

Chapter 13

Fichte on Freedom

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Abstract

Fichte characterized his *Wissenschaftslehre* as the first system of freedom. But what was Fichte's conception of freedom? Fichte's thinking on this topic is best reconstructed by dividing it into four phases: an early uncompromising determinism; conversion to an orthodox Kantian position; an encounter with a sophisticated critic of that position; and, finally, a mature post-Kantian approach. Fichte's mature position emerges out of his struggle with a problem in Kant's "still obscure teaching about the possible compatibility of necessity according to natural law and freedom according to moral laws." In making sense of Fichte's this struggle, we need to attend to the distinctive modality of Fichte's claims about freedom: I ought to be free; I put myself forward as free; I posit myself as free.

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 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.

1. 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, CPR 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.

2. 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.

3. 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 Weissshuhn 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.

4. 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.

5. 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, ~~was~~ ~~ere~~ 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 5:429–4), 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.

6. 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

1 David James and Günter Zöllner, 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 (GAI/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 Kreuzer 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.