is, then, Heidegger says, “spontaneously receptive” and “receptively spontaneous”.¹⁷ In order to try to make this intelligible, consider the phenomenon of accepting a gift. Clearly in such a case I am passive; I am the “recipient” of the gift. But in *accepting* the gift, I am also *doing* something, I am active. If you offer me some money and I demur, simply

slipping it into my pocket unawares—in which case I would be “merely passive”—then this no longer counts as my accepting the gift at all. In the totality of the meaningful action of accepting a gift which has been offered, I am active *in the very moment of receiving* it. Another example would be listening. The command “Listen!” is a call to an action of a certain sort, but it is the demand for an action that can only be fulfilled through being passive; it is an activity that consists in being passive.

Ontological synthesis is like this. It is an activity that is at the same time and *in the same respect* passive. “In the same respect” here means “in respect to” the function of transcending, of understanding the being of entities. In a quite literal sense, the activity of ontological synthesis *is*, amounts to, a passivity: it *constitutes* passivity, and vice versa. The synthetic activity can only be truly receptive insofar as it is spontaneous. What it means to be receptive to the object is to “take it in,” to acquiesce to it, which is after all something I do. Likewise, it is spontaneous insofar as it is receptive. What it means to actively synthesize sensible intuitions, which arise by my being “affected” by objects, is to make myself beholden to the way the object exists in its own right, what it is “objectively.”

Nevertheless, the faculty of imagination is exactly similar to Fichte's intellectual intuition in being “yet another self-intuition” which gives the self as a self-active being. But in locating this “other self-intuition” not in intellectual intuition but in the pure imagination, whose essential function after all is the schematization of the manifold—that is, providing the manifold with *a priori* time-determinations—Heidegger can emphasize Kant's point that in schematizing, the imagination “generates time itself.” But for Heidegger, time is not just the form of the determinable, and thus merely empirical, self. Temporality is the essence of the self-active, determining self. Time *is* “pure self-affection,” or as he calls it in *Being and Time*, *original time*.

As pure self-affection, time is not an acting affection that strikes a self which is at hand. Instead, *it forms the essence of something like self-activating*. However, if it belongs to the essence of the finite subject to be able to be activated as a self, then time as pure self-affection forms the essential structure of subjectivity. ... In pure acquiescence, the inner affection must come forth from out of the pure self; i.e. it must be formed in the essence of selfhood as such, and therefore *it must constitute this self in the first place*.¹⁸

In discussing the very footnote to the first *Critique* that contains the locus classicus, Heidegger in the *Basic Problems of Phenomenology* notes,

Kant is wholly right when he declares the categories, as fundamental concepts of nature, unsuitable for determining the I. But in that way he has only shown negatively that the categories, which were tailored to fit other entities, nature, break down here. He has not shown that the 'I act' itself cannot be interpreted in the *way in which it gives itself in this self-manifesting ontological constitution*.¹⁹

In so interpreting temporality as the self-manifesting ontological constitution of subjectivity, Heidegger makes the claim that in temporalizing itself in forming original time, Dasein is constituting or creating itself as temporal, that is, as *finite* subjectivity. From this perspective, we can see the double meaning in Heidegger's locution "*Zeitlichkeit zeitigt sich*": in temporalizing itself, temporality is producing itself. And since the temporality just is the structure of Dasein's ontological constitution, we can say, as he does in *On the Essence of Ground*: "In coming towards itself from out of a world, Dasein produces itself as a self [*Dasein zeitigt sich als ein Selbst*]."²⁰

Though Heidegger does not mention imagination in *Being and Time*, we can see how the self-constitution claim plays out in that text by noticing the structural isomorphism between the role transcendental imagination plays in the Kantbook and the role Heidegger assigns to understanding (using *das Verstehen* instead of Kant's *der Verstand*) in *Being and Time*. "Understanding," for Heidegger, is always cashed out in terms of an understanding of what he calls our "ability-to-be" (*Seinkönnen*). What this means is that a human being understands the world primarily through understanding the determinate and concrete ways in which she "can be" in the world. So understanding the world means understanding the possible identities and social roles that the world affords me, as well as the specific goals and actions towards those goals that those identities and roles make available to me. So all human understanding—both of itself and of the world—is articulated in terms of the practical *possibilities* that the world affords us as individuals. Indeed, Heidegger says, understood "existentially," human beings *are* the possibilities that they understand themselves to have.

Now, understanding is a matter of "projecting," specifically of projecting my possibilities onto the world. That is, the activity of understanding is precisely a matter of forming or framing those possibilities for myself. In understanding the possibilities available to me, I am forming my own "ability-to-be," the possible ways in which I can be. In this forming of my ability-to-be, I can say that I am "*imagining* the possibilities" that the world, and my concrete situation within it, is now affording me.

Crucially, of course, this projecting of possibilities is never arbitrary or unlimited or "free-floating." The possibilities available to me arise out of and

are beholden to the constraints of the actual, concrete situation in which I find myself. This is why Heidegger says that the understanding is also “thrown”; it is “thrown into” a world not of its own making. The understanding *is* a “thrown projecting”.²¹ The possible identities, social roles, goals, and actions available to me depend on what the world is like and upon my concrete situation in the world. Understanding is an active imagining, or framing, of possibilities which must be acquiescent to the world itself and the “actual” possibilities that it affords. The understanding then, just like transcendental imagination, is simultaneously “spontaneous” and “receptive.” The possibilities that the world affords, and the way in which I understand them, isn't *forced* on me by the world: it isn't the causal result or effect of the world as it is. But those possibilities are nevertheless beholden to objective states of affairs in the world. As the Kantbook has it: “The transcendental power of imagination *projects, forming in advance the totality of possibilities* in terms of which it “looks out,” in order thereby to hold before itself the horizon within which *the knowing self, and not only this, acts.*”²²

The same can be said of the understanding in *Being and Time*. Kant's “imagination” and Heidegger's “understanding” are both conceived as basic capacities through which human beings have “access” to other entities at all; thus, they are the capacities in and through which human selves can know the world and act within it. Heidegger's point is that I can understand other entities as the entities they are only in virtue of the possibilities through which I “look” at them. How the entities look to me is determined *both* by my own sense of who I am and what it is I'm doing *and* by the “objective” features of those entities. Indeed, those objective features of the world show up for me as they do because I am a particular person with a specific identity, doing something in particular which makes sense to me in terms of that identity.

The connection between the role of transcendental imagination in the Kantbook and the role of understanding in *Being and Time*, then, allows us to see how the crucial claim regarding self-constitution—which Heidegger, following Fichte, takes Kant's philosophy to imply—is expressed in the latter text. “Existence” is the name Heidegger gives for Dasein's sui generis mode of being. So in understanding itself and the world now in terms of its own ability-to-be and the possible ways for it to be that are revealed in this understanding, Dasein constitutes itself as “existing.” We can say that Dasein's “selfhood” is self-constituting, because an existing self *is* those possibilities which are formed within its understanding of itself and the world.

This is the basis for the claim that Heidegger is a Fichtean. But of course my title indicates that he is not an unqualified Fichtean, but a modest one. I say this because Fichte's idealism is characterized by another claim beyond

that concerning self-constitution. The second claim is that subjectivity is not only self-constituting but also *self-sufficient* (*selbständig*), and essentially so. And it is this claim which Heidegger rejects.

Already in the *Aenesidemus* review, we have the claim of self-sufficiency presented as a direct consequence of self-constitution: “If, in intellectual intuition, the I *is because* it is and *is what* it is, then it is, to that extent, self-positing, absolutely self-sufficient and independent [*schlechthin selbständig und unabhängig*]” (EPW 75 [GA I/2:65], translation modified). In the *New Presentation*:

What then is the overall gist of the *Wissenschaftslehre*, summarized in a few words? It is this: reason is absolutely self-sufficient; *it exists only for itself*. But *nothing exists for reason except reason itself*. It follows that everything reason is must have its foundation within reason itself and must be explicable solely on the basis of reason itself and not on the basis of anything outside reason, for reason could not get outside of itself without renouncing itself. (IWL 59 [GA I/4:227], emphasis added)

It should be clear from the discussion of transcendental imagination, with its emphasis on *acquiescence*, that Heidegger’s way of incorporating the Fichtean insight about the metaphysically sui generis structure of self-constitution, also then moves in the “opposite direction” from full-blown Fichtean idealism.²³

It is helpful to remark here that for Kant human reason is *not* self-sufficient; only a divine intelligence could be seen as such. This is explicit in the way he attempts to solve the problem of the unity of reason in the Canon of the first *Critique*. This is the problem of reconciling the natural world-order which theoretical reason legislates with the moral world-order that practical reason prescribes. In the first *Critique*, the possibility of a transition from the theoretical to the practical is provided by the Ideas of reason. In particular, the only way for finite reason to think of such a convergence between the natural and moral world orders is through the idea of a highest reason, that is, the divine intellect as the “moral author of nature,” that could guarantee the fulfillment of human reason’s ultimate aim, namely the “highest good” as the perfect correspondence of empirical happiness and moral desert, or “worthiness to be happy” (A806/B834).

For Fichte this is inadequate, because this means that human reason must rely on something outside itself in order to fulfill its essential needs and demands. The theory of self-positing is intended to solve the problem of the “paradox of subjectivity” and the problem of the unity of reason *in a single stroke*. The self-sufficiency of reason is supposed to be *strictly entailed* by the

nature of subjectivity qua self-constituting. Fichte says that with the recognition that the I is “necessarily and only for itself”—that is, that the I is essentially a *self-relating* activity and nothing more—that we have “*already* arrived at absolute autonomy” (EPW 69 [SW I:15]). For Kant, human reason needs to have recourse to a divine reason in order to make the highest good thinkable, because only such a reason can be thought of as the author of the noumenal ground of nature. Compare Fichte in the *Aenesidemus* review:

All that is not-I *is* for the I only; the not-I obtains all of the determinations of this being *a priori* only through its relation to an I; however, all of these determinations, insofar as they can be known *a priori*, become absolutely necessary upon the mere condition of a relation between a not-I and any I at all. *From this it would follow* that the notion of a thing in itself, to the extent that this is supposed to be a not-I which is not opposed to any I, is *self-contradictory*, and that the thing is actually constituted in itself in just that way in which it must be thought to be constituted by any conceivable intelligent I. (EPW 73–74 [GA I/4:62], translation modified, emphasis added)

Fichte also notoriously says here that “the thought of a thing possessing existence and specific properties *in itself* and apart from any faculty of representation is a piece of whimsy, a pipe dream, a nonthought” (EPW 71 [GA I/4:57]). So there is an inference made from the ontological asymmetry between subjectivity and things to the self-sufficiency of subjectivity.

The ontological asymmetry claim, again, is this: on the one hand, the thing, the not-I, is determined only through its relation to an I, so that the thing is not determined through its relation to itself, while on the other hand, the I “is necessarily and only for itself”: its determinacy depends rather precisely on its self-relating activity. The self-sufficiency claim, again, is this: nothing can be thought to exist independently of a relation to an I; nothing can be thought of as mind-independent; or, as he characterizes the “overall gist” of his philosophy: “nothing exists for reason except reason itself.”

Now, there are two interpretations, a stronger and a weaker, of the kind of mind-dependence that is supposed to follow from ontological asymmetry. It's not clear that Fichte appreciated the difference; he says things that suggest both. The stronger one is this: there are no things; there is only the I. From the *New Presentation*:

When you posit an object that is accompanied by the thought that it has exercised an effect upon you ... it is *by means of this act of your own thinking* that you ascribe receptivity or sensibility to yourself. Thus the object considered as

something given is *also only something thought of*... All of our cognition does indeed begin with an affection, but not with an affection *by an object* ... [but instead by] the act of positing a Not-I. (IWL 73–74 [GA I/4:241–42], translation modified)

According to this, the *only* kind of affection is self-affection. This is a robust sense of self-sufficiency indeed: the I is *ontologically* independent of everything outside itself in order to be what it is; no appeal need be made to anything outside the I in order to explain whatever determinacy the I has.

Another, weaker interpretation would assimilate Fichte to the Sellarsian attack on the “Myth of the Given.” According to this, “what exists anyway” outside of any relation to an I cannot itself make any contribution to or play any role in our determinate experience. The myth of the given is not that nothing is given, but just that “given-ness” cannot play a justificatory role in experience. John McDowell, for instance, wants to argue for the “unboundedness of the conceptual” but still insist on some kind of “external constraint.” And this is how Robert Pippin understands Fichte, namely as “asserting the self-sufficiency or autonomy of ... the normative domain itself ... of what Sellars [called] the space of reasons.”²⁴ This is a charitable and defensible interpretation of Fichte, but it needs to be noted that, pace Pippin, Fichte is *not* arguing for the “unconditioned status of the space of reasons” *without* arguing for the “metaphysical distinctness of a spontaneous mind.”²⁵ The *basis* of the self-sufficiency claim is precisely the spontaneous self-constituting structure of the I. The former is supposed to be entailed by the latter.

I do not believe that self-sufficiency, in either of the above senses, follows from the claim of ontological asymmetry. Such an inference is, I am tempted to say—borrowing a phrase of P. F. Strawson’s from a different context—a “non-sequitur of numbing grossness.” This is because there is another sense of mind-dependence, a fairly minimal one, expressible through the claim that “all that is not-I exists only for the I,” which is perfectly compatible with, indeed is suggested by, ontological asymmetry. According to this, to think of a thing existing independently of any relation to an I is just to put it into just such a relation. The contradiction involved in the very concept of the thing in itself is thus performative: in *thinking* the thing in itself, I am putting it into a relation to myself; in this sense it is mind-dependent. This means that, *for the I*, everything of which it can conceive can be said “to exist only for the I.” But nothing else follows, certainly not the negative existential claim that there *are* no things which exist or could exist independently of my or anyone else’s mind. In other words, this does not entail that in the absence of minds, nothing at all exists—granted that, trivially, in the absence of minds, nothing can

be *said* to exist. The minimal reading claims that nothing can be *conceived of* as completely mind-independent, not that *there is nothing* which is mind-independent.

Now this can seem so minimal as to be completely vacuous. But I said it was *fairly* minimal because it gives us a way of characterizing the fundamental asymmetry between *subjectivity* and *things*. Subjectivity is distinguishable by the fact that it is “*necessarily and only for itself.*” Subjectivity must exist in a certain kind of self-relation—self-constitution—in order to be what it is at all. The thing, by contrast, is defined, for the I, not through its *self*-relation but rather by its relation to something that it is not, namely the I.²⁶ The minimal interpretation admits that although thinking the thing in itself necessarily puts it into a relation to the thinking I (which must, as thinking, *determine* it, and thus make it “dependent” on the I in some sense), at least in the case of cognition, this doesn't entail that the thing may not exist after all outside of such a relation. But this *does* seem to entail that *a thinking I* cannot “exist anyway” outside of a relation to a thinking I, that is, to itself. This means that even if the notion of a thing in itself remains intelligible to some degree, the notion of a self in itself, a *noumenal* self, does not. But this is just a consequence of the doctrine of ontological asymmetry itself.

So the claim of the metaphysical distinctness of a self-constituting mind is perfectly consistent with a certain kind of realism. And this is, in fact, characteristic of Heidegger's brand of idealism.

Indeed only as long as Dasein *is*, that is, the ontical possibility of the understanding of being is, ‘is there’ being. If Dasein doesn't exist, then ‘independence’ ‘is’ not either, nor ‘is’ the ‘in-itself’. Such a thing is then neither understandable nor not understandable. Then also intraworldly entities neither are discoverable, nor can they lie in hiddenness. Then it can be said neither that entities are, nor that they are not. Nevertheless, it can now be said—as long as the understanding of being, and thereby the understanding of occurrentness are—that then entities will continue to be.

As we have indicated, being—but not entities—is dependent on the understanding of being...²⁷

Notwithstanding this crucial move “in the opposite direction from German Idealism,” it should be noted that Heidegger's strategy for developing a metaphysics of subjectivity is structurally the same as Fichte's, namely, to use the structure of the self-constituting nature of subjectivity to solve one version of the problem of the unity of reason, by grounding the possibility of both our

theoretical knowings and our practical doings in a single self-constituting structure. For Heidegger, this fundamental structure is that of “care.”

