

Fichte's Deduction of the Moral Principle

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The title of Part One of Fichte's *System of Ethics* is "Deduction of the principle of morality." From this we might have anticipated a deduction of a *specific* principle a criterion of right and wrong, such as most people (mistakenly, in my view) believe Kant's Formula of Universal Law is supposed to be, or a so-called "CI-procedure" for constructing the content of all morality. If we expect this, we will be disappointed. The moral principle he proposes to deduce is purely formal – nothing can be inferred from it about what we ought to do (NR 3:10, SL 4: 69). Fichte's deduction leaves it an open question whether the principle is even *applicable*. The *applicability* of the principle has to be deduced separately, in Part Two. The *application itself* occupies Part Three.

It would be a serious error, however, to think that nothing important is being accomplished in Part One. Fichte begins the *System of Ethics* with a bold assertion: "It is claimed that the human mind finds itself absolutely compelled to do certain things entirely apart from any extrinsic ends, but purely and simply for the sake of doing them, and to refrain from doing other things, equally independently of any extrinsic ends, purely and simply for the sake of leaving them undone" (SL 4:13). Fichte calls this "compulsion" (*Zunötigung*) of the mind "the moral or ethical nature of human beings as such" (SL 4:13). This claim belongs to "ordinary consciousness" (SL 4:14). Transcendental, as Fichte conceives it, is charged with explaining and justifying it.

Moral authority. The significance of Fichte's deduction can best be appreciated if we see that it aims to justify is the thought that the claims of morality have a rational authority

independent of our wishes, sentiments, empirical desires, or other contingent motivations. I will use the term ‘moral authority’ to refer to this thought. It has several aspects.

1. Categorical obligation. The actions and omissions commanded by the principle, and the ends it commands us to set, should happen for their own sake, not for the sake of any end or motive *extrinsic* to the moral principle itself.

2. Overridingness. There are no conflicting reasons that rationally deserve to prevail over moral reasons.

3. Ubiquity. Moral authority is *everywhere applicable*. There are no choices regarding which we would be rationally entitled to ignore moral considerations or exempt ourselves from having to take morality into account.

But Fichte insists on ubiquity in an especially strong form. Unlike Kant, Fichte denies that there are any indifferent actions, or any actions that are meritorious without being morally required. In each situation, moreover, Fichte argues that conscience tells us which action is required by moral authority. There are also no merely permissible actions, or what Kant calls ‘wide duties’ – actions that morality does not demand, but also does not forbid, and no actions that morality regards as meritorious without being required (NR 3:13, SL 4:156). He holds that *every one of our actions* must be done in response to moral authority. For Fichte, after moral authority has had its say there are no morally permissible desires, aims or projects left over. This is because moral authority is nothing but the authority of our own freedom. Anything falling outside it would be a threat to our authentic selfhood, our very freedom itself.

Deduction. Moral authority, Fichte argues, is a transcendently necessary concept. Fichte’s transcendental philosophy seeks to justify any concept that can be deduced as a condition of the self-positing of the I. Concepts (or alleged realities) that cannot be so deduced

are what Fichte means by “the thing in itself”. He opposes transcendental *idealism* or critical philosophy, which begins from the free self-positing of the I, to *dogmatism*, which assumes without justification such a thing in itself and then seeks to explain, or explain-away, freedom and consciousness itself as the causal results or products of the interaction of such things.

Following this method, moral authority is to be transcendently deduced. It will thereby be shown not to be an empirical concept – still less an arbitrary, doubtful or illusory one -- but a concept transcendently necessary for self-awareness itself. To this end, Fichte begins his deduction by connecting it to the foundation of his Doctrine of Science (*Wissenschaftslehre*) (SL 4:15). Begin with the thought of an object (the wall in front of you, for instance). Then turn your attention to that which thinks the wall (the I) -- first to the *intuition*, then to the *concept* of this I (SL § 1, 4:18). The science of ethics, Fichte maintains depends on the variation on this process – the *direction* given to the first principle of the Doctrine of Science. It consists in the consciousness of oneself that Fichte describes as “finding oneself.” The *self* that is found is the I, that in which object and subject, that which is found, and that which does the finding, are thought as identical (SL 4:18-19). The *finding* is a passive apprehending of what belongs only to the I which is found in this way (SL 4: 19). *What is found* in this way will turn out to be first, a certain kind of activity, and then second, the “essence” or “pure being” of this activity.