Care, as a primordial structural totality ... by no means expresses a priority of the ‘practical’ attitude over the theoretical. When we ascertain something occurring by merely beholding it, this activity has the character of care just as much as does a ‘political action’ or taking a rest and enjoying oneself. ‘Theory’ and ‘practice’ are possibilities of being for an entity whose being must be defined as ‘care’. The phenomenon of care in its totality is essentially something that cannot be torn asunder.²⁸

Interestingly, in the Kantbook Heidegger makes a start with this by showing how the transcendental imagination, with its spontaneously receptive and receptively spontaneous structure, can be understood to be the ground of *practical* reason itself: “if finite reason as spontaneity is receptive and thereby springs from the transcendental power of imagination, then of necessity practical reason is also grounded therein.”²⁹ The structure of moral action as autonomy, the simultaneous self-legislation of and self-submission to the moral law, manifests the same structure as the imagination. “The essential structure of respect [for law] ... the self-submitting, immediate, surrender to [law] ... is pure receptivity; the free, self-affecting of the law, however is pure spontaneity. In themselves, both are originally one.”³⁰ This in turn reiterates the metaphysical distinctness of persons:

In submitting to the law, I submit myself to pure reason. In this submitting-to-myself, I elevate myself to myself as the free creature which determines itself. This peculiar, submitting, self-elevating of itself to itself manifests the I in its ‘dignity’.... Respect is the manner of the self’s being-responsible, face to face with itself; it is authentic being-a-self [*das eigentliche Selbstsein*]. The submitting, self-projection [*Das unterwerfende Sich-entwerfen*] onto the entire basic possibility of authentic existence, which the law gives, is the essence of active being-a-self, i.e., of practical reason.³¹

The possibility of reason’s being practical, of respect for law motivating action, is itself grounded in the self-constituting structure of understanding as thrown projection.

Heidegger’s reference here to authentic being-a-self, which points back to Kant’s “proper self,” leads me to my last remark. In fact, Heidegger does not throw away or dismiss all talk of the self-sufficiency of subjectivity. As with most treasured terms and concepts from the tradition, he doesn’t want to abandon the term, but to radically reconceive it, to show its “ontologically

appropriate” place. Self-sufficiency does not belong to the essential structure of Dasein; it is not part of the ontological constitution of subjectivity. Properly understood, however, it is and remains an *existentiell* possibility for beings that are ontologically so constituted.

The ontological structure of the entity that in each case I myself am centers *in the self-sufficiency* [*Selbstständigkeit*] of existence.... Now that selfhood has been explicitly taken back into the structure of care, and therefore of temporality, the temporal interpretation of self-constancy [*Selbst-ständigkeit*] and non-self-constancy [*Unselbst-ständigkeit*] acquires an importance of its own.³²

Heidegger says that “*Selbst-ständigkeit* is an *existentiell* way of being of Dasein, and is therefore grounded in a specific temporalizing of temporality,”³³ namely authentic temporalizing.

The *Ständigkeit des Selbst* as the supposed persistence [*Beharrlichkeit*] of the subjectum receives its clarification in terms of care. The phenomenon of authentic ability-to-be also opens our eyes for the *Ständigkeit des Selbst* in the sense of having-won-a-standing [*Standgewonnenhaben*]. The *Ständigkeit des Selbst* in the double sense of continuing steadfastness is the authentic counter-possibility to the *Unselbst-ständigkeit* of irresolute falling. *Existentially*, *Selbst-ständigkeit* signifies nothing other than anticipatory resoluteness. The ontological structure of such anticipatory resoluteness reveals the existentiality of the self's selfhood.³⁴

Heidegger associates self-sufficiency not so much with independence as with a particular authentic possibility of being-in-the-world. By way of contrast,³⁵ Fichte writes:

Anyone who is conscious of his own self-sufficiency and independence *from everything outside of himself*—a consciousness that can be obtained only by making something of oneself on one's own and independently of everything else—*will not require things* in order to support his self, nor can he employ them for this purpose, for they abolish his self-sufficiency and transform it into a mere illusion. (IWL 18–19 [GA I/4:194], emphasis added)

Fichte's mistake, from the Heideggerian perspective, is the thought that “self-sufficiency”—precisely in the sense of “being able to support oneself” and “being able to make something of oneself on one's own”—*requires* independence from “everything outside of oneself.” As being-in-the-world, Dasein's understanding—of itself, of others and of the world—is always a thrown projecting; and so Dasein *depends* on the world, on others, to be what it is, even

when it is authentically being itself. But in the *possibility* of so existing authentically, which also belongs to it essentially, Dasein *is* able to hold onto, support, and maintain an existence which is “most its own”—and an existence which, as Fichte was the first to discern, is entirely unlike that of any mere thing.

Notes

1. Two notable examples are Taylor Carman, *Heidegger's Analytic: Interpretation, Discourse, and Authenticity in Being and Time* (Cambridge: Cambridge University Press, 2003); and William Blattner, *Heidegger's Temporal Idealism* (Cambridge: Cambridge University Press, 1999). See also the essays collected in Steven Crowell and Jeff Malpas, eds., *Transcendental Heidegger* (Stanford: Stanford University Press, 2007).
2. There were perhaps purely “careerist” motives for Heidegger to turn his attention in this direction, namely—out of a perceived competition for academic prominence with the neo-Kantian mandarins—to show that he could outdo the latter at their own game. Nevertheless, I think we should take Heidegger at his word when he says, at the end of his winter-semester 1927/1928 lecture course on the first *Critique*, that reading Kant again caused “the scales to fall from his eyes” and convinced him that he had taken the “correct path” in *Being and Time*. See Martin Heidegger, *Phänomenologische Interpretation von Kants Kritik der reinen Vernunft* (Frankfurt: Klostermann, 1977), 431. Translation: *Phenomenological Interpretation of Kant's Critique of Pure Reason*, trans. Parvis Emad and Kenneth Maly (Bloomington: Indiana University Press, 1997).
3. Martin Heidegger and Karl Jaspers, *Briefwechsel 1920–1963*, ed. Walter Biemel and Hans Saner (Frankfurt: Klostermann, 1990), 123.
4. Martin Heidegger, *Kant und das Problem der Metaphysik*, 6th ed. (Frankfurt: Klostermann, 1998), 137n. Translation: *Kant and the Problem of Metaphysics*, trans. Richard Taft, 5th enl. ed. (Bloomington: Indiana University Press, 1997). My references to Heidegger's writings cite the page numbers of the German editions. My quotations from these texts rely mainly on the indicated English translations, but occasionally incorporate my own modifications.
5. Martin Heidegger, *Sein und Zeit*, 19th edition, (Tübingen: Niemeyer, 2006), 38. Translation: *Being and Time*, trans. John Macquarrie and Edward Robinson (San Francisco: Harper Collins, 1962).
6. Martin Heidegger, *Die Grundprobleme der Phänomenologie* (Frankfurt: Klostermann, 1975), 23. Translation: *The Basic Problems of Phenomenology*,

trans. Alfred Hofstadter, rev. ed. (Bloomington: Indiana University Press, 1988).

7. Heidegger, *Kant und das Problem der Metaphysik*, 16.
8. *Ibid.*, 38–39, 42–43.
9. Dieter Henrich, “Fichte’s Original Insight,” trans. David R. Lachterman, *Contemporary German Philosophy* 1 (1982): 15–53.
10. Kant suggests in this *Reflexion* that the representation of the spontaneity of the determining arises from (within?) what he here calls “transcendental consciousness”:

The consciousness when I institute an experience is the representation of my existence insofar as it is empirically determined, i.e. in time. Now if this consciousness were itself in turn empirical, then this temporal determination, as contained under the conditions of the temporal determination of my state, would in turn have to be represented...which is absurd. However, the consciousness of instituting an experience or also of thinking in general is a *transcendental consciousness, not experience*. (NF 18:319; R 5561)

11. Heidegger, *Kant und das Problem der Metaphysik*, 39.
12. *Ibid.*, 42.
13. Heidegger, *Sein und Zeit*, 41.
14. Heidegger, *Kant und das Problem der Metaphysik*, 134ff and *passim*.
15. *Ibid.*, 70–71.
16. Heidegger, *Sein und Zeit*, 145 and *passim*.
17. Heidegger, *Kant und das Problem der Metaphysik*, 153ff.
18. *Ibid.*, 190–91, emphasis added.
19. Heidegger, *Grundprobleme der Phänomenologie*, 206.
20. Martin Heidegger, “Vom Wesen des Grundes,” in *Wegmarken* (Frankfurt: Klostermann, 1976), 157.
21. See, for instance, Heidegger, *Sein und Zeit*, §31.
22. Heidegger, *Kant und das Problem der Metaphysik*, 154–55.
23. It might be objected here that I overemphasize the “subjectivist” tendencies in Fichte’s thought while unduly ignoring other claims that might be seen as constituting a countertendency, for instance the doctrine of *Anstoß*, or the role of *Aufforderung* in Fichte’s ethical writings. Indeed, my own belief is that Fichte’s philosophy as a whole is permeated, even beset, by a kind of fundamental ambiguity surrounding these issues. I hope to offer enough textual evidence to support the interpretation I suggest here as a coherent and cogent one. And while I acknowledge the legitimacy of the attempt to resist it, I believe that the resistance can be itself countered. But I feel justified in leaving this task to one side for the moment, because the goal in this chapter of defending a particular interpretation of Fichte is subordinate to the larger goal of understanding Heidegger’s relationship to Fichte in particular and to

the idealists more generally—that is, the way Heidegger understands the meaning of his own philosophy in light of his reading of the idealists. I am trying to make sense of his claim that he not only shares some insights with the idealists but also moves “in the opposite direction” from them. In that regard, my claim is that the interpretation I give is the one Heidegger shared. But from my perspective, an objection to this putatively “overly subjectivist” reading of Fichte is, in effect, a claim that Heidegger might be even more Fichtean than he knows or that I am allowing for, and that my modifier “modest” ought to be swapped out with something stronger. Since my motive is, as I suggest at the outset, to link existential philosophy much more closely and deeply to transcendental philosophy than has hitherto been allowed, to become convinced of this would be for me a welcome development.

24. Robert Pippin, “Fichte’s Alleged Subjective, Psychological, One-Sided Idealism,” in *The Reception of Kant’s Critical Philosophy*, ed. Sally Sedgwick (Cambridge: Cambridge University Press, 2000), 156.
25. *Ibid.*, 164, 162.
26. Of course, the thing will be definable through at least *one* type of “self-relation,” namely self-identity. The germane type of self-relation, “possessed” by “subjectivity” and not by “things,” is the self-relation of self-constitution.
27. Heidegger, *Sein und Zeit*, 212.
28. *Ibid.*, 193.
29. Heidegger, *Kant und das Problem der Metaphysik*, 156.
30. *Ibid.*, 159.
31. *Ibid.*, 159.
32. Heidegger, *Sein und Zeit*, 332.
33. *Ibid.*, 375.
34. *Ibid.*, 322.
35. Regarding this, please refer to Note 23 above. If one would want to insist, despite my characterization, that we ought to understand Fichte (as he might be interpreted as suggesting in the ethical writings, for instance) as arguing that self-sufficiency should not be understood as constitutive for the I but rather as a kind of regulative ideal, then this only moves us back to the possibility suggested in that note—namely, that Heidegger is actually even more Fichtean than he knows or than I suggest.



22

Fichte, Sartre, and Levinas on the Problem with the Problem of Other Minds

Cynthia D. Coe

Fichte has long been recognized as an intellectual predecessor for a variety of themes and approaches in twentieth-century European philosophy. In particular, his account of the summons has been read as an anticipation of the approach to intersubjectivity adopted by certain strains of phenomenology.¹ In this chapter I argue that Fichte, Sartre, and Levinas all refuse the assumptions that generate the standard problem of other minds and instead provide phenomenological starting points for reconceiving the self's encounter with the other. Their accounts draw out various aspects of that experience: the threat of encountering another consciousness, the sense of obligation toward another free being, and the ethical demand of the other prior to all categorization. But all three attempt to capture phenomenologically what is missing if we treat the other person as a mere object-with-attributes, a being whose existence and character need to be verified epistemically. On their accounts of intersubjectivity, an experience with others is the condition for the possibility of acting as a detached observer in the world, and that experience engages us affectively, morally, and politically.

I do not claim any direct linear influence between these three figures. They each emphasize different aspects of our interactions with others that make the problem of other minds the wrong kind of question to raise. Fichte and Sartre retain a conception of the other as an alter ego, in framing the other as a being endowed with freedom and consciousness. That appeal to freedom ulti-

C. D. Coe (✉)

Department of Philosophy and Religious Studies, Central Washington University,
Ellensburg, WA, USA

e-mail: Cynthia.coe@cwu.edu

mately grounds their arguments for respecting others as equals, under reciprocal moral and political obligations (however minimally those are defined by Sartre). That is, even as they reject the problem of other minds, Fichte and Sartre adopt elements of its traditional solution, which, on the basis of an analogy between the immediate experience of how our inner life shapes our behavior and observations of another subject's behavior, infers the consciousness or personhood of the other. By contrast, Levinas rejects even the categorization of the other as a free being and emphasizes a moral obligation that gives rise to the demand for such recognition. His refusal to position the other as an alter ego generates an even more radical dismantling of the problem of other minds than Fichte and Sartre provide. In Levinas's account, the affective and normative demands that the other places upon the subject are intensified to the point that the subject's status as a conscious and autonomous being is decentered rather than affirmed. Thus while Fichte, Sartre, and Levinas all offer phenomenological refutations of the standard problem of other minds, Levinas more radically challenges the picture of the subject that lies at its core.

For all three, interactions with others shape the self's understanding of what it means to be a subject at all. For Fichte and Sartre, self-consciousness, our awareness of ourselves as self-determining beings, results from the experience of sharing a world, and for Levinas this experience opens up the possibility of the ethical (an interruption of competing self-interests) and generates the demand for judgment—hence his claim that “first philosophy is an ethics.”² At stake for all three is establishing a human realm, in which we are more than material objects governed by causality and instinct. Whereas the problem of other minds seems to begin from the anxiety that we will illegitimately regard objects as persons (in demanding justification for the belief that the other is conscious or self-determining), Fichte, Levinas, and Sartre are more concerned about forms of dehumanization—the risk that we will not be treated as human persons, or that we will not treat others as human persons. Each of these philosophers rejects the framing of the standard problem of other minds because it intensifies this risk, by neglecting the peculiar forms of resistance and obligation that others place upon the knowing and acting subject—forms of resistance and obligation that cannot be accounted for if we approach the other as one more object in the world, stripped of the rich, complex, and ongoing experience of intersubjectivity.

The Standard Problem of Other Minds

The problem of other minds traditionally arises as an epistemic issue, beginning in Cartesian assumptions about the self: we have immediate access to our own conscious activity but can only observe the outward behavior of others, so what justification do we have for believing that others are minded beings like ourselves? As Sartre sets up the problem, “I ... have to overcome all the density of a body before I touch his soul.... the Other’s soul does not give itself ‘in person’ to mine. It is an absence, a meaning; the body points to it without delivering it.”³ Fundamentally, the problem of other minds is the problem of whether we can justify the belief that other *people* exist—other centers of consciousness, of will, of desire, of agency, of rights. Although we may observe person-like behavior, what marks someone as a person is not directly perceived from a third-person point of view. Being a person is not the same thing as having two eyes and a nose, or walking upright, or reciting poetry. We have machines that have all of those attributes without (presumably) being people or having minds. Yet that division between who counts as a person and what does not pervades our conceptual imaginary and our practical lives.

The standard solution to this skeptical problem draws an analogy between my observable behavior, which I immediately experience as the result of consciousness, and the other person’s observable behavior, which I assume to be similarly the result of consciousness. The more another’s behavior resembles my own in significant ways, the more likely I am to ascribe a similar first-person experience to them. One problem is that it is not clear what justifies the inference: How outwardly similar to me does a person have to be before I can justifiably infer that their inner life is more or less like mine? The inference depends on recognizing the other as a person like myself, in order to attribute to them similar unobservable characteristics. The inference thus does not answer the problem of other minds so much as beg the question about recognizing personhood in someone else despite having no direct access to their first-person experience. The analogical solution assumes that the individual whom I encounter should be recognized as another consciousness, as an ego like myself, based on behavior that can be skeptically detached from consciousness. It assumes also that I come to this skeptical question as an isolated, observing Cartesian mind. But from a phenomenological perspective, this is precisely what the presence of another person impinges upon. The other has an impact on the self, such that the other cannot be reduced to the kind of inanimate object which I dispassionately observe in order to justify my beliefs

about it. Skepticism about the mindedness of the other misses what the other signifies in my subjective experience.

Whereas the problem of other minds and its traditional solution grapple with the difference between first-person experience and third-person experience, phenomenological accounts of intersubjectivity try to capture the experience of second personhood: How are we *addressed* by the other, in ways that do not directly answer the problem of other minds but might instead dissolve it? Preceding that abstract and somewhat sterile question of whether we should attribute personhood to the other, how do I encounter the other as possessing normative force or posing a threat to my freedom? The problem of other minds, as it is traditionally framed, leaves no room for the affective or moral impact that the encounter with the other has on the self.

In recent decades, there has been a great deal of feminist criticism of the idea that subjects should be understood “atomistically,” detached from their surroundings and from their relationships with other people. If we start instead from the subjective experience of sociality, the problem of other minds looks like an artificial, abstract problem, produced by a certain distortion of reality. And then the question is what would motivate that distorted view of reality: What incentive do we have to treat other minds as so distant from us that we can doubt their existence? How is the ability to recognize others derivative of an originary intersubjectivity, one which those aspiring to be sovereign individuals might want to disavow?

In the context of criticizing dominant conceptions of subjectivity in epistemology and moral philosophy, Annette Baier uses the language of “second persons” to express how we are addressed by others, as one of the preconditions for becoming autonomous: “My first concept of myself is as the referent of ‘you,’ spoken by someone whom I will address as ‘you.’ ... In action and thought about action, as much as in other thought, we are second persons before we are first or third persons.”⁴ To the extent that we celebrate an isolated, self-sufficient subject who stands out against a world of inert objects, we may focus primarily on the first- and third-person perspectives, on subjects and objects, and forget the philosophical significance of intersubjectivity. Baier’s claim is that in order to grow into self-aware, self-determining persons, we build on various forms of dependence on others. These interactions include not only physical care but also communication and invitations to respond, modeling in moral reasoning, an education in what counts as epistemically acceptable or even intelligible, and the naming and negotiation of emotional responses.

The claim that we are first and foremost second persons might be translated into the statement that intersubjectivity is a precondition for all self-conscious

activity, including the skeptical position that makes solipsism seem possible: "A person, perhaps, is best seen as one who was long enough dependent upon other persons to acquire the essential arts of personhood. Persons essentially are second persons."⁵ The condition of autonomy, valorized in so much of modern European epistemic, moral, and political philosophy, emerges only out of the affirmation and forms of education that happen in community.⁶ When intersubjectivity is recognized as constitutive of subjectivity, as it is for Fichte, Sartre, and Levinas, the problem of other minds can be not so much answered as dismantled. Each of these philosophers achieves this dismantling through different emphases on the lived experience of intersubjectivity. Although Sartre and Levinas are rough contemporaries in the twentieth century, thematically Sartre's account of the other lies diametrically opposed to Levinas's in conceiving of the other as a threat to my freedom, the possibility of experiencing myself reduced to an object rather than a subject. Fichte's gentler form of intersubjectivity positions the autonomous other as a precondition for my self-recognition as an autonomous being. That reciprocity then generates moral and political obligations, through which Fichte seems most concerned with guarding against the possibility of reducing the other to an object. Levinas radicalizes this moral emphasis by separating responsibility from any recognition of the other as an alter ego; he thus rejects the dynamic of reciprocity that forms the core of the analogical solution to the problem of other minds and that persists in different ways in Fichte's and Sartre's conceptions of intersubjectivity.

Sartre: The Antagonism of Sharing a World

Sartre approaches the problem of other minds not in epistemic but in ontological terms: how does being in the presence of the other change my being and change how I relate to myself? His celebrated description of encountering another person in a park draws out how my world is reoriented when I am faced by a competing consciousness. Instead of the lawn, the trees, and the benches being objects of my perception, seen in relation to my consciousness as their gravitational center, "there is now an orientation *which flees from me*."⁷ The objects are also *for* that other consciousness, and that person's experience is inaccessible to me.

In this account of "the look," Sartre inverts the problem of other minds. The very obscurity of the other's consciousness establishes my inability to treat the other merely as an object immersed in a world of other objects:

There is a regrouping in which I take part but escapes me, a regrouping of all the objects which people my universe. This regrouping does not stop there. The grass is something qualified; it is *this* green grass which exists for the Other. . . . This green turns toward the Other a face which escapes me. I apprehend the relation of the green to the Other as an objective relation, but I can not apprehend the green *as* it appears to the Other.⁸

Unlike objects, which may contingently hide aspects of themselves from my perception—in the sense that I cannot simultaneously view all the sides of a house, for example—the presence of another conscious being generates a different kind of resistance. In principle, I cannot perceive an object as it appears to the other. Sartre's language signals the affective and noncognitive impact of the other's presence: it is a "disintegration" of the naïve relations that the ego has to objects, a "flight" of those objects toward the other, and thus a kind of "drain hole" in the world.⁹ As a competing center around which objects arrange themselves, the other is "that object in the world which determines an internal flow of the universe, an internal hemorrhage."¹⁰ I experience the other in the world, but in such a way that the world reorients itself, introducing a kind of vertigo into the subject's customary relation to its world. The other is thus not first and foremost an object of cognition, *something* that I perceive, but rather transforms how I perceive everything else in my world, so that the world no longer belongs to me alone.

It is this shift that generates the agonistic quality of the subject's encounter with the other, even if that other is only imagined, as in the case of hearing a noise behind me as I peer through a keyhole, or mistaking a statue on a park bench for a live person, or trying to sneak by farmhouse windows that might conceal observers. In perceiving myself as being looked at, I "become a transcendence-transcended, a freedom engulfed by another freedom."¹¹ I no longer experience myself acting spontaneously in the world; I find myself occupying a particular position, with my possibilities fixed and objectified in the eyes of the other. That experience of being stabilized into an identity from an external perspective destabilizes my sense of myself—it threatens to reduce me to an object, where I had previously operated unreflectively merely as a conscious will.

In grappling with the impact of the look, which is not primarily cognitive, the subject seeks to reclaim mastery over its world, a world in which it cannot be reduced to an object of the other's gaze, and in which therefore its open-ended possibilities are restored. In *Being and Nothingness*, this is described as a conflict in which each conscious self struggles to maintain its status as the gravitational center of its world, amidst the rivalry that every other subject

represents. At best, this conflict ends with a kind of mutual recognition, but there are many ways in which this possibility can be undermined.¹² In the lecture “Existentialism and Humanism,” my commitment to my own freedom entails a commitment to the freedom of others: “We will freedom for freedom’s sake, and in and through particular circumstances. And in thus willing freedom, we discover that it depends entirely upon the freedom of others and that the freedom of others depends upon our own.”¹³ My projects unfold in an intersubjective world, alongside the projects of others; in order to accomplish a concrete task, rather than merely declare myself free, I must affirm more than my own freedom. Sartre’s more careful exposition in *Being and Nothingness* includes the Hegelian idea that confronting another consciousness reveals and destroys the assumption that there is only one world: subjectively, we each experience a world oriented toward us. Through the challenge posed by the other—the possibility of seeing myself from a third person perspective—I become conscious of myself *as* consciousness. The encounter with others both threatens and makes possible my understanding of myself as a free being.

Based on this phenomenological description, Sartre argues that it is only in a derivative way that I can question the mindedness of the other, as an epistemic problem.¹⁴ That is, the problem of other minds arises as an abstract and artificial skepticism only within the context of lived intersubjectivity. In my ordinary experience, I encounter others who immediately impact me in an “active and lived resistance to solipsism,” because I relate to myself differently in the presence of others, even presumed others.¹⁵ Sartre hence extends the language of the *cogito*, the immediate awareness of my own consciousness, to describe the encounter with the other: “The *cogito*, a little expanded as we are using it here, reveals to us as a fact the existence of the Other and my existence for the Other.”¹⁶ To frame the other as a skeptical problem is to ignore or deflect the primary significance of my relation to the other. It is true that the existence of the other (or the existence of the other as a conscious being) is open to doubt, in an abstract sense; in the same way, Sartre claims, I can formulate the sentence, “I doubt my own existence.”¹⁷ But like my immediate awareness of myself, the existence of the other is not a conjecture, a claim that cannot be empirically verified. If I approach the other as an epistemic problem, then I may make claims about the probability that a voice has been simulated or that the person sitting next to me is an automaton. But this approach reduces the other to an object of perception, whereas at first the other confronts me with all the immediacy of the *cogito*: “I have always had a total though implicit *comprehension* of his existence ... this ‘pre-ontological’ comprehension comprises a surer and deeper understanding of the nature of the

Other and of the relation of his being to my being than all the theories which have been built around it.”¹⁸ This awareness of the other as another consciousness precedes the formulation of the problem of other minds. Sartre further rejects the standard framing of this problem by arguing that it is through the encounter with others that I come to understand my own status as a conscious being, rather than starting with that reflective awareness and then transferring it, by analogy, to another.

Despite Sartre’s phenomenological rejection of the problem of other minds and its traditional analogical solution, he remains beholden to certain elements of it, insofar as he emphasizes the symmetry between two conscious subjects, who both seek to dominate and objectify the other, and who may eventually come into uneasy reciprocity. It is the fact that the other is a conscious being that makes the other a threat to my freedom. The other remains an alter ego, another subject who has an internal life that resembles my own. That symmetry then serves as the foundation for a minimal political obligation to recognize the freedom of other subjects. The affective description of confronting *this* particular subject grounds the formal requirement of reciprocal recognition.¹⁹

Fichte: The Reciprocal Recognition of Boundaries

In Fichte’s account of the other, there is little trace of the antagonism that is at the heart of Sartre’s phenomenological analysis of the look. Fichte takes special care with the problem of other minds in order to overcome the charge that his brand of idealism leads to solipsism, and he provides two separate approaches that establish the relation between the self and the other. The first is a transcendental deduction of the formal reciprocal obligations between self-determining beings, based on the summons (*Aufforderung*); this argument grounds a claim about our political commitments as citizens in the *Foundations of Natural Right*. Secondly, in the *Vocation of Man* and the *System of Ethics*, Fichte describes a felt sense of moral obligation, which he calls conscience (*Gewissen*), by which I not only recognize others as fellow rights-bearing citizens but also become aware of my obligation to support their autonomy and moral perfectibility.

Fichte argues that the problem of other minds emerges as a serious issue only if one begins from a dogmatic standpoint—that is, only if one attempts to justify beliefs about the consciousness of the other from “signs” or “effects” of rationality, and then to derive moral or political obligations to the other on that basis (EPW 154 [GA I/3:34]). Like Sartre, then, Fichte describes an

exposure to the other that is not the same kind of experience as we have of inanimate objects. The summons functions as a transcendental condition of my own self-consciousness, and in experiencing the voice of conscience, I am confronted by a feeling that cannot be reduced to a perception. In other words, Fichte's account reveals that the problem of other minds as it is traditionally framed cannot be answered, but also that this frame is artificially narrow. The full range of subjective experience contains and gestures toward more than dogmatism can explain.

In establishing our political obligations to the other, Fichte provides a transcendental proof of the other as a free being. To become conscious of myself as a free being, I must be confronted by a will outside of my own: a will that makes demands on how I use my freedom. This summons transforms the self's activity from "an outwardly directed undetermined activity" to self-determining activity.²⁰ Recognizing (*anerkennen*) the other as another conscious being is thus a condition of my self-consciousness (FNR 42–43 [GA I/3:351–53]). The summons ultimately calls me to recognize myself as free: "I am given to myself as free in the concept of this summons" (SE 209 [GA I/5:200]). If the freedom or personhood of the other is the condition of my own self-consciousness as a free being, then treating the other as an object would undermine my ability to see myself as a free being. On Fichte's reading, freedom establishes a domain from which other wills are excluded. If I have the right to determine what happens to my own body, that right excludes others from treating my body merely as an object to be used according to their own interests and purposes. Rights thus set up reciprocal systems of exclusion and restraint. When I posit the other as free, I recognize a political prohibition on treating the other merely as a means for my will, and I affirm my own freedom in demanding that others treat me with respect.²¹

Outside of the deduction itself, Fichte discusses the characteristics that would allow us "to transfer the concept of rationality on to some objects in the sensible world but not on to others" (FNR 75 [GA I/3:380]). These qualities consist of the ways in which human beings are "abandoned" by or transcend nature: we depend on reason to supplement instinct, clothe ourselves, walk upright, and express ourselves through our eyes and mouths (FNR 76–79 [GA I/3:381–83]).²² These attributes mark human beings as spiritual rather than merely natural organisms:

All of these things—not considered in isolation, the way philosophers split them up, but rather in their amazing, instantaneously grasped connection, as given to the senses—these are what compels everyone with a human countenance

to recognize and respect the human shape everywhere.... The human shape is necessarily sacred to the human being. (FNR 78–79 [GA I/3:383])

The emphasis here is on the proper judgment of who should be perceived as a rational being and what should not—how rationality concretely shows itself, even if these behaviors are not themselves used to prove the existence of other rational beings. But a crucial element of Fichte’s argument is the shared status of self and other as self-determining. We recognize ourselves and others as possessing the “sacred” quality of being human, and thus generate a series of reciprocal normative claims.

While the problem of other minds cannot be resolved by an appeal to empirical evidence, it can be dissolved by revealing the implications of our status as free subjects. The mirroring between conscious, end-setting subjects establishes the formal reciprocity of rights, which, in Frederick Neuhouser’s words, “guarantee to citizens an exclusive sphere of free activity that is necessary in order for subjects to realize themselves as free individuals.”²³ That political interchangeability of the self and the other is grounded in recognition, both as a form of knowledge—we believe that they are free beings—and as the basis of political obligation—because they are free beings, they possess rights: “*I must in all cases recognize the free being outside me as a free being, i.e., I must limit my freedom through the concept of the possibility of his freedom*” (FNR 49 [GA I/3:358]). The other is an alter ego, and in our shared character as beings who are more than determined objects immersed in the natural world, we have obligations to treat each other as rights-bearing persons (FNR 42 [GA I/3:352]).

Fichte’s discussion of education or upbringing (*Erziehung*) as a form of the summons deepens his phenomenological revision of the problem of other minds. I learn to see myself as a rational being by being treated as one by others, and this habitual interaction with others and my sense of myself within those interactions surround any isolated instance of the summons: “*If there are human beings at all, there must be more than one*” (FNR 37 [GA I/3:347]). Fichte reads the book of Genesis through this lens, as part of his argument that the origin of human *persons* cannot be explained biologically. Personhood requires being raised by rational beings:

Who brought up the first human couple? ... A human being could not have brought them up, for they are supposed to be the first human beings. Therefore, another rational being (one that was not human) must have brought them up—obviously, only to the point where humans could start bringing up each other. (FNR 38 [GA I/3:347–48])

As rational beings, we exist as a species, in a community of persons, rather than as individuals who encounter each other only incidentally. In other words, we exist as second persons in this specific sense. Unlike many philosophers in the European canon, Fichte closely attends to the significance of childhood, as a state in which we learn what it means to be a person, and in which that learning necessarily happens in relation with others. In his discussion of the summons as the grounding for political rights, Fichte commits himself to what Stephen Darwall has called the “second-person standpoint,” in which normative claims presuppose an intersubjective context.²⁴ Scholars such as Darwall and Robert Williams further claim that the *Aufforderung* is an ethical engagement with the other similar to the radical decentering of the subject in Levinas’s account of the face.²⁵ However, this view has been challenged by Daniel Breazeale and Frederick Neuhouser, who note Fichte’s strict distinction between ethics and right—the so-called separation thesis. On Breazeale’s reading, I must respect the rights of others only if I choose to live in community with them, so that I and others can maximize our external freedom (that is, within a relation of right). We cannot derive robust moral obligations to others from the formal character of the summons.²⁶ Instead, Fichte claims, the voice of conscience demands that we recognize not only others’ capacity for self-determination but also for rational autonomy (FNR 50 [GA I/3:359]). I come to recognize myself as self-determining through the summons, but this sets up only the obligation to respect others’ separate domain of action, an obligation expressed through political rights. By contrast, the conscience is a moral feeling that more positively directs my actions, rather than merely restraining me from acting in ways that violate others’ rights. In the *System of Ethics*, Fichte appeals to practical reasoning, rather than a deduction of the subjectivity of others based on the pure self-activity of consciousness. In the domain of conscience, my obligations are not derived from recognizing the other as self-determining but from an immediate moral feeling (SE 198 [GA I/5:190]).²⁷

Our felt sense of duty to the other leads to the claim that others deserve to be treated as agents with the possibility of moral perfectibility rather than as objects of my will. In the *Vocation of Man*, Fichte contrasts conscience with the detached perspective that allows for skepticism about the personhood of others:

Speculative philosophy, taken to its conclusion, has taught me or will teach me that these supposed rational beings outside of me are nothing but the products of my own mind.... But the voice of my conscience calls to me: whatever these beings may be in and for themselves, you ought to treat them as self-subsistent,

free, autonomous beings completely independent of you ... strictly speaking it is not thought by which they are first presented to me as such. It is the voice of conscience, the commandment, "here limit your freedom, here suppose and respect other purposes." (VM 76 [GA I/6:262])

As a moral feeling distinct from the formal recognition of myself and the other as rights-bearers, conscience directs my intentions and actions in more substantive ways, toward the *telos* of autonomy. Conscience is "*the immediate consciousness of our determinate duty*" (SE 164 [GA I/5:161]). Echoing the obligation to recognize the political rights of others, the voice of conscience is a subjective feeling of constraint upon my purposes and interests, in order to make room for the purposes and interests of others. The otherness of the other is affirmed through a metaphor of boundaries, or the delimitation of a territory that cannot belong to me, because it already belongs to someone else: "There are certain points beyond which I should not proceed with my freedom, and this *ought-not* [*Nichtsollen*] reveals itself to me immediately. I explain to myself these points by appealing to the presence of other free beings and their free effects in the sensible world" (SE 214 [GA I/5:205]). In contrast to Sartre, in Fichte's account the recognition of other self-conscious, purpose-giving beings who inhabit my world does not result in a perceived threat to my freedom but instead generates the demand to restrain my free action.