Finding oneself as will. Fichte’s first claim is that the activity is *willing*. Fichte’s procedure in making this claim may seem like a mere descriptive phenomenology -- an account of how things merely *seem* to us. But his aim is not merely descriptive: it is *not* meant as an account of how we *do in fact* think, or of the “facts of consciousness” merely as they present themselves. It is a transcendental argument revealing how we *must* think if our thought is to avoid unintelligibility or incoherence. There is a good reason why Fichtean transcendental

philosophy must involve this combination of phenomenology and discursive argument. For its aim is to discover the conditions of the possibility of experience. For this we need some account of the experience whose possibility we are investigating – in other words, its phenomenology. But we also need a discursive proof that this experience is possible only under certain conditions.

Fichte's proof that the I finds itself as willing depends on three grounds:

(1) The concept of the I, as that act in which the subject of the act and the object are one and the same.

(2) The principle that in every act of thinking there is posited something thought that is not the act itself, but counts as an object of that act.

(3) The "original character of objectivity," namely that what is objective exists independently of what is subjective, something real (*Reelles*) that limits the subjective act in some way (SL 4:21-22). From these points, Fichte now draws an inference:

(4) Therefore, the I is a real acting on itself, a real determining of itself through itself.

And then from this he concludes:

(5) The real determining of oneself through oneself is what we mean by *willing* (SL 4:22).

This proof is extremely abstract. It requires explication if we are to see its point. It would be a mistake to think that in (2), Fichte is merely claiming, as he did at the beginning of the *Foundations of Natural Right*, that the I must act efficaciously on an independent objective world external to it. For here he is investigating only the I's original acting as it relates only to itself, in its original, self-determining act. His claim is that even within its act of self-determination there must be a kind of subject-object relation. There must be an aspect of the I's original act on itself that counts as real, as existing independently of that act and constraining it.

We might see this as a paradox. Look at it this way: We might think that the direction of fit involved in willing is reality-must-fit-mind: that my willing involves a demand or standard to which reality is supposed to be brought into line. This would contrast with cognition, in which the direction of fit is mind-must-fit-reality: cognizing the world is bringing your mind into line with the way external reality is. Fichte's paradoxical claim is that if willing is truly self-determination, then the original or fundamental direction of fit involved in free willing is actually already a mind-must-fit-reality direction of fit. Willing is not cognition of something external, but it has in common with that the fact that willing contains a standard according to which it should be done. What Fichte is claiming is that it belongs to the subject-object structure of the I's self-consciousness itself, and especially to the concept of self-determination, that the I should relate to something real that counts as limiting or determining it. This cannot be an external, material object, since we are considering here only the I's active relation to *itself*. It must therefore be an *object* of a wholly different kind. But it must be a real object nevertheless.

Self-determination. We can see Fichte's point if we consider how *self*-determination differs both from being determined from outside, by something that is not oneself, and also differ from mere *non*-determination. To determine *oneself* is different from having one's acts *caused* or *limited* by something external, such as a material object or a state of the real world. These objects would limit one's *options*, but they could not determine *one's choices within those options*. Self-determination must do the latter. That is why the real or objective side of the I's original act cannot consist in anything that belongs to the objective or material world, but must be something real or objective *in oneself* that *determines* (that is, specifies or limits) what one is. Nor could self-determination simply leave this undetermined. It could not make what one chooses a matter of mere subjectivity or contingency: blind chance, accident, whim or arbitrariness. In fact, Fichte

thinks that the very concept of volitional non-determination, or merely contingent determination – would be self-nullifying: not the concept of an act of free will at all. This is his answer to those philosophers who conceive of freedom simply as an absence of external causality and therefore conclude that it is mere chance or randomness. This latter thought lies at the heart of William James' famous 'dilemma of determinism'. This dilemma claims that there is no meaningful freedom if the will is causally determined, but also no meaningful freedom if it is not. Fichte rejects the dilemma by rejecting the false alternatives: external causality vs. mere chance.