In the deduction of political obligation, Fichte carefully attends to the nature of the *Aufforderung* as a binding force on a rational and free person. It does not determine, compel, or coerce, but instead acts as a call or demand upon us, an obligation that only makes sense if there is another rational and free being.²⁸ Rather than being a causal force that acts upon us, the summons reflects the free activity of the subject. That is, I know that the other exists due to a resistance that cannot be accounted for if we begin from dogmatic assumptions: "The most experience can teach is that there are effects, which resemble the effects of rational causes. It cannot, however, teach us that the causes in question actually exist as rational beings in themselves. For a being in itself is no object of experience" (EPW 154 [GA I/3:35]). Hence the traditional argument from analogy tries to capture the kind of obligation that the other demands of us, by pointing out the symmetry between my subjective experience and the other's imputed internal life, but it cannot justify that inference on the terms established by the standard problem of other minds.

In the *System of Ethics*, conscience is attuned to the same kind of noncausal, normative resistance. Fichte quotes Schelling to describe the subjective experience of that resistance, as a feeling rather than knowledge of the other: "Where my *moral* power encounters resistance, there can no longer be *nature*. I

shudder and stop. I hear the warning: here is *humanity!* I *am not permitted* to proceed any farther.”²⁹ In the *Vocation of Man*, Fichte offers the following account of how we move from a sense of *how* others should treat us to an understanding of *who* those others must be:

They treat him with consideration, thoughtfully, and purposefully, not as a non-rational being but as a free and independent being. And so, if they are even to be able to meet this requirement, he will be obliged to think of them too as considerate, free, self-sufficient, and independent of the mere power of nature. (VM 78 [GA I/6:264])

In demanding that others treat us as free beings, we implicitly recognize the freedom of others and affirm them as beings like ourselves. Fundamentally, both in political recognition and in moral obligation, I encounter the other as something different than a piece of the natural world, just as I experience myself as something different than a piece of the natural world. My obligations to them thus must align with my status as a self-determining being, and their obligations to me must reciprocally recognize that self-determining status. That reciprocity gestures toward the phenomenological insight at the core of the analogical solution to the problem of other minds, in which the other is recognized as an alter ego, even as Fichte rejects the anti-phenomenological formulation of the problem itself.

Fichte's attribution of freedom or end-setting to the other is his method of preserving what Levinas calls the other's alterity: the other cannot be reduced merely to an object to be used by the free I, or to an object to be known as inert objects are known. As in Sartre's account, then, the opacity of the other as a *free* being establishes the subjective status of others, rather than calling it into question. Fichte and Sartre variously capture this opacity by referring to conscious, rational, self-determining, and spiritual beings, but this cluster of terms is deployed in a very basic sense to separate persons from things. If I were able to achieve transparent access into their subjective life, as the problem of other minds demands, that would undermine my judgment that they are more than merely natural beings. Levinas takes that opacity one step further: my relation to the other is not primarily symmetrical or reciprocal, and the other cannot be reduced to an object of knowledge, even to the minimal extent of positing them as an alter ego, another consciousness that shares my own status as a person.

Levinas: The Unnarratable Other

Levinas offers yet a third phenomenological response to the problem of other minds, one that emphasizes the ethical significance of the other. Through that emphasis, Levinas goes farther than Fichte and Sartre in refusing to frame the subject as a detached observer for whom the other's personhood is questionable. In his account of intersubjectivity, he attempts to dismantle the ideal of the autonomous subject that has dominated modern Western thought. Even more explicitly for Levinas than for Sartre and Fichte, to try to prove the existence of other persons is to begin from a set of presuppositions that misses a crucial dimension of what it means to be a subject. We are not only knowers and agents who observe and act upon the world around us. We are also and even more immediately addressed by others in a way that does not conform to the models of justifying beliefs about objects or imposing our will upon them. If the other is reduced to the object of perception or cognition, the normative force of that address has been deflected. Levinas argues that the other makes an ethical demand upon us prior to our being able to treat them as an object of perception, a being with recognizable characteristics. Sartre's antagonistic model and Fichte's focus on reciprocity both conceptualize the other as a presence, in front of me, sharing my space and sharing my status as a conscious, rational agent, which may generate a sense of rivalry or a recognition of mutually respected boundaries. Levinas instead claims that the other is not present before me, as an object would be, and does not even share a temporal present with me. Instead, the other is in "proximity" to me³⁰ and imposes an ethical obligation out of an "immemorial" past.³¹ Both of those key concepts describe the normative force of the other, in its irreducibility to any object that the subject acts upon and to any idea that the subject comprehends. The Levinasian other is morally considerable precisely because she is not an alter ego.

Like Fichte and Sartre, Levinas argues that the phenomenological significance of the face is something more than the content of a perception. For Sartre, the look has nothing to do with the color of the other's eyes: "It is never when eyes are looking at you that you can find them beautiful or ugly, that you can remark on their color. The Other's look hides his eyes; he seems to go *in front of them*."³² For Fichte, the observable signs of self-determining beings include the "whole expressive face," and particularly the eyes and the mouth, which are not merely parts of a biological organism but rather reflect how we transcend the merely natural world (FNR 78 [GA I/3:383]). In Levinas's account, the face makes a demand, and it is for this reason that Levinas uses

the language of proximity rather than presence to describe the other. Any object that could be present to and for consciousness can be grasped, cognitively speaking. This dynamic reinforces the status of the subject as an observer and consumer of the world, rather than confronting it with the ethical destabilization of that status. By contrast with presence, proximity is “an awakening to the other man, which is not knowledge.”³³ Proximity as a concept functions in two ways: to mark the resistance that the other poses to being captured in a representation *and* to insist on the “non-indifference” that the other imposes upon the subject.³⁴ The two dimensions of this term are inseparable: it is because the other cannot be reduced to a perception that we find ourselves obligated to the other, prior to all choice or action.

Levinas emphasizes the alterity of the other by describing the ethical demand as a trauma, an event that impacts me before I can prepare for it, an event that resists being comprehended or contained in a memory.³⁵ The language of trauma expresses the peculiar character of an event that is affectively significant to me but that I cannot understand and over which I cannot gain cognitive control. Consciousness traffics in what is intelligible and can be represented. But if my ethical response to the other arises not in the present but in the past, the other and my responsibility to the other cannot be one more object of knowledge. Too late to deflect or contain that responsibility by being able to locate it in an originating intent, the subject is obligated by an “immemorial past,” a past that cannot be recuperated.³⁶ Perceiving the other merely as another object in the world would thus undermine the radical nature of responsibility:

Proximity, suppression of the distance of consciousness of ... [an object] involves, opens the distance of a diachrony without a common present ..., the non-representable status of the neighbor behind which I am late and obsessed by the neighbor. This difference is non-indifference to the other. Proximity is a disturbance of the rememberable time.³⁷

In this characterization of our encounter with the other, Levinas evokes both the opacity of the other and the unavoidability of responsibility in that encounter. When I am aware of the other in all their vulnerability, I cannot avoid responding to that vulnerability, even if there is no act or contract that would justify that obligation.

The relation between the self and the other in Levinas’s account is insistently asymmetrical, unlike the reciprocity that both Sartre and Fichte articulate, as least as an ideal. Levinas claims that in the immediacy of the ethical encounter, the other cannot be conceptualized as an alter ego, another self

that shares my experience or my attributes. The figure of the neighbor, which Levinas often invokes, is not necessarily a fellow citizen or someone whom I recognize to be like me, but just anyone, “the first one to come along.”³⁸ The neighbor is the one whom I encounter but who cannot be contained in a comprehension. As such, the neighbor may equally be described as a stranger: “I, you—these are not individuals of a common concept. Neither possession nor the unity of number nor the unity of concepts link me to the Stranger, the Stranger who disturbs the being at home with oneself.”³⁹ If I describe the other as an object present to consciousness, even a being whose morally significant attributes have been established, I have missed the ethical encounter: “The unnarratable other loses his face as a neighbor in narration.”⁴⁰

Levinas acknowledges that the intensity of the ethical must be translated into conceptual discriminations and judgments, because I encounter multiple others and must calculate how I should concretely respond to their needs and vulnerabilities. It is at this level of justice (rather than ethics) that I consider abstractly the rights of the other person and take into account my duties to myself, and the other now may become understood as an alter ego. Comparisons between Fichte’s concept of the *Aufforderung* and Levinas’s discussion of the face ignore or diminish this key difference: that the summons is an implicit recognition of another self-determining being, given my own status as a self-determining being. For Levinas, my response to the other calls into question my status as a self-determining being, in two ways: descriptively, I am responsive to the other prior to any decision or intent on my part, and normatively, responsibility is “having to answer for [my] right to be,” when the self-centered drive to preserve my own existence grounds my attempt to dominate the world around me, including other people.⁴¹ In being moved to respond to the needs of others, I experience a “passivity [that] is more passive still than any receptivity.”⁴² I respond to the other prior to verifying that my obligation is justified by any particular action of mine, or by any implicit or explicit contract, or by any shared nature.

In Levinas’s account, then, I do not encounter the other as a conscious, looking being (Sartre) or as a free, end-setting being (Fichte). To classify the other in these ways, and thus to recognize her as a being like myself, places me once more in the position of a detached observer. Levinas is close to Fichte’s notion of conscience sensing some normative resistance on the part of the other, but unlike Fichte he does not conceptualize that resistance as the freedom of the other, which demands respect on my part, even as I demand respect and recognition from the other. Levinas asks whether our ethical and political responsibilities to others must be grounded in the recognition of some basic unity with others, or whether instead they arise from encountering

alterity that does not fit into a whole that could be comprehended by consciousness:

One must ask whether in the human multiplicity, the alterity of the other man signifies only the logical otherness of the parts ... in a divided Whole whose strictly mutual relationships are commanded exclusively by the unity of that Whole, that One that has degenerated into its parts.... Or—and this would be the second term of an alternative—one must ask: Does the otherness of the other man, the otherness of the other, not have for the *I* from the very first an absolute character in the etymological sense of that term, as if the other were not only other in the logical and formal sense ... but *other* in an irreducible fashion, with an otherness and a separation that resist all synthesis, prior to all unity, in which the possible relationship between me and the other (the otherness of an undesirable stranger)—in which sociability—is independent of all previous recognition and all formation of totalities? An ethical relationship!⁴³

The other becomes not another individual, a token of humanity, but a singular being who may be conceptualized as part of a larger totality only through a deflection of the ethical demand that we precisely *not* treat them merely as the content of an idea. In the context of that ethical resistance to totality, the self does not share with the other the gravitational force of consciousness that Sartre describes or the self-determining status of Fichtean persons. The encounter with the other instead raises a different dimension of subjectivity: I am called upon to justify my very existence as a free being and my interactions with others.

The standard problem of other minds is badly formed in multiple ways, on Levinas's reading. What matters in the ethical encounter is not whether the other has a mind or consciousness or free will, but the fact that the other is a singular being vulnerable to violence, including the cognitive violence of being reduced to an idea.⁴⁴ This is not a determinate characteristic that establishes the personhood of the other—their distance from being a mere object among other objects. This is instead the fragility of the ethical: the face *can* always be reduced to an object of consciousness, and my responsibility disavowed or curtailed. Skepticism about my belief that the other exists as a mind or free being positions the subject as a detached knower, rather than someone intimately confronted by responsibility for the other. Those philosophical questions come only *after* we experience what Levinas calls the traumatic significance of responsibility. In this way, he goes beyond the critiques that Fichte and Sartre pose to the problem of other minds, in his broader challenge to the modern ideal of autonomy. Our encounters with others

destabilize rather than reaffirm our status as free and conscious beings, and that destabilization is not so much a threat to our personhood as the possibility of ethics itself.

Conclusion: Phenomenological Variations on the Problem of Other Minds

In refusing the atomistic assumptions that generate the standard problem of other minds, phenomenological approaches to intersubjectivity recast what it means to be a subject at all. We encounter other persons primarily not as an epistemic puzzle, but as beings who are at once closer and more opaque to us. Their very presence (or proximity) imposes demands upon us—whether those demands take the form of a competing center of consciousness, a call for moral or political recognition, or a need to respond to the other's vulnerability. The epistemic subject imagined in the standard problem of other minds lacks any such normative and affective engagement with the object of that knowledge. Sartre, Fichte, and Levinas each reveal the artificiality of that detachment in order to dismantle the problem of other minds as it is traditionally posed. Others are also more opaque to us than this problem allows. It is not just that their consciousness or self-determination or moral considerability cannot be empirically verified. It is precisely their separateness from us that establishes their status as persons: we cannot know what the world looks like to them; we must respect their distinct intentions and purposes; or their alterity is so absolute that we cannot even classify them as an alter ego, sharing the same present and having reciprocal obligations. Phenomenologically, the other presents the self with a complex amalgam of presence and absence, or familiarity and strangeness.

Of the three, Levinas's account of intersubjectivity most radically breaks with the assumptions that generate the standard problem of other minds. The encounter with others does not occasion a recognition of the self-determining status of persons, as opposed to objects, and it does not begin or end with an affirmation of my own self-determining status. Although Fichte and Sartre describe an affective or normative impact that the other has upon us—a force that cannot be accounted for as long as the personhood (as opposed to the thinghood) of the other is treated as an epistemic issue—Levinas fundamentally opposes the characteristic activity of knowing, in which we cognitively master the world around us, to the ethical encounter, in which we experience a traumatic responsibility. In contrast to Fichte, for Levinas our moral

obligations, to respond to the other, are not dependent on recognizing the other as a rational being, or another being like ourselves. Recognition positions the subject as a detached observer, whereas a moral demand impinges on the subject more immediately, before she has time to step back and evaluate the justification for that obligation. That responsiveness to the singularity of the other establishes a third way of relating to others, which involves neither recognizing them as an alter ego nor reducing them to mere objects. It also opens a thoroughgoing critique of the ideal of the autonomous subject that has dominated modern Western epistemology, ethics, and political theory.

The phenomenological dissolution of the standard problem of other minds revises our understanding of the subject and the intimate role that others play in making us the kind of being that is capable of asking skeptical questions at all. However, even within these accounts, a version of the uncertainty at the core of the problem of other minds recurs: How do we distinguish between those who deserve to be treated as morally considerable persons, and mere things, which do not? An unapologetic anthropocentrism permeates the way in which Sartre, Fichte, and Levinas discuss intersubjectivity, in part because all three have a stake in sharply distinguishing between human persons and mere things. The emphatic drawing of this boundary between humanity and nonhuman nature reflects their anxieties about what befalls human beings when we understand ourselves, or are framed by others, as lacking consciousness, freedom, or moral considerability.⁴⁵ Each of their accounts assumes that we subjectively experience others as making these normative and affective demands on us, but each of them also consider the prospect of deflecting these demands by reducing subjects to mere objects. One question that then arises is what justifies the exclusion of nonhuman animals from the kind of recognition or ethical interaction accorded to human beings, and which elements of these accounts of intersubjectivity would need to be revised if the clarity of that boundary were to be challenged. Could Fichte's account accommodate the possibility of nonhuman summoners, or a more complex distinction between autonomous and heteronomous beings? A second and related issue is the fact that our subjective experience of who counts as a person and what does not is culturally acquired, such that in slave-holding or racist or sexist or homophobic societies, one's sense of whose suffering matters or who deserves to be protected by the law will be attuned to respond not to all others, but only to some, as politically and morally considerable.⁴⁶ Our moral education powerfully shapes who appears to us as a full person, as deserving of respect, or before whom we will feel self-conscious, or whose vulnerability makes a moral demand on us. The problem of other minds returns in a different form here: Are we justified in drawing the boundary between subjects and

objects where it is currently drawn, in particular contexts? If we recognize the power of contingent forms of moral education, Fichte's account of intersubjectivity needs to be supplemented by critical reflection on how we establish our moral obligations, even when we claim a rational foundation for those obligations.

Fichte, Sartre, and Levinas at least open the possibility of discussing these issues, even if their own accounts assume a clear distinction between persons and nonpersons, by providing different dimensions of a phenomenological critique of the standard problem of other minds. All three call attention to and reject the traditional way of treating the personhood of the other as an epistemic puzzle, the solution of which would be necessary to justify our moral or political obligations to others. These phenomenological approaches transform our understanding of how we relate to others, but they also complicate our understanding of who we are in relation to those others. We are not simply individuals disinterestedly observing a world that happens to include other conscious beings; our own status as free, end-setting, rights-bearing, meaning-giving, ethically responsive beings must be examined. In that view of what it means to be a subject, there can be no risk of solipsism, because in the intertwining of our epistemic, moral, and political lives, subjects inhabit an intersubjective world.⁴⁷

Notes

1. See, for instance, John Russon, "The Body as Site of Action and Intersubjectivity in Fichte's *Foundations of Natural Right*," in *Fichte's Foundations of Natural Right: A Critical Guide*, ed. Gabriel Gottlieb (Cambridge: Cambridge University Press, 2016), 138–56; Violetta L. Waibel, Daniel Breazeale, and Tom Rockmore (eds.), *Fichte and the Phenomenological Tradition* (Berlin: de Gruyter, 2010); and Robert Williams, *Recognition: Fichte and Hegel on the Other* (Albany: State University of New York Press, 1992).
2. Emmanuel Levinas, *Ethics and Infinity: Conversations with Philippe Nemo*, trans. Richard A. Cohen (Pittsburgh: Duquesne University Press, 1985), 77.
3. Jean-Paul Sartre, *Being and Nothingness*, trans. Hazel E. Barnes (New York: Philosophical Library, 1956), 304.
4. Annette Baier, "Cartesian Persons," in *Postures of the Mind: Essays on Mind and Morals* (Minneapolis: University of Minnesota Press, 1985), 89–90.
5. *Ibid.*, 84.
6. See Lorraine Code, "Second Persons," in *What Can She Know? Feminist Theory and the Construction of Knowledge* (Ithaca: Cornell University Press, 1991), 71–109.

7. Sartre, *Being and Nothingness*, 342.
8. *Ibid.*, 343.
9. *Ibid.*
10. *Ibid.*, 345.
11. Joseph S. Catalano, *A Commentary on Jean-Paul Sartre's "Being and Nothingness"* (New York: Harper & Row, 1974), 162.
12. Sartre, *Being and Nothingness*, 471–74.
13. Jean-Paul Sartre, *Existentialism and Humanism*, trans. Philip Mairet (Brooklyn: Haskell House, 1948), 51–52.
14. See Sebastian Gardner, "Sartre, Intersubjectivity, and German Idealism," *Journal of the History of Philosophy* 43, no. 3 (July 2005): 325–51.
15. Catalano, *Commentary*, 158.
16. Sartre, *Being and Nothingness*, 376.
17. *Ibid.*, 337.
18. *Ibid.*, 338.
19. There is an interesting proximity between Fichte and Sartre on the role that the body plays in intersubjectivity: see FNR 53–74 and Sartre, *Being and Nothingness*, 445–60.
20. Drew M. Dalton, "Strange Bedfellows: A Re-Examination of the Work of J. G. Fichte in Light of the Levinasian Critique," *Idealistic Studies* 36, no. 1 (Spring 2006), 19.
21. See Allen W. Wood, "Deduction of the Summons and the Existence of Other Rational Beings," in Gottlieb, *Fichte's Foundations of Natural Right*, 84–87.
22. *Ibid.*, 87.
23. Frederick Neuhouser, "Fichte on the Relationship between Right and Morality," in *Fichte: Historical Contexts/Contemporary Controversies*, ed. Daniel Breazeale and Tom Rockmore (Atlantic Highlands, N.J.: Humanities Press, 1994), 173.
24. Stephen Darwall, *The Second-Person Standpoint: Morality, Respect, and Accountability* (Cambridge: Harvard University Press, 2006).
25. Neuhouser, "Fichte on the Relationship between Right and Morality," 162–77.
26. Daniel Breazeale, "The First-Person Standpoint of Fichte's Ethics," *Philosophy Today* 52, no. 3/4 (Fall–Winter 2008): 270–81.
27. Matthew C. Altman makes the point that in his discussion of the conscience, Fichte inverts the typical order of establishing the morally considerable attributes of the other and then deriving my moral obligations to that person. Instead, I first experience moral resistance to treating them as a mere object and on that basis am practically committed to the belief that they are rational and self-determining persons. See "Fichte's Practical Response to the Problem of Other Minds," *Revista de Estud(i)os sobre Fichte* 16 (2018): <https://journals.openedition.org/ref/859>.
28. Wood, "Deduction of the Summons," 83.

29. F. W. J. Schelling, "New Deduction of Natural Right," in *The Unconditional in Human Knowledge: Four Early Essays*, trans. Fritz Marti (Lewisburg: Bucknell University Press, 1980), 13; quoted in SE 213 (GA I/5:204).
30. Emmanuel Levinas, *Otherwise than Being, or Beyond Essence*, trans. Alphonso Lingis (Pittsburgh: Duquesne University Press, 1981), 82.
31. *Ibid.*, 38.
32. Sartre, *Being and Nothingness*, 346–47.
33. Emmanuel Levinas, "Diachrony and Representation," in *Entre Nous: Thinking-of-the-Other*, trans. Michael B. Smith and Barbara Harshav (New York: Columbia University Press, 1998), 168.
34. Levinas, *Otherwise than Being*, 48.
35. *Ibid.*, 135.
36. *Ibid.*, 51.
37. *Ibid.*, 89.
38. Levinas, "Diachrony and Representation," 168.
39. Emmanuel Levinas, *Totality and Infinity: An Essay on Exteriority*, trans. Alphonso Lingis (Pittsburgh: Duquesne University Press, 1969), 39.
40. Levinas, *Otherwise than Being*, 166.
41. Emmanuel Levinas, "Nonintentional Consciousness," in *Entre Nous*, 130.
42. Levinas, *Otherwise than Being*, 48.
43. Emmanuel Levinas, "The Philosophical Determination of the Idea of Culture" in *Entre Nous*, 185.
44. See Diane Perpich, "Levinas, Feminism, and Identity Politics," in *Radicalizing Levinas*, ed. Peter Atterton and Matthew Calarco (Albany: State University of New York Press, 2010), 28–33.
45. See Jacques Derrida, *The Animal that Therefore I Am*, ed. Marie-Louise Mallet, trans. David Wills (New York: Fordham University Press, 2009).
46. See David Livingstone Smith, *Less than Human: Why We Demean, Enslave, and Exterminate Others* (New York: St. Martin's Press, 2011); and Charles W. Mills, "Non-Cartesian Sums: Philosophy and the African-American Experience," in *Blackness Visible: Essays on Philosophy and Race* (Ithaca: Cornell University Press, 1998), 1–19.
47. Support for this scholarship was generously provided by the School of Graduate Studies at Central Washington University.



23

Fichteian Selfhood and Contemporary Philosophy of Language: The Case of Transcendental Pragmatics

Michihito Yoshime

Why have philosophers stopped discussing Fichte, given his innovative and profound thoughts on selfhood? Today, we seldom find him cited in ongoing philosophical debates. Furthermore, ever since philosophy turned to linguistic problems in the early twentieth century, he has only been mentioned in interpretations of his original texts. The phrase “linguistic turn” was the slogan for the revolution in philosophy that took place 100 years after the golden age of the German Idealists, including Fichte. Although the phrase itself now has a classical connotation, and the development of both phenomenology and existentialism should also be taken into consideration, it still cannot be denied that the analytical philosophy of language, which takes over the spirit of British empiricism and is allied with the American tradition of pragmatism, has dominated philosophical discourse over the past hundred years.

The basic motive behind this movement is the belief that philosophical inquiries should focus on language, rather than other, more traditional topics, including subjective consciousness. This resulted in a questioning of the validity of the philosophy of consciousness, as developed by Kant, Fichte, and other of their contemporaries, as the primary method for philosophy. Many of the early analytic philosophers considered the methods used by Kant and his successors to be outdated, and rejected their ideas and terminology as meaningless. The logical empiricist Rudolf Carnap, for example, critically analyzed the meaning—or rather, meaninglessness—of metaphysical terms such as “principle” (as in “the principle of the world”) and “God,” words

M. Yoshime (✉)

Graduate School of Letters, Osaka University, Osaka, Japan

which do not refer to empirically verifiable entities. He then asserted the following:

Just like the examined examples ‘principle’ and ‘God,’ most of the other *specifically metaphysical terms are devoid of meaning*, e.g. ‘the Idea,’ ‘the Absolute,’ ‘the Unconditioned,’ ‘the Infinite,’ ‘the being of being,’ ‘nonbeing,’ ‘thing in itself,’ ‘absolute spirit,’ ‘objective spirit,’ ‘essence,’ ‘being-in-itself,’ ‘being-in-and-for-itself,’ ‘emanation,’ ‘manifestation,’ ‘articulation,’ ‘the Ego,’ ‘the non-Ego,’ etc.¹

Given that this perspective on German Idealism and classical German philosophy underlies the mainstream of contemporary philosophy, it might seem reasonable to suppose that the philosophy of Kant and his successors would already have been completely refuted. However, the actual situation is the reverse. Relatively early in the analytic tradition, Kant regained his status as one of the most important philosophers. Wilfrid Sellars, P. F. Strawson, Hilary Putnam, and many other philosophers considered his work important and constructed theories that were influenced by Kant to some degree. More recently, Hegel has also been reevaluated: some of the leading philosophers of language in the English-speaking world, including Robert Brandom and John McDowell, openly refer to Hegel’s philosophy in developing their own theories. It should also be noted that the liberal-communitarian debate in political philosophy can be understood as a confrontation between contemporary Kantian and Hegelian outlooks. Apparently, Kant and Hegel are now firmly established as major sources for contemporary philosophical arguments. This does not seem to be a mere coincidence.

Richard Rorty, one of the most influential philosophers in the language-analytical tradition, explains how to understand this in his introduction to Wilfrid Sellars’s *Empiricism and the Philosophy of Mind*. According to Rorty, the basic ideas of the early logical empiricists were in fact “ideas which restated the foundationalist epistemology of British empiricism in linguistic, as opposed to psychological, terms.”² Thus, the revival of Kant by Sellars (and, in my view, by Strawson as well) is understandable as “an attempt to usher analytic philosophy out of its Humean and into its Kantian stage,”³ because Kant’s critical philosophy was, of course, a response to British empiricism too. Moreover, Rorty concludes that Brandom “offers the first systematic and comprehensive attempt to follow up on Sellars’s thought.... Brandom’s work can usefully be seen as an attempt to usher analytic philosophy from its Kantian to its Hegelian stage.”⁴ To put it briefly, Rorty considers analytic philosophy to have repeated or reconstructed the history of modern philosophy from Hume to Hegel within itself, and he seems to consider Brandom’s

Hegelian version of analytic theory to culminate the history of analytic philosophy.

Here, again, we have to ask why references to Fichte have disappeared. The oversimplified story according to which German Idealism was introduced by Kant, developed further by Fichte and Schelling, and then completed by Hegel, has long been questioned by many scholars, such as Reinhard Lauth and Ludwig Siep.⁵ The recently completed 42 volumes of the *Akademie-Ausgabe* also suggest that Fichte's thoughts actually covered a far broader range than was recognized when certain German neo-Hegelians, such as Richard Kroner, first popularized that story.⁶ Some of the most significant aspects of Fichte's work thus should remain valid in many fields to this day, even if they require some adjustment in order to be applicable to contemporary philosophical problems. Fichte's ideas may offer useful alternatives to the recent analytic reformulations of Kantianism and Hegelianism.⁷

In the first instance, we should clarify whether Fichtean ideas have actually disappeared. Is it possible that they still play a significant role in contemporary philosophical arguments in a transfigured form? As I see it, this is exactly the case, but we must clarify how and where these ideas are to be found. The aim of this chapter is to provide this clarification, by noting certain problems that Fichte tackled which are still relevant today, and discussing how Fichte's ideas on these problems can be transformed and applied to ongoing philosophical debates. Of course, I shall not attempt to discuss *all* of such problems here. Instead, this chapter will focus on a *single* problem, namely the problem of subjectivity, or more precisely, selfhood, which was one of Fichte's most important themes. Thus, I will investigate the Fichtean concept of selfhood and the problematic situation in the context of which it must be recalled in contemporary philosophical arguments.

From my viewpoint, the most notable contemporary philosophical theory in this regard is the transcendental pragmatics (of language) of Karl-Otto Apel, with its associated practical theory, namely, discourse ethics. This is a theory of communication that gives intersubjectivity precedence over subjectivity, but, nonetheless, it considers self-reference, self-reflection, or recursion in human speech to be extremely important. In the following, I review Apel's transcendental pragmatics and discourse ethics, in which Fichtean selfhood is reconstructed into self-referentiality or self-reflection in intersubjective communication.⁸ In connection with this, I will defend two theses: First, selfhood as expressed in the Fichtean *Tathandlung*, namely the pure self-reverting activity, does not have to be expressed by means of private self-consciousness alone, but also our public speech acts are grounded by such a self-referentiality. And second, selfhood is firmly established for the first time in Fichte as the first

principle of philosophy, as a result of pursuing the “unovertakability” or “uncircumventability” of philosophy as a *prima philosophia*.

Two Ways of Rehabilitating Fichtean Ideas

Against the assessment set out above, one could assert that the philosophy of subjectivity framed in terms of consciousness (as opposed to a theory of intersubjectivity framed in terms of communication) has retained its importance, either explicitly or implicitly, over the past 200 years, thus vindicating Fichte’s way of thought. In particular, some who have developed their own theories based on long and intense research into German Idealism, including for example Dieter Henrich or Manfred Frank,⁹ persistently claim that subjectivity, understood as the structure of self-consciousness, has retained its significance. Indeed, this is correct, in a sense, because each of us has our own self-consciousness regardless of whether philosophy has evolved to consider a more linguistic perspective. Such a claim may also serve as a strong objection to reductionism in contemporary philosophy of mind.¹⁰ Nonetheless, considering the critique from the language-philosophical perspective, it would be difficult to preserve such an approach. We will begin by considering this critique.

Jürgen Habermas, together with Apel, has continued philosophy’s turn from linguistics to “pragmatics” by establishing universal pragmatics, which was later developed into the theory of communicative action, and which is comparable to Apel’s transcendental pragmatics. From this standpoint, Habermas criticized Husserl for failing in his attempt to construct intersubjectivity from the phenomenological starting point of subjectivity, because intersubjectivity should consist in reciprocity of perspectives, with the result that Husserl “must obtain that intersubjectivity by devious means, as he cannot derive it under conditions of philosophy of consciousness.”¹¹ In saying that, Habermas has in mind late Wittgenstein’s critique of “private language,” language which can be understood by no one but me.¹² Wittgenstein questioned this in the following manner:

‘Following a rule’ is a practice. And to *think* one is following a rule is not to follow a rule. And that’s why it’s not possible to follow a rule ‘privately’; otherwise, thinking one was following a rule would be the same thing as following it.... Now, what about the language which describes my inner experiences and which only I myself can understand? ... I commit to memory the connection between the sign and the sensation.—But ‘I commit it to memory’ can only mean: this

process brings it about that I remember the connection *correctly* in the future. But in the present case, I have no criterion of correctness. One would like to say: whatever is going to seem correct to me is correct. And that only means that here we can't talk about 'correct.' ... Are the rules of the private language *impressions* of rules? ... 'Well, I *believe* that this is the sensation S again.'—Perhaps you *believe* that you believe it!¹³

This has been regarded as one of the most decisive critiques of the philosophy of consciousness in all of analytic philosophy, and many philosophers therefore consider the language employed by the conventional philosophy of consciousness, including German Idealism, to be completely nonsensical. Still, many philosophers have not given up belief in the significance of self-consciousness, arguing that it remains the most important and profound topic in philosophy. Henrich, for instance, has had controversial exchanges with Habermas over this issue. However, such philosophers must answer the Wittgensteinian question concerning how private experience can be referred to and justified publicly, that is, as meaningful and valid not for me alone. And in my opinion and that of many others, the proponents of the philosophy of consciousness have still not sufficiently responded to this critique.