It may help if we realize that the Fichtean I's act of free self-positing is not merely an event the I might observe happening (as occurs when the I "finds itself"), but instead that which is found, and therefore is an act in which the I is engaged. It is not merely something *being done*, we might say, but instead something *to be done*. Fichte's claim, then, is that this act must posit some *real or objective ground* according to which the act is *to be done*. This is required if the act is to be one of *self-determination*, rather than external determination or non-determination. Willing, then, as the "real determining of oneself by oneself" (SL 4:22), must involve a real or objective ground for what one does. We could also put it by saying that willing is essentially *normative*. Any act of will, along with positing *what* it wills, also posits a ground, reason or norm -- something real or objective -- according to which that act *is to be done* and *must be done*. It is essential that this real or objective ground of action must both be *posited by the I itself*, in its own self-determining act, and yet that it also be *something objective, real and independent* of the act which posits it. In other words, the notion of a *self-determining volitional act* that has no ground, is done for no reason, or recognizes no objective norm, is incoherent. Equally incoherent is the notion that a ground or standard posited by the will might be something merely subjective, contingent or at our arbitrary discretion. That would be no *ground* at all. An act of willing

requires positing a standard from within the volitional act itself that has *reality* -- objective authority over that same volitional act.

The *pure being or true essence of willing*. This objective standard is what Fichte now proceeds to call the will's "pure being" or "true essence." 'Being' for Fichte refers to objectivity. After he has identified the 'pure being' of the will, Fichte reminds us that "the I is being considered here only as an *object*, and not as an *I as such*" (SL 4:29). What we are looking for is exclusively the *objective* aspect of the self-positing act of the willing I. As transcendental philosophers, we are proceeding from the necessary assumption that the I is absolutely free. Whenever it acts, however, the will is always situated: it is limited by its external situation and influenced by its relation to the world of material objects. Our task at this point is to abstract entirely from this situatedness in order to think only of the pure being of the will. Fichte says: "At the level of abstraction that it must receive here, this concept may well be the most difficult concept in all of philosophy" (SL 4:26).

The steel spring. To help us find the concept we are looking for, Fichte proposes to use an example, whose application, however, will be seen in due course to be strictly limited. He asks us to imagine a compressed steel spring, which strives from within to push back against the force that compresses it. The point he wants to make is that the spring, like the will, is influenced by an external force (the external situation of its willing), but its pushing back comes entirely from within itself and not from what exerts pressure on it. If the steel spring could be conscious or intuit its pushing back, it would *will* to push back (SL 4:26). "This self-determination would be that which, in a rational being, is the sheer *act* of willing" (SL 4:27).

Fichte then proceeds to characterize this inner force through which the will acts. He calls it: "the absolute tendency (*Tendenz*) toward the absolute," "absolute indeterminability through

anything outside itself,” or “the tendency to determine itself absolutely, without any external impetus” (SL 4:28). Such expressions are more likely to perplex than to inform. I think Fichte is aware of this, and his procedure in § 2 of his deduction of the moral principle is to clarify them. One point, however, he wants to clarify right away: Fichte refuses to call this tendency a “drive”, since a drive “operates necessarily in a materially determined manner, so long as the conditions of its efficacy are present,” whereas the tendency we are talking about must belong to an act that is entirely free, self-determined and capable of acting in any of a variety of different ways (SL 4:29). The result at which we arrive, therefore, is that “the essential character of the I...consists in a tendency to self-activity for self-activity’s sake” (SL 4:29).

This tendency is the pure being or essence of the I when it is considered from the speculative standpoint, as an object of transcendental philosophy. But the I is also essentially conscious of itself, and so it must become conscious of this tendency from the standpoint of ordinary experience (SL 4:29-30). So in § 2, Fichte proposes that our next task or problem (*Aufgabe*) is therefore “to become conscious in a determinate manner of the consciousness of one’s original being” (SL 4:30). In other words, as transcendental philosophers we must become conscious of the way that an I becomes conscious of its essence or pure being from the ordinary standpoint. Fichte characterizes this consciousness in terms of an arresting metaphor: “the I tears itself away from itself (*reißt sich von sich selbst los*) – and puts itself forward as something self-sufficient (*selbständig*)” (SL 4:32). “Whatever the I is or has been, it experiences itself as *becoming*, tearing itself away from the I as a given absolute” (SL 4:33).

Existing in advance of your nature. To understand this characterization requires us to explore the limitations of the analogy Fichte has drawn between the will and the compressed steel spring. The spring’s tendency to push back follows a causal necessity and lawfulness

determined by the *nature* of the metal of which the spring is composed. We think of the spring's act of pushing back as determined by *its nature*. This is precisely why it is *not* a free or self-determined act. Yet if we merely think away the causal determination, we are once again left with an act that is not free or self-determined, but instead with the incoherent notion of mere contingency or "blind chance" (SL 4:34). Fichte therefore infers, that the I or the will must be something that "exists in advance of its nature;" it "would have to be before it is" (SL 4:35-36). Fichte never uses the Sartrean formula: *existence precedes essence*, but here he shows he is the original author of the idea expressed by that formula. All these formulations are deliberately paradoxical, but the paradox can be dissipated in light of the results Fichte has already established. The sense in which the I or will *exists in advance of its nature* is that it must exist as an object for itself, and yet have no nature that already determines it, since it is to be *self-determining*. Therefore, it must *first* be as undetermined in order *then* to be something determinate *through* its self-determined act. The "preceding" here, of course, must not be thought of in a temporal sense. There may be no time at which the free I exists without being self-determined. The objective aspect of the act in question is what Fichte means by the I's "pure being" or "essential character".

This observation also puts us in a position to see how Fichte actually *disagrees* with the Sartrean formula "existence precedes essence," if it is taken literally. For if the I is to be self-determining, it is precisely the "essence" or "essential character" of the I that must precede, and thereby determine *what* it is. For the same reason, Fichte also rejects the Sartrean claim: "There may be consciousness of a law, but no law of consciousness" – since the objective moral law is precisely what Sartre here denies. As Fichte also puts it, an I may be formally free without being materially free. It stands under a self-given objective standard but does not freely determine itself

by that standard. When the I is fully or materially free, the act must be an authentic expression of the “pure being” or “essential character” of the I’s freedom.

Freedom as a faculty (*Vermögen*). Fichte has described this essential character using perplexingly abstract phrases such as “a tendency to self-activity for self-activity’s sake.” He has done nothing to clarify what sort of thing that tendency is. He begins to do so when he describes the tendency as a “concept”: “As an intellect with a concept of its own real being, what is free precedes its real being... The concept of a certain being precedes this being, and the latter depends upon the former” (SL 4:36). This places absolute self-determination within the framework of practical reason, since practical reason involves a direction of fit in which what is should conform to its (normative) concept (the concept of an end), whereas in theoretical reason the concept must fit what is (SL 4:2). When we are considering self-determination in this completely abstract form, the way this works is not quite the same as when practical reason is concretely situated. In a concrete situation, the concept is some determinate one, to which the I (or the world) is to be brought into correspondence.

Every particular situated action is guided by some concept or other of an end to be achieved. (There is a “reality-must-fit-mind” direction of fit.) But here we are thinking of the I as will in its own self-determination, that through which it *produces a concept* to which the world should then be brought into correspondence. In this self-determining act, it is now the I which is first the concept of what it is to be and then, insofar as the self-determination has been successful, it *becomes* what corresponds to that concept. (So the direction of fit is: “mind-must-fit-reality.”) Only then does it become a volition, producing a further concept to which the world must correspond. When we are considering the tendency that constitutes the being or essence of the I considered solely for itself, the concept in question to which *its volition* must correspond is

also completely abstract -- it is still the concept only of “self-sufficiency” or “self-activity for self-activity’s sake.” From this Fichte infers that when its free activity is considered simply for itself, in abstraction from a given situation, the I posits itself only as a power or faculty (*Vermögen*), “i.e. only a concept of the sort to which some actuality can be connected by means of thinking – in the sense that the actuality in question is thought of as having its ground in this power – without containing within itself any information whatsoever concerning *what kind of* actuality this might be” (SL 4:38).

It should not astonish or confuse us, then, that Fichte has described the tendency which is the essence or pure being of the I in such wholly abstract terms. For there is, at the most abstract level, nothing definite that could constitute the essence of the I. If our action is absolutely free, there is no determinate “nature” limiting what we can or should make of ourselves. The essence or pure being of the will can consist only in the power or faculty to determine itself through concepts, but there is no definite concept to which its self-determination is bound or limited. Nevertheless, this essence or pure being is the *objective* ground of willing as *real* self-determination. In §3 of the deduction, where Fichte investigates the way we become conscious of the tendency to self-sufficiency in ordinary consciousness, he attempts to ground what we have above called the idea of *moral authority* or the principle of morality.