Let us confirm this through a brief and only partial review of Henrich's arguments, taking into consideration only the points relevant to the current issue. In his book *Fluchtlinien*, Henrich presents an argument for the philosophical significance of self-consciousness. According to this argument, we are primordially and simultaneously both person and subject: we are one only insofar as we are the other. That is, we understand ourselves equally primordially on the one hand as one person among others, and on the other hand as the one and only being that is facing the whole world in front of it. In that case, if someone reports, from the latter perspective, that it "seems to him" that such and such, then it cannot be demanded that he examine the truth value of this sentence, because the world appeared to him never in other ways but instead just so.¹⁴ By so openly returning to philosophy of consciousness, however, Henrich should become confronted with this early-Wittgensteinian question:

Where in the world is a metaphysical subject to be found? You will say that this is exactly like the case of the eye and the visual field. But really you do not see the eye. And nothing in the visual field allows you to infer that it is seen by an eye.¹⁵

Henrich speaks of self-consciousness in terms of the subject facing the world, which Wittgenstein calls “metaphysical.” Therefore, the problem here is how such a metaphysical—or, more suitably, transcendental—subject can be understood as identical to the subject as a person in the world; in other words, how the transcendental subject can reflect on, or “see,” itself. And Henrich’s answer also follows his precursors, the German Idealists. Fichte, for example, had claimed that “the eye ... is a self-mirroring mirror. It is the very essence of the eye to be an image for itself.... By means of its own seeing, the eye itself—like the intellect itself—becomes an image for itself” (NM 151–152 [GA IV/2:49]). Similarly, Henrich states:

In the knowledge of the person about himself, a moderate distance in between can never be placed. Whoever thinks of himself is, even if all that he thinks would be covered by the thought that he knows nothing of himself at all, really related to himself, namely to himself as the real, precisely in this thought. Whatever the thought is, and however the claim for its truth is being made, it is always beyond question that it is a thought about him.¹⁶

What Henrich is saying here is that each of a person’s thoughts must always be accompanied by a self-knowledge which does not itself have any content but only the function of attributing these thoughts to herself. And this statement is comparable with Kant’s or Fichte’s views: Kant addressed this in terms of the unity of apperception, and Fichte did so in terms of intellectual intuition. But Henrich’s argument is more Fichtean than Kantian, because Kant does not regard it as possible to establish through the unity of apperception that the person is identical to the subject.¹⁷

It might seem welcome to those concerned with Fichte’s status in contemporary philosophy that such a Fichtean argument oriented toward self-consciousness is still found nowadays. However, for those—including myself—who doubt that Fichte would still describe his insight into radical selfhood in terms of self-consciousness, if he were to philosophize in the situation shaped by the linguistic turn, such an attempt to rehabilitate philosophy of consciousness sounds somehow ironical. Because unlike Fichte, Henrich simply assumes and does not firmly ground the primordial identity of transcendental subject as the subject and the object. What Henrich focuses on here is, rather, the self-knowledge of the person in the world, which Fichte would call a fact of consciousness. Therefore, it seems reasonable to say that such interpretations are trying to develop Fichte’s ideas on subjectivity or selfhood *content-wise*, so to say, rather than in terms of their *form*. However,

given that the contents or the themes of philosophy have constantly changed, this seems to be a misguided way of rehabilitating Fichtean philosophy today.

Habermas criticizes Henrich's argument regarding self-consciousness in his review of it,¹⁸ then Henrich offers counterarguments,¹⁹ and so forth. But as I see it, the most basic point of the controversy consists in whether the method of philosophy of consciousness can retain its validity after the linguistic turn. If not, then Fichte's ideas should not be rehabilitated in that way, namely content-wise, but rather in terms of their form. Those who persist in the conventional method of philosophy of consciousness, which should establish the intersubjective (or objective) validity of our cognition and knowledge, seem as if they were saying that my private experience could in fact be shared with others: as if one could say to me, "Are you sure that you really experienced that, not just believing so? I do not see the ground. Let me experience it for myself... so, the world appeared to you like *this*. Okay, you were right." But we are not (at least, with the technologies of the early twenty-first century!) that telepathic. Fichte himself faced the same problem. He repeatedly demanded that one should reflect on one's own self-consciousness in order to grasp intellectual intuition, and declared that only those who could perform this act *exactly as he did* were qualified to accompany his further inquiries. However, as the late Wittgenstein points out, there is no criterion of correctness here.

What then is meant by the "form" of Fichte's ideas here?²⁰ It is the structure of the *Tathandlung*. In short, in my opinion, Fichte's ideas must be rehabilitated in such a manner that the structure of the *Tathandlung* is appropriately transposed into philosophy of language. However, such an opinion already presupposes that the *Tathandlung* can be expressed in a form other than self-consciousness. I defend this presupposition in what follows.

Self-Referentiality and the Fichtean "Science of Science"

"*Wissenschaftslehre*" is usually translated as "science of knowledge" or "science of knowing," and Fichte's philosophy really is a doctrine of *Wissen* (knowledge, knowing) or, as he sometimes calls it, *Wissen vom Wissen* (knowledge of knowledge).²¹ But insofar as its name is interpreted literally, it is also a doctrine of *Wissenschaft* (science) as well as a science of science. *Concerning the Concept of the Wissenschaftslehre*, a published draft of Fichte's earliest private lectures, given not long after he developed the first principle of

the *Wissenschaftslehre* (namely, the *Tathandlung*), presents this conception of philosophy in detail. Its principle emerged while Fichte was scrupulously examining Reinhold's "elementary philosophy" and Schulze's critique of it in *Aenesidemus*. Although the concept of philosophy as the science of science is inherited from Reinhold, Fichte goes further. In what follows, I discuss the most decisive two steps of this process, not only for Fichte but also for German Idealism as a whole.

In *Concept*, Fichte initially presents his argument about the characteristics of science. According to him, a science must possess a systematic form; that is, it must have a single first principle, and this principle, which is independently certain, must confer certainty upon propositions that lack it (cf. EPW 101–104 [GA I/2:112–16]). However, this raises the following question: "How can *the certainty of the first principle itself* be established?" (EPW 105 [GA I/2:116]) "It would take a science to answer these questions: *the science of science as such*" (EPW 105 [GA I/2:116]).

At this point, it is clear that Fichte follows Reinhold's idea of philosophy as a strict science, which should ground other sciences.²² However, before discussing Fichte's original ideas, let us note that such a view of philosophy cannot be found in Kant. Although it is common knowledge that Kant's aim in the *Critique of Pure Reason* involved laying the transcendental foundations for philosophy as metaphysics, he does not regard philosophy, including his critique of reason itself, as a science of science that would provide the foundation for the first principles of *all* sciences. On the contrary, he initially assumes that there already are sciences that travel "the secure course of a science" (Bvii), namely, logic, mathematics, and the natural sciences. These do not require that philosophy ground their certainty. Kant even employed logic's law of contradiction as "the supreme principle of all analytic judgements" (A150/B189–A153/B193). This differs substantially from Fichte's strong assertion that, "prior to the *Wissenschaftslehre*, one may not presuppose the validity of a single proposition of logic—including the law of contradiction" (EPW 123 [GA I/2:138]).

Now, what is Fichte's original insight into philosophy as the science of science? It involves his assertion that philosophy is also a science and that philosophy must also ground itself. Given that every science has a first principle, which must itself be grounded by philosophy, and given that philosophy is also a science (whose first principle must therefore be grounded by philosophy), the only possible result would be that the first principle of philosophy must have a self-referential structure or, rather, that it must be pure self-referentiality or pure self-reversion itself. Thus, he deems the *Tathandlung* to be the first, absolutely unconditioned principle of the *Wissenschaftslehre*. The

Fichtean selfhood is not necessarily related to self-consciousness, at least in this context.

This insight into self-referentiality was necessarily related to, or derived from, the concept of philosophy as a science of science, which was established in two stages by Reinhold and Fichte and then inherited by Schelling and Hegel.²³ Markus Gabriel thus points out: “Fichte, Schelling and Hegel are in agreement that philosophy is in principle an unovertakable [*unüberholbar*] form of reflection. This means that there cannot be a peculiar discipline of ‘metaphilosophy,’ which then ponders further on philosophy, in addition to the philosophy of the first-order.”²⁴ Indeed, it is simply impossible to “overtake” the *Wissenschaftslehre*, by introducing some “meta-*Wissenschaftslehre*” into this context. This is because, in the first place, this system was constructed while trying to answer the fundamental question: How is a science of science in general, which could never be overtaken, possible? Reinhold’s first principle, the principle of consciousness (“In consciousness, the representation is distinguished through the subject, from subject and object, and is related to both”),²⁵ can be overtaken, because this principle itself, which is supposed to ground the whole system, is still not grounded. Indeed, Reinhold simply calls it a “fact that proceeds in the consciousness,”²⁶ and thus it remains to some extent a matter of happenstance, and thus merely probable. For Fichte, “such a principle does not have to express a *fact*; it can also express an *Act* [*Tathandlung*]” (EPW 64 [GA I/2:46]). Therefore, it seems reasonable to suppose that it was Fichte alone who first incorporated this mechanism of unover-takable self-grounding, with its whole dimension of thought about absolute selfhood, into a large and consistent philosophical system.

Can such an insight into self-referentiality be found prior to Fichte and Reinhold—namely in Kantian critical philosophy, even though the latter does not consider the criterion of unover-takability? Not really. Kant surely treats the transcendental unity of apperception as the supreme principle in the whole of human cognition, calling its synthetic unity “the supreme principle of all use of the understanding” (B135–36). Nonetheless, as Fichte states years later, there should have been an analytic unity prior to a synthetic one, if the supreme principle were a pure and absolute I-hood as selfhood (cf. GA II/14:244). This is not the place to examine their texts in detail in order to confirm my argument. Instead, I will support my argument through a brief review of the contemporary debate on transcendental arguments. It should also serve as an exemplification of Fichtean selfhood, expressed in another form than self-consciousness.

The problem of transcendental arguments attracted widespread attention as a result of P. F. Strawson’s refutation of skepticism in *Individuals*²⁷ and the

critique of this work by Barry Stroud.²⁸ According to Strawson's "descriptive metaphysics," we have the one and only conceptual scheme of a single spatio-temporal system of material things, in terms of which we identify particular things. If this were the case, then a philosophical skeptic, who doubts the identity of a particular thing over time and space, is committing a kind of self-contradiction, because we must have accepted such identity in order to have endorsed the conceptual scheme that we have, indeed, endorsed. Strawson states:

This gives us a more profound characterization of the sceptic's position. He pretends to accept a conceptual scheme, but at the same time quietly rejects one of the conditions of its employment. Thus, his doubts are unreal, not simply because they are logically irresolvable doubts, but because they amount to the rejection of the whole conceptual scheme within which alone such doubts make sense.²⁹

As thematized today, transcendental arguments are generally understood as attempts to refute skepticism by means of a specifically modified form of syllogism, namely: (1) *p*. (2) It would not be possible that *p* if we did not think that *q*. (3) We must think that *q*. (4) It is true or it is necessary that *q*.³⁰ Kant also presents a similar form of argument as "transcendental exposition" (A25/B41). In that case, the *p* would roughly represent that we do have empirical knowledge, whereas the *q* would be that space and time are forms of our sensible intuition.

Here, however, I would like to focus on Rüdiger Bubner's seemingly Kantian perspective on the nature of transcendental arguments, because he asserts that they are characterized by self-referentiality. Granted, Strawson's argument is also directed toward the self-contradiction of the skeptic. However, Bubner treats the range and function of the self-referentiality involved in transcendental arguments far more seriously. He states that the way back to given preconditions is in itself not enough to be called transcendental, but "revealing the conditions for the possibility of using certain concepts must simultaneously show how such revelation is possible."³¹ Thus, "self-referentiality characterizes the transcendental argument."³² He also notices the unavailability of such a self-referential structure when he states that transcendental arguments occupy a metalevel in relation to the general structure of knowledge: "The metalevel of transcendental argumentation remains bound to the level of the facticity of understanding. Thus, regress into even higher metalevels which would have to be differentiated with regard to their quality of relationality is avoided."³³ Although such a construal differs

from Fichte's concept of philosophy, we can nonetheless see the same relationship here between self-referentiality and unvertakability, which reflects the logic used by Fichte. This argument is a response to the following claims: that there is a higher (or more foundational) level which every philosophical reflection must occupy, and that there cannot be a higher or more foundational level (in other words, that this philosophical level is unvertakable). As mentioned above, Reinhold's principle of consciousness seems not to comply with these claims.

To what extent, then, does Bubner's understanding of, and strategy for, self-referentiality rest on Kant's transcendental philosophy? Bubner tries to understand Kant's transcendental deduction of categories as such a self-referential transcendental argument. Generally speaking, for Kant, a transcendental deduction of x must be embedded within an argument according to which no empirical knowledge can be attained without x : "The transcendental deduction of all *a priori* concepts therefore has a principle towards which the entire investigation must be directed, namely this: that they must be recognized as *a priori* conditions of the possibility of experiences" (A94/B126). Thus, it is understandable that the refutation of skepticism by Strawson is called a transcendental argument. However, the Kantian kind of deduction does not necessarily require self-referentiality in Bubner's sense. As Kant says, "It is already a sufficient deduction of [the categories] and justification of their objective validity if we can prove that by means of them alone an object can be thought" (A96–97). Indeed, Bubner himself admits that his argument is "a highly unorthodox interpretation of Kant."³⁴ Also, he does not find a suitable passage from the *Critique of Pure Reason* to quote in defending his assertion. Thus, it seems plausible that the idea of radical self-referentiality was still not fully established in Kant. How, then, should this idea be understood? Bubner's position has been described as follows:

Bubner presents his consideration of the self-referentiality of transcendental arguments and its specific strategy in line with Kant's philosophy, with which ... it does not match in the way that he describes. His argument, which is oriented to the criterion of consistency between saying and doing, is grounded on Fichte's transformation of Kantian philosophy, and is not grounded on Kant.³⁵

Based on the foregoing, it can be concluded that the appeal to pure, radical, and absolute self-referentiality was not fully established until Fichte's earliest concept of the *Wissenschaftslehre*. This idea seems to be closely related to the idea of philosophy as the one unvertakable instance among all of the sciences. The necessary presupposition of self-referentiality for unvertakability

is, thus, a turning point that distinguishes Fichte and other German Idealists from Kant and Reinhold. And as suggested above, what is needed today for Fichtean philosophy is a transformation or reconstruction of his most significant ideas in language-philosophical terms, rather than a mere redescription in terms of a philosophy of consciousness. In what follows, I draw upon the above ideas in order to demonstrate the possibility of a language-philosophical transformation of Fichte's ideas via Apelian transcendental pragmatics, otherwise known as discourse ethics.

Apelian Transcendental Pragmatics as a Fichtean Philosophy of Language

Apel took very seriously the position that the main topic of philosophy had evolved from consciousness to language, and he investigated analytic philosophy rather early for a continental philosopher. However, as a result, his view on language was quite different from that of the analytic philosophers who were primarily interested in studying formal semantics. In an early book, he stated:

Language is no longer dealt with as mere 'object' of philosophy, but in the very first place it comes into view as 'condition of possibility' for philosophy. In that case, philosophy of language [*Sprachphilosophie*] is no longer a 'hyphenated philosophy' like philosophy of nature [*Natur-Philosophie*], philosophy of law [*Rechts-Philosophie*], philosophy of society [*Gesellschafts-Philosophie*], etc.... Today, it is widely dealt with ... as a 'prima philosophia.' Namely, it has entered upon the position of 'ontology,' just like the critique of cognition/knowledge [*Erkenntniskritik*] once did, after Kant's entrance, say; it does so certainly as a radicalization of the critique of cognition/knowledge to the critique of language.³⁶

This is the sense in which Apel understands the position of the philosophy of language in the twentieth century within the context of the history of philosophy, that is, its transition to *prima philosophia*. Ontology occupied that position in ancient and medieval philosophy; then, after Kant's entrance, that position was occupied by the critique of cognition, and then by the critique of language in the twentieth century. As mentioned above, language is the main theme of philosophy today, so it would be no surprise if Apel had used the term "*prima philosophia*" in a light-hearted sense. However, he was obviously thinking of something more. Given that language is a condition for the

possibility of philosophy, the philosophy of language should be a philosophy of the conditions for the possibility of philosophy.