The drive for self-activity for its own sake. The concept of a *drive* is important for Fichte’s theory of practical reason. Fichte’s introduction of the concept of a *drive* also appears to be the origin of the concept which, no doubt in modified forms, has also played an important part in nineteenth and twentieth century psychology, including the theories of William James, Sigmund Freud and Clark Hull. For Fichte, a drive is a subjective source of our activity, but it is one which results from the fact that this activity is a response to something already given, and

therefore it involves an activity that presupposes a passive relation to something objective. A drive is “a real, inner explanatory ground of an actual self-activity” (SL 4:40), but one that becomes conscious or a cognition (SL 4:106). A drive is a kind of tendency, but as we have seen, not all tendencies are drives. The tendency to self-activity for its own sake is not itself a drive, because it arises from the I’s consciousness of its pure being, which is the merely the objective side of the I’s freedom. In contrast to this, a drive operates necessarily and in a determinate manner (SL 4:29). At the same time, a drive is always an activity, and cannot be explained by or reduced to causal necessities (SL 4: 111).

Most drives discussed by Fichte arise from the I’s embodiment, and relate to the body’s organic functioning. They are manifestations of our vital *striving* (*Streben: conatus*) – a concept Fichte derives from Spinoza. In SL §8, Fichte attempts to deduce the transcendental necessity of these natural or organic drives (SL 4: 101-112). Natural drives seek to unify the I with something external to it, by bringing external objects into harmony with our natural strivings. The immediate consciousness of a natural drive is *feeling* (*Gefühl*); prior to the drive’s becoming focused on a determinate object, is called *longing* (*Sehnen*) (SL 4:41; cf. 4:106). When a drive is directed to a determinate object, it becomes a *desire* (*Begehren*) (SL 4:126-127).

Natural drives, as regards their occurrence, are not subject to our freedom, but because a drive belongs to a free or rational being, a drive never necessitates any action – rational beings always remain free either to act on their drives or to resist them (SL 4:107-108). In distinguishing the essence or pure being of the I from a drive, we have reached the point in Fichte’s deduction where we have to consider how the tendency to self-activity for self-activity’s sake -- the objective side of free activity, considered solely for itself and not in the relation to external objects -- becomes *conscious* for the agent. When an objective ground of activity

manifests itself consciously, it does so in the form of a drive. Therefore, although the tendency we have been examining is *not itself a drive*, when it becomes conscious it *manifests itself as a drive* (SL 4:40).

The drive for the whole I. These last propositions apply to all natural drives, and to ethical drives as well, once the principle of morality is being applied in any specific situation of a rational being. Here, however, we are considering the striving of the I for self-sufficiency or self-activity for its own sake in abstraction from any situation, entirely for itself. So the unity sought by this drive can be nothing other than a unity of the two sides *of the I itself*– the objective and the subjective. Consequently, Fichte calls this drive the ‘drive for the whole I’ (SL 4: 41-44). Thus far, our concept of ‘wholeness’ involves only these two necessary aspects of consciousness – subjectivity and objectivity. But it is an important Fichtean doctrine that the I strives for unity, harmony or identity of all kinds. Just as Kantian apperception is that which unifies our consciousness, so the Fichtean I strives for practical unity – of our volitions under a common principle, of the unification of our drives with one another, and the unification of our ends with those of other rational beings (cf. VBG 6:296-298, 304). All this, however, belongs to the application of the moral principle. But these further kinds of unity or harmony are, I think, already implicit here in the drive “for the whole I”.

Because this drive for the whole I does not result from the I’s passive relation to an external object, no *feeling* results from it, as usually happens with drives (SL 4:43-44). Instead, the only result of the drive is a “determination of the intellect” or a *thought* (SL 4:45). The thought is: ‘the whole I’, meaning the unity of the subjective and objective aspects of the I. But, Fichte declares, this is ‘an unthinkable unity’ because any consciousness must involve a distinction and a relation between subject and object, whereas the drive now being investigated

strives for a unity of the two beyond this distinction. Fichte therefore designates it as “=X”, and says it “can be described only as a problem or task for thinking, but never can be thought” (SL 4:43). Perhaps Fichte does a better job of explaining what he means a bit later, when he says: “The thought in question is not really a particular thought, but only the necessary manner of thinking our freedom” (SL 4:49).