According to this understanding of the philosophy of language, the early analytic philosophy of Bertrand Russell, early Wittgenstein, Carnap, and so on where language is “constructed as semantic framework”³⁷—within which linguistic phenomena are to be observed as mere objects by philosophy from a distance—is not satisfactory. It is well known that early studies in analytic philosophy excluded self-reference by distinguishing between types or orders within languages. This was necessary in order to prevent vicious circles such as Russell’s paradox or the liar paradox. However, such third-person based analysis of language will inevitably place the analysis itself—which is, of course, an activity conducted via language—outside the bounds of the analysis, thus leaving that dimension totally unquestioned. For Apel, this means that, as *prima philosophia*, the philosophy of language would not be based on anything, which he found unacceptable. On the contrary, given that language must exist for philosophy to even be a possibility, it must simultaneously be philosophy’s theme and medium: “The possibility of philosophy as meaningful speech depends on whether a reflection on language is possible within the same language.”³⁸ These approaches could be said to be exact opposites of each other. Nonetheless, as Apel points out, a kind of aporia was noted in the analytical arguments, especially those by early Wittgenstein, who argued that philosophy could not refer to itself.³⁹ That is, Wittgenstein comes to the conclusion in his *Tractatus Logico-philosophicus* that, in some senses, philosophy cannot be referred to meaningfully:

Most of the propositions and questions to be found in philosophical works are not false but nonsensical. Consequently we cannot give any answer to questions of this kind, but can only point out that they are nonsensical. Most of the propositions and questions of philosophers arise from our failure to understand the logic of our language.⁴⁰

Nonetheless, he seems to admit that his arguments are more or less philosophical. And thus, the final part of the work includes these well-known mysterious words:

My propositions serve as elucidations in the following way: anyone who understands me eventually recognizes them as nonsensical, when he has used them—as steps—to climb up beyond them. (He must, so to speak, throw away the ladder after he has climbed up it.) He must transcend these propositions, and

then he will see the world aright. What we cannot speak about we must pass over in silence.⁴¹

These words are very suggestive for researchers discussing the current issue. If philosophy cannot be spoken about and all of the philosophical propositions in the *Tractatus* are nonsensical, then this passage itself would also be nonsensical—that is, something that we do not have to take seriously and instead can just forget. In this case, it would not have been necessary for Wittgenstein to write these words, and he should have left the evaluation of the remaining parts to the readers. However, he did in fact write them, and obviously, he had some purpose in doing so. This fact suggests that he wanted to refer to language in its role as a medium, because he recognized the necessity of reflection on language not only as a theme but also as the medium of the philosophy of language itself. He knew that he should have done so, but nonetheless, based on the semantic framework of analysis that he shared with his colleagues, he just could not. Therefore, this could be called an aporia found in early analytic philosophy.

To grasp properly the dimension of language as the medium, we must enter the field of pragmatics, as distinguished from syntax and semantics, of language, because we are no longer questioning language as expressed in sentences or propositions but, instead, the act of expression itself. However, the empirical pragmatic arguments, such as the speech act theory of J. L. Austin and J. R. Searle and the consideration of language games in late Wittgenstein, are still not satisfactory. Rather, they simply constitute observations of our empirical use of language and descriptions of its rules. For Apel, as *prima philosophia*, the philosophy of language must reflect on the relationship between both dimensions, namely the theme and medium, in terms of the conditions for the possibility of meaningful communication. In other words, we must answer—and Wittgenstein should have answered, too—the problem of the transcendental subject of language: the problem, who, or more generally, what is the user of language in general.⁴² However, Wittgenstein avoids this problem by placing the subject of language at the limits of the world.⁴³ “Since then, in analytic philosophy, nothing really on the transcendental subject of language ... is spoken of.”⁴⁴ Conventional analytic philosophy has not dealt with this problem, not because it does not really matter for them but precisely because it cannot be answered simply by analyzing language semantically, in terms of sentences and propositions. On the other hand, a revived version of philosophy of consciousness could not answer it appropriately either, simply because it would concern not language but consciousness, even now. Apel diagnoses the situation thus: “There is (still) no *transcendental*

pragmatics of speech acts, as well as an understanding of acts as the subjective-intersubjective conditions of possibility of communication, and so of language.”⁴⁵

As I see it, both the problem that Apel takes seriously and considers thoroughly and the logic that he employs to answer it are essentially Fichtean, although Apel himself, as well as his followers such as Wolfgang Kuhlmann, have not admitted that. Instead, they repeatedly proclaim their own program to be a linguistic transformation of Kantian transcendental philosophy. However, seen from above, their views on the relationship between philosophy and language, and on *prima philosophia*, can hardly be understood as Kantian; rather they are distinctly Fichtean. Apel argues, as does Kuhlmann, that our argumentative discourses, their primordial rules (i.e., their norms, including mutual recognition), and language itself are just “uncircumventable” (*nicht hintergebar, unhintergebar*)—to use Gabriel’s words, unovertakeable. Therefore, we can already notice some important analogies to Fichte’s view regarding the nature of philosophy itself. And this is not all. Let us focus on issues that are more concrete.

Vittorio Hösle enumerates the Fichtean characteristics of transcendental pragmatics as follows: (1) The fundamental problem for transcendental pragmatics involves the ultimate philosophical grounding, which is, as stated in *Concept*, also one of the fundamental problems of the *Wissenschaftslehre*. (2) Both Fichte and transcendental pragmatics regard the deductive grounding of knowledge as only hypothetical and identify the situation in which only such insufficient grounding is available as a crisis for philosophy. (3) Both consider the substitute for deduction to be reflection on the grounds which enable every thought. (4) Transcendental pragmatics asserts that the performance of philosophical speech acts must be consistent with their propositional content, and likewise, Fichte argues that form and content must correspond when it comes to fundamental philosophical propositions.⁴⁶

It seems to me that Hösle found each of these analogies more or less intuitively, rather than deriving them one by one by following the track of Apel’s thoughts. Nonetheless, in the first two points he rightly grasps the problem of the science of science which itself is also a science. Additionally, he refers to the transcendental-pragmatic argument for the ultimate grounding in the latter two points. Apel demonstrated his grounding originally as a counterexample to Karl Popper’s critical rationalist idea of infinite critical trials as the only principle for science, an idea which is based on radical fallibilism.⁴⁷ However, during their severe dispute with the German Popperian Hans Albert,⁴⁸ Apel and Kuhlmann had to sharpen this argument especially, and thus it became the best-known one among others. So, what is the ultimate

grounding? It is often referred to as an ultimate grounding of our philosophical knowledge in general, but in fact Apel never tries to offer such a thing. It is, so to say, a sort of reconstructive confirmation of our transcendental reflection on the communicative moral principle, namely mutual recognition, and some other related norms for argumentative communication. Apel states:

If I cannot challenge something without actual self-contradiction and cannot deductively ground it without formal-logical *petitio principii*, then that thing belongs precisely to those transcendental-pragmatic presuppositions of argumentation which one must always have accepted, if the language game of argumentation is to be expected to retain its significance.⁴⁹

So, there are two conditions for the ultimate grounding: (1) That which is thus grounded is always presupposed in discourses, as a consequence of which, if one tries to ground it “deductively,” so via deductive inference, this will lead to a *petitio principii*, because a grounding is itself performed in a discourse. (2) If one performs a speech act whose propositional content denies that very act, then she must fall into a performative self-contradiction. Hence, if and only if, in the context of an argumentative discourse, someone performs a speech act whose propositional content contradicts the primordial norm of argumentative discourse in general, which must have been followed in performing a speech act, then such an act constructs a performative self-contradiction, such an utterance is necessarily false, and thus such a norm is shown to be uncircumventable (*ergo* unover-takable) altogether and, in just that sense, “ultimately” grounded.⁵⁰ Such a performative self-contradiction arises, for example, from assertions such as “You don’t exist,” “I don’t assert anything,” “The normative rules of discourse in general may not be applied to me,” and so on. Such speech acts actually confirm, through their being performed, what they attempt to deny in their propositional contents.

From this viewpoint, the fallibilistic assertion that “every proposition is fallible,” which is in fact asserted by critical rationalists like Popper and Albert, must be in contradiction with the circumstance that whoever tries to perform this assertion must necessarily presuppose and acknowledge various normative rules.⁵¹ Therefore, that assertion creates a performative self-contradiction. We must accept all those propositions that fulfill the above two conditions; they are uncircumventable. Transcendental pragmatics thus clarifies and ultimately grounds the transcendental preconditions of communication.

It is difficult to imagine that Kant tried to achieve such ultimate grounding. Neither the transcendental deduction of the categories nor the exposition of space and time as forms of sensible intuition addresses the theme of

performative self-contradiction. This gap also stands out in practical philosophy. Apel develops such an ultimate grounding precisely because of the primordial norms of discourse ethics. In contrast, Kant eventually abandoned the grounding of the moral principle, which he had envisioned in *Foundations of the Metaphysics of Morals*, when he introduced the “fact of reason” in *Critique of Practical Reason* (CPrR 5:31).⁵²

Then how about Fichte? It would be difficult to state here that Fichte sought such an ultimate grounding for the moral principle. Seemingly on the contrary, he offered a long and profound deduction of it, one which has rather a standard form of deduction, namely, he derives the categorical imperative from the concept of the pure (absolute) I (see SE 19–63 [GA I/5:33–71]). Nevertheless, the affinity between Fichte and discourse ethics, including the ultimate grounding of the rules of discourse, must be acknowledged. The argument for that is offered by Habermas, who disagrees with Apel about the method for the grounding of morality. According to Habermas, the exposure of the performative self-contradiction relies upon a “maieutic method” that serves “to make the skeptic who presents an objection aware of presuppositions he knows intuitively,” “to cast this pretheoretical knowledge in an explicit form that will enable the skeptic to recognize his intuitions in this description,” and “to corroborate, through counterexamples, the proponent’s assertion that there are no alternatives to the presuppositions he has made explicit.”⁵³ However, Habermas considers the description we employ in order to pass from “know-how” to “know-that” to be only a hypothetical reconstruction and contends that the equation of the two aspects can be made “only under the conditions of a philosophy of consciousness” such as Fichte’s.⁵⁴

Gerhard Schönrich develops Habermas’s suggestion in detail. According to Schönrich, the success of the transfer of rules accepted in the illocutionary part of a speech act to the propositional level (identifying “know-how” with “know-that”) can be authorized by the radical self-referentiality of speech alone, because without such self-referentiality it would be highly difficult to see why the act must be regarded as a self-contradiction which we must avoid. And, of course, this self-referentiality corresponds to the I’s reversion into itself, that is, the *Tathandlung*. On the basis of this correspondence, Schönrich concludes: “Speech acts are not completed products, which can be placed in relation to themselves, but are products only in the act of producing. Continuing the way of grounding begun by Apel by using Fichte is already language-pragmatically laid out, at least on this point.”⁵⁵ Grounded by the necessary self-referentiality that, according to Apel, exists within the “duplicate structure” of human speech,⁵⁶ the agent’s knowledge employed here, called *Handlungswissen* by Kuhlmann, plays almost the same role as does

Fichte's intellectual intuition, as explained in the 1797 *Second Introduction*. Kuhlmann explains the *Handlungswissen* as follows:

An 'x' can be counted as a speech act 'H' only then, if the speaker understands it, at least implicitly, as that speech act 'H' (such that it can subsequently be reconstructed meaningfully). If not, then 'x' is nothing that the speaker could have decided to do, nor is it what one can attribute to him, nor something that he could mistake in its implementation (that is, he could deviate from the standard which he himself accepted and which is therefore known). This knowledge is a part of the speech act itself, so this [act] is incomplete without that [knowledge].⁵⁷

On the other hand, Fichte states:

“Intellectual intuition” is the name I give to the act required of the philosopher [reflecting on himself]: an act of intuiting himself while simultaneously performing the act by means of which the I originates for him. Intellectual intuition is the immediate consciousness that I act and of what I do when I act. It is because of this that it is possible for me to know something because I do it. (IWL 46 [GA I/4:216–17])

The *Handlungswissen* must accompany each of my acts, insofar as an act is my intentional act. Therefore, a skeptic's speech act, such as “I doubt that the normative rules of discourse in general must be applied to me,” is decisively refuted. And through this refutation, the very norms in question are ultimately grounded. However, unlike the Fichtean intellectual intuition, the *Handlungswissen* of speech acts is understood as not private and so in principle sharable with other members of the argumentative discourse, though Habermas's critique has not been fully answered yet.

We can safely say, thus, at least, that this argument says something about itself—that is, about its own conditions—and so fulfills Bubner's definition of transcendental arguments, which, as we saw above, itself turned out to be Fichtean, though language-philosophical. As intellectual intuition is a “fact of consciousness” (IWL 48 [GA I/4:218])—that is, an empirical form of *Tathandlung*—we should also assume, behind the *Handlungswissen* as, so to say, a fact of communication, a primordial self-referentiality in the duplicate structure of human speech in general. It must be, needless to say, the *Tathandlung*, which is now transposed into an account of language and communication. Although neither Apel nor Kuhlmann has explicitly argued for such an abstract self-referentiality, it should be clear that they assume such, taking Apel's view of language as the theme and medium of philosophy into

consideration. What they have sought is in fact a philosophical language as a “self-mirroring mirror,” or the eye as “an image for itself” (NM 151–152 [GA IV/2:49]). In this respect, too, it is reasonable to consider that Apelian transcendental pragmatics should be regarded as a contemporary Fichtean philosophy of language and communication, even though Apel himself did not know this when he characterized its concept.

Conclusion: Fichte’s Continued Significance

As we have seen, the reevaluation and reconstruction of Fichte’s *Wissenschaftslehre* seems as yet insufficient, even though the problem of selfhood understood in terms of the *Tathandlung*, an idea which was not fully developed until Fichte, still matters for philosophy. However, on closer inspection, there has already been at least a contemporary Fichtean philosophy of language, namely, the transcendental pragmatics of Karl-Otto Apel, although Apel himself did not recognize this. The Apelian argument for the ultimate grounding of the norms of discourse is based on self-referentiality understood in terms of *Fichtean* selfhood, so it fulfills Rüdiger Bubner’s definition of Fichtean transcendental arguments as well.

What is especially important here is that the rehabilitation or reconstruction of Fichtean philosophical thoughts must be made not in terms of philosophy of consciousness but of philosophy of language, considering the linguistic turn, which occurred 100 years after Fichte. Now, however, another hundred years have passed since then. Surely transcendental pragmatics could be seen as a fitting example, but it also has many problems to solve, and of course, there may be further alternatives to it. More recently, for example, another notable, though partial, rehabilitation of Fichte within contemporary ethics has been offered by Stephen Darwall. In his concept of ethics based on the second-person standpoint, Darwall applies Fichte’s idea of the “summons [*Aufforderung*]” (FNR 31 [GA I/3:342]) to self-determination from other rational beings, which is the condition for the possibility of freedom, without referring to the I, the not-I, or other relevant Fichtean ideas.⁵⁸ Thus, in concluding, I should note that we still do not have enough reinterpretation and application of Fichtean philosophy, given its potential. This should be our task in the future.

Notes

1. Rudolf Carnap, "The Elimination of Metaphysics through Logical Analysis of Language," in *Logical Positivism*, ed. A. J. Ayer (New York: The Free Press, 1959), 67.
2. Wilfrid Sellars, *Empiricism and the Philosophy of Mind*, with an Introduction by Richard Rorty and a Study Guide by Robert Brandom (Cambridge: Harvard University Press, 1997), 1.
3. *Ibid.*, 3.
4. *Ibid.*, 8–9.
5. Lauth argues in great detail, for example, that Schelling and Hegel failed to understand Fichte and thereby fell into dogmatism. See Reinhard Lauth, *Die Entstehung von Schellings Identitätsphilosophie in der Auseinandersetzung mit Fichtes Wissenschaftslehre (1795–1801)* (Freiburg and München: Karl Alber, 1975); Reinhard Lauth, *Hegel vor der Wissenschaftslehre* (Stuttgart: Steiner Verlag Wiesbaden GmbH, 1987). See also Ludwig Siep, *Hegels Fichtekritik und die Wissenschaftslehre von 1804* (Freiburg and München: Verlag Karl Alber, 1970).
6. Cf. Richard Kroner, *Von Kant bis Hegel*, 2. ed. (Tübingen: J. C. B. Mohr (Paul Siebeck), 1961), 1–34.
7. As for Schelling, such reinterpretation and applications have recently been persuasively made by Markus Gabriel.
8. Elsewhere I have explained the Fichtean characteristics of transcendental pragmatics, with regard to the unlimited ideal communication community. See Michihito Yoshime, "What is the Unlimited Communication Community? Transcendental Pragmatics as Contemporary Fichteanism," in *Fichte and Transcendental Philosophy*, ed. Tom Rockmore and Daniel Breazeale (London: Palgrave Macmillan, 2014), 273–92.
9. See, for example, the works by Henrich cited below; see also Manfred Frank, *Ansichten der Subjektivität* (Berlin: Suhrkamp, 2012).
10. See, for example, Hans Jonas, "On the Power or Importance of Subjectivity," in *Philosophical Dimensions of the Neuro-Medical Sciences*, ed. S. F. Spicker and H. T. Engelhardt, Jr. (Dordrecht: D. Riedel, 1976), 143–61.
11. Jürgen Habermas, *Vorstudien und Ergänzungen zur Theorie des kommunikativen Handelns* (Frankfurt: Suhrkamp, 1995), 54. For all works cited according to their original German titles, the translations in this chapter are my own.
12. Cf. *Ibid.*, 65–66.
13. Ludwig Wittgenstein, *Philosophical Investigations*, 4th ed., trans. G. E. M. Anscombe, P. M. S. Hacker, and Joachim Schulte, ed. P. M. S. Hacker and Joachim Schulte (Chichester: Wiley-Blackwell, 2009), 87e–88e (§202), 98e (§256), 99e (§258), 99e (§260).

14. Cf. Dieter Henrich, *Fulchtlinien* (Frankfurt: Suhrkamp, 1982), 137–39.
15. Ludwig Wittgenstein, *Tractatus Logico-philosophicus*, trans. D. F. Pears and B. F. McGuinness, with an Introduction by Bertrand Russell (London and Henley: Routledge & Kegan Paul, 1981), 57 (§5.633).
16. Henrich, *Fulchtlinien*, 142.
17. Kant states:

This identity of the subject, of which I can become conscious in every representation, does not concern the intuition of it, through which it is given as object, and thus cannot signify the identity of the person, by which would be understood the consciousness of the identity of its own substance as a thinking being in all changes of state.... Thus through the analysis of the consciousness of myself in thinking in general not the least is won in regard to the cognition of myself as object. (B408–409)

For the difference between Kant and Fichte in views about apperception, see also Michihito Yoshime, “The Problem of “können” in Kant’s B-Deduction and Its Significance for Fichte,” in *Revista de Estud(i)os sobre Fichte* 17, no 2 (2018), <http://journals.openedition.org/ref/914>.

18. Cf. Jürgen Habermas, *Nachmetaphysisches Denken* (Frankfurt: Suhrkamp, 1992), 267–79.
19. Cf. Dieter Henrich, *Konzepte*, 2nd ed. (Frankfurt: Suhrkamp, 2015), 11–43.
20. Note that I am not following Fichte’s own concepts of “content” and “form” here.
21. “The *Wissenschaftslehre* should, as the composition of the words shows, be a doctrine, a theory of knowledge, and now this theory is based without doubt on a knowledge of knowledge, generates such, or, in a word, is such” (GA II/6:139).
22. Cf. Karl Leonhard Reinhold, *Beiträge zur Berichtigung bisheriger Mißverständnisse der Philosophen* (I), ed. Faustino Fabbianelli (Hamburg: Meiner 2003), chap. 1–2.
23. K. W. Friedrich von Schlegel also followed Fichte’s trail towards self-referential philosophy in his “Transcendental Philosophy” lectures in 1800–1801. Cf. Friedrich Schlegel, *Philosophische Vorlesungen [1800–1807]* 1. Teil, mit Einleitung und Kommentar, Kritische Friedrich-Schlegel-Ausgabe vol. 12, 2. Abteilung, ed. Jean-Jacques Anstett (München/Paderborn/Wien: Ferdinand Schönrich), 1–105.
24. Markus Gabriel, “Schellings Antwort auf die Grundfrage der Metaphysik in der *Urfassung der Philosophie der Offenbarung*,” in *Warum ist überhaupt etwas und nicht vielmehr nichts?* ed. Daniel Schubbe, Jens Lemanski, and Rico Hauswald (Hamburg: Meiner 2013), 179.
25. Reinhold, *Beiträge*, 113 (167).
26. *Ibid.*
27. P. F. Strawson, *Individuals* (London and New York: Routledge, 1959).

28. Barry Stroud, "Transcendental Arguments (1968)," in *Understanding Human Knowledge* (New York, Oxford University Press, 2005), 9–25.
29. Strawson, *Individuals*, 35.
30. Cf. Isabelle Thomas-Fogiel, "Fichte and the Contemporary Transcendental Arguments Debate," in Rockmore and Breazeale, *Fichte and Transcendental Philosophy*, 71–73. For other definitions, see for example Robert Stern, *Transcendental Arguments and Scepticism* (Oxford: Clarendon Press, 2000), 6.
31. Rüdiger Bubner, "Kant, Transcendental Arguments and the Problem of Deduction," *The Review of Metaphysics* 28, no. 3 (1975): 459–60.
32. *Ibid.*, 462.
33. *Ibid.*, 465.
34. Bubner, "Deduction," 462.
35. Hans M. Baumgartner, "Zur methodischen Struktur der Transzendentalphilosophie Immanuel Kants—Bemerkungen zu Rüdiger Bubners Beitrag," in *Bedingungen der Möglichkeit*, ed. Eva Schaper and Wilhelm Vossenkuhl (Stuttgart: Clett Cotta, 1984), 80.
36. Karl-Otto Apel, *Die Idee der Sprache in der Tradition des Humanismus von Dante bis Vico*, 3rd ed. (Bonn: Bouvier, 1980), 22.
37. *Ibid.*, 2:312.
38. *Ibid.*, 2:318.
39. Cf. *ibid.*
40. Wittgenstein, *Tractatus*, 19 (§4.003).
41. *Ibid.*, 74 (§6.54–§7).
42. The answer of Apel himself is that it is an unlimited ideal communication community with its transcendental language game, whose realization is for us a regulative principle (cf. Apel, *Transformation*, 2:431). For a Fichtean understanding of these two, by means of the self-positing of the I, see Yoshime, "What is the Unlimited Communication Community?" 285–86.
43. Cf. Wittgenstein, *Tractatus*, 56–57 (§5.6, §5.632).
44. Apel, *Transformation*, 2:313.
45. *Ibid.*, 2:314.
46. Cf. Vittorio Hösle, "Die Transzendentalpragmatik als Fichteanismus der Intersubjektivität," *Zeitschrift für philosophische Forschung* 40, no 2 (1986): 242–45.
47. Cf. Apel, *Transformation* 2:405–14.
48. For the details of the dispute, see Hans Albert, *Traktat über kritische Vernunft* (Tübingen: Mohr, 1968), chap. 1–2; Apel, *ibid.*; Karl-Otto Apel, "The Problem of Philosophical Fundamental-Grounding in Light of a Transcendental Pragmatic of Language," trans. Richard Pavlovic, *Man and World* 8, no. 3 (1975): 239–75; Hans Albert, *Transzendente Träumereien. Karl-Otto Apels Sprachspiele und sein hermeneutischer Gott* (Hamburg: Hoffmann und Campe, 1975); Wolfgang Kuhlmann, *Reflexive Letztbegründung* (München: Karl

- Alber, 1985); Karl-Otto Apel, *Auseinandersetzungen in Erprobung des transzendentalpragmatischen Ansatzes* (Frankfurt: Suhrkamp, 1998), chap. 2, etc.
49. Apel, "Fundamental-Grounding," 264.
 50. See also Kuhlmann, *Letztbegründung*, 82–91.
 51. Consider the fact that a speaker always has already recognized the existence of the hearer as an equal participant, with equal rights, in the discussion. Cf. Apel, "Fundamental-Grounding," 261–63; Kuhlmann, *Letztbegründung*, 198.
 52. Apel recognizes, to some extent, that he comes close to Fichte with respect to this point. Apel thinks highly of Fichte's work, in that he "seeks to gradually resolve the 'fact of reason' in its mere factuality through both immediate and subsequent reconstruction" (Apel, *Transformation*, 2:419).
 53. Jürgen Habermas, *Moral Consciousness and Communicative Action*, trans. Christian Lehhardt and Shierry Weber Nicholsen (Cambridge: Polity Press, 1990), 96–97.
 54. Cf. *ibid.*
 55. Gerhard Schönrich, *Bei Gelegenheit Diskurs* (Frankfurt: Suhrkamp, 1994), 175.
 56. Cf. Apel, *Auseinandersetzungen*, 200–201.
 57. Kuhlmann, *Letztbegründung*, 77.
 58. Cf. Stephen Darwall, *The Second-Person Standpoint: Morality, Respect, and Accountability* (Cambridge: Harvard University Press, 2006), 20–22, chap. 10.



24

Conclusion: Complexity, Unity, Infinity

Steven Hoeltzel

Only two or three decades ago, a book like *The Palgrave Fichte Handbook* would have been practically unimaginable. The volume's very existence is thus a testament to the intensity and durability of the recent resurgence of interest in Fichte,¹ which continues to yield new insights into the distinctive spirit, remarkable reach, and daunting complexity of his thought. Not only is there more to the topic than any one volume could cover,² but also there are themes and phases within Fichte's work which Anglophone scholarship, in the main, has only begun to explore. In closing, then, some brief reflections on some of the more noteworthy prospects and problems for Fichte-studies in the years to come.³

One enduring source of interest, but also of genuine difficulty, is what we might call the *compound complexity* of Fichte's philosophy, which derives from its complicated cultural context, manifold modes of presentation, and many-leveled internal configuration. Fichte takes distinctive, provocative, and internally related positions on a wide range of issues, across a plurality of distinct but not-disconnected levels and domains (metaphilosophical, methodological, transcendental, hermeneutical, descriptive, normative, and so on). But his key claims in each context are seldom easy to interpret—more often, the reverse is true. Moreover, presumably these claims can be fully understood (1) only with reference to the ideas of other sophisticated thinkers with whom Fichte's work is in dialogue—Kant, first and foremost, but also (and among

S. Hoeltzel (✉)

Department of Philosophy and Religion, James Madison University,

Harrisonburg, VA, USA

e-mail: hoeltzsh@jmu.edu

others) Spinoza,⁴ Leibniz,⁵ Rousseau,⁶ Reinhold,⁷ Schulze,⁸ Maimon,⁹ Jacobi,¹⁰ and Schelling¹¹—and (2) only in the light of each claim's connections (and, in some cases, evident tensions)¹² with the many other elements of Fichte's own philosophy. Furthermore, Fichte presents this philosophy in ways that are not always easily reconciled (some forbiddingly abstruse, others comparably popular)¹³ and which display some striking shifts of emphasis over time—especially insofar as the I-centered, ethically-charged perspective of the Jena system is, by all appearances, eventually subsumed within a metaphysically all-encompassing outlook, essentially contemplative in orientation.

For the dedicated student of the *Wissenschaftslehre*, therefore, what one ordinarily thinks of as the 'hermeneutical circle' becomes something more like a 'hermeneutical *n*-dimensional space': the texts encode a compound complexity—'complexity squared,' so to say. This makes the conceptually thorough and historically responsible interpretation of Fichte's philosophy particularly challenging, but it also constitutes his work as a remarkably rich philosophical resource—one whose deep and lasting impact on the later tradition we now can more readily discern, but also one whose purely conceptual potential may still be to a large extent untapped. As Fichte himself might say, then, "Let us rejoice, because we feel our own strength and because our task is infinite!" (EPW 184 [GA I/3:68], translation modified).

Two more-specific interpretive challenges also loom large: the development of more-unified accounts both of the Jena *Wissenschaftslehre* in particular (as a complement to the generally more-compartmentalized character of recent Anglophone Fichte-studies), and also of the *Wissenschaftslehre* as a whole, from the Jena era until the end (the later work being, to a large extent, *terra incognita* for most Anglophone scholars). To be sure, this assumes that beneath its considerable complexity, Fichte's philosophy exhibits deep and enduring unity—in other words, that the Jena *Wissenschaftslehre* is a thoroughly consistent system of transcendental idealism (as Fichte himself claims: see, for example, IWL 130 [GA I/4:487]), and that the later presentations of the *Wissenschaftslehre* represent the deepening or development, not the effective abandonment, of the most important insights of the Jena years (as he also claims; see, for example, his 1806 Preface to *The Way towards the Blessed Life*). Granted, it may be that, despite Fichte's claims, no such unity actually obtains. Still, the charitable option is to presuppose it and then seek to comprehend it. By all indications, Fichte himself would never have ceased to strive for it:

The ultimate determination [or final vocation: *letzte Bestimmung*] of all finite rational beings is, accordingly, absolute unity, constant identity, complete agreement with oneself. This absolute identity is the form of the pure I and its only

true form; or rather, in the conceivability of identity, the expression of that form is *recognized*. ... All of the human being's powers [*alle Kräfte des Menschens*], which in themselves constitute only one power [*nur Eine Kraft*] and are distinguished from each other merely in their application to different objects, should coincide in complete identity and should harmonize with each other. (EPW 149 [GA I/3:30], translation modified)

Accordingly, Fichte writes, the *Wissenschaftslehre* “must be a system, and it must be *one*; the opposites must be united, so long as opposition remains, until absolute unity is effected ... which” —he adds, characteristically—“could be brought about only by a completed approximation to infinity” (WL 113 [GA I/2:276]).

Notes

1. For this resurgence, the entire field is indebted especially (although of course not only) to the work of one person: Daniel Breazeale, whose many fine translations, scores of illuminating essays, and years of cordial “co-positing” (with Tom Rockmore) of the North American Fichte Society, have provided an unparalleled stimulus to Fichte scholarship in the Anglophone world and beyond.
2. To name just a few of the more noteworthy further topics: Fichte's views on education, his ethically charged conception of the proper conduct of scholarship, his complicated engagement with various forms of skepticism, his debts to various pre-Kantian rationalists, his debate with Jacobi, and much of the more technical/foundational (vs. popular/applied) work conducted after 1800. The list could be extended.
3. I offer these cursory thoughts *pro forma*, as ‘remarks on the occasion of the completion of this volume,’ so to say. I do not presume that other experts on Fichte ought to find my own perspective on these matters especially informative or instructive.
4. See, for example, Daniel Breazeale, “Fichte's Spinoza: ‘Common Standpoint,’ ‘Essential Opposition,’ and ‘Hidden Treasure,’” *Internationales Jahrbuch des Deutschen Idealismus/International Yearbook of German Idealism* 14, ed. Sally Sedgwick and Dina Emunds (Berlin: de Gruyter, 2018), 103–38.
5. With reference to Leibniz's philosophy, Fichte says: “If he is understood correctly ... [then] he is right” (IWL 99 [GA I/4:265]). Nevertheless, the Fichte-Leibniz relationship has thus far received little attention from scholars writing in English. A notable exception is Paul Redding, *Continental Idealism: Leibniz to Nietzsche* (London: Routledge, 2009).

6. See, for example, David James, *Rousseau and German Idealism: Freedom, Dependence, and Necessity* (Cambridge: Cambridge University Press, 2013), chap. 3.
7. See especially Daniel Breazeale, “The *Aenesidemus* Review and the Transformation of German Idealism,” in *Thinking Through the Wissenschaftslehre* (Oxford: Oxford University Press, 2013), 23–41.
8. See Breazeale, “*Aenesidemus* Review”; cf. George di Giovanni, “The Facts of Consciousness,” in *Between Kant and Hegel: Texts in the Development of Post-Kantian Idealism*, trans. and ed. George di Giovanni and H. S. Harris (Indianapolis: Hackett, 2000), 20–32.
9. See especially Peter Thielke, “Getting Maimon’s Goad: Discursivity, Skepticism, and Fichte’s Idealism,” *Journal of the History of Philosophy* 39, no. 1 (2001): 101–34. Cf. Daniel Breazeale, “‘Real Synthetic Thinking’ and the Principle of Determinability,” in *Thinking Through the Wissenschaftslehre*, 42–69.
10. See, for example, Paul Franks, *All or Nothing: Systematicity, Transcendental Arguments, and Skepticism in German Idealism* (Cambridge: Harvard University Press, 2005), 162–74.
11. See especially Michael G. Vater and David W. Wood (trans. and ed.), *The Philosophical Rupture between Fichte and Schelling: Selected Texts and Correspondence (1800–1802)* (Albany: State University of New York Press, 2012).
12. As a case in point, the text that contains Fichte’s vaunted ‘deduction of inter-subjectivity’ begins with a detailed Introduction, which states, in its opening paragraph, that “there is nothing in the rational being except the result of its acting upon itself ... and the I itself is nothing but an acting on itself” (FNR 3 [GA I/3:313]). And the ensuing passages make clear that this is no mere throwaway remark. This illustrates, in miniature, a tension—perhaps real, perhaps merely apparent, but in any case observable throughout the Jena *Wissenschaftslehre*—between, on the one hand, the outward-facing outlook of the better-known texts (with their stress on mutual recognition, the social contract, the structure of the state, our moral obligations to others, and so forth) and, on the other hand, some quite strong, superficially unequivocal, subjectivist/mentalist rhetoric, which is concentrated in (but by no means confined to) the more technical, ‘foundational’ writings. There is as yet no clear consensus concerning how, if at all, such seeming tensions ought to be resolved. The same is true, *mutatis mutandis* (and *a fortiori*), with regard to the evident discrepancies between the Jena *Wissenschaftslehre* and the position put forward in the 1800s and after.
13. Concerning this aspect of Fichte’s approach, see Günter Zöller, “Popular Method: On Truth and Falsehood in Fichte’s Transcendental Philosophy,” in *Fichte and Transcendental Philosophy*, ed. Tom Rockmore and Daniel Breazeale (London: Palgrave Macmillan, 2014), 163–75.

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