The antinomy of this thought and its resolution. Fichte further deepens the perplexity, however, by introducing a threatened antinomy regarding the thought (the drive for the whole I) that has been deduced. As we have seen, this is a regular part of his procedure – his “synthetic method.” The abstractions from which the synthetic method proceeds are made more concrete and determinate by drawing out the potential contradictions in them, and then introducing the concepts needed to avoid these contradictions. The drive manifests itself as a *thought* (4:45-59). But a *thought* is a determination of the *intellect* -- of subjectivity only, free and active. The antinomy, then, is this:

Thesis: We have deduced: the drive produces a thought *in* the intellect.

Antithesis: But since the intellect is agility only, no thoughts can be produced *in it*.

Fichte’s resolution of the antinomy is:

Synthesis: The thought must have a *form* and a *content* consistent with agility.

In regard to its *form*, Fichte says, this thought is therefore an ‘intellectual intuition’: Intuition is an immediate consciousness; it is intellectual when it alone produces that object. The form of such a thought is consistent with agility (unconstrained free activity). The object in question here, however, is not a thing but only an act – the act of self-determining – and the intuition is the same as the object intuited (SL 4:45-47).

As regards its *content*, Fichte says, the thought is only the thought of *freedom*, or rather the *manner* in which the I thinks its own freedom, so again, the thought is consistent with agility.

“The content of the thought we have derived can therefore be briefly described as follows: we are required to think that we are supposed to determine ourselves consciously, purely and simply through concepts, indeed, in accordance with the concept of absolute self-activity; and this act of thinking is precisely that consciousness of our original tendency to absolute activity that we have been seeking. Strictly speaking, our deduction is now concluded” (SL 4:49).

The result of this deduction, however, may still leave us perplexed. The argument has been very abstract and the formulation just quoted seems equally so. We have arrived at that point in the Fichtean synthetic procedure where he can be expected to introduce a term – either from everyday thought or from philosophy – which is supposed to fit the (often opaque or paradoxical) concept that has been deduced and at the same time illuminate it by determining what it means.

Fichte does this by describing the deduced concept using several terms drawn both from philosophy and from everyday life which he thinks make it recognizable. These are:

[a] A *categorical imperative* (SL 4:50): the thought of a rationally binding command that does not presuppose a pre-given end as the condition of its bindingness or, in response to such a command, the thought of an action that must be done merely for its own sake, and not for the sake of any end except those that might be contained in or posited by the action itself.

[b] A *norm* or *law* (SL 4:51-53). A norm or law carries with it a kind of necessity, since it represents something that we *must* do. Fichte distinguishes this *normative* necessity from *causal* necessity, which prevents us from doing the opposite or makes anything else impossible. With normative necessity we remain free to act against the norm or law. Here ‘necessity’ means: “the intellect charges itself to determine itself freely” (SL 4:52). Normative necessity therefore includes the *overridingness* that belongs to moral authority.

[c] An action that *ought* to be done, or is considered “fitting” (*gehöre*) or “appropriate” (*gebühre*), whose opposite is inappropriate and ought not to be done (SL 4:54-56). (If Fichte had been writing in the Anglophone tradition, I think he would have spoken here of an action that is “right” or “right in itself” and whose opposite is “wrong” or “wrong in itself”.) In each situation of choice, Fichte thinks, we choose one thing over another, as the fitting, appropriate, or right thing to do. This captures the strong concept of the *ubiquity* of moral authority.

As if to emphasize the affinity of his deduction with Kantian moral philosophy, Fichte also describes the deduced thought as that of *autonomy* or *self-legislation*. And he understands this term in three related senses (relating to one another as form, content, and their synthesis):

1. *Form of the law*: The law becomes a law only when the subject reflects on it and subjects itself to it. The subject does this when it consistently and coherently thinks its own freedom.

2. *Content of the law*: The law requires only self-sufficiency. It has no determinate content of its own until its application can be deduced, and this must be done separately and subsequently to the deduction of the law itself.

3. *Synthesis*: The will’s subjection to the law – its being obligated by it -- arises only from reflection on the I’s own freedom and its true essence or self-sufficiency. This makes the law it obeys *its own law*. (SL 4:56-57).

In relation to Kant, Fichte also makes one other arresting claim. Kant represented freedom of the will and the law’s bindingness on us as distinct claims, reciprocally implying each other (KpV 5:30). But Fichte argues that they are not two thoughts related to each other by reciprocal implication, but instead they are *identical* – they are the *very same thought* (SL 4:53-54). The thoughts: *categorical imperative, law, ought, normative necessity* are the very same as the thought of *freedom*, because these are merely the way our freedom itself is thought. The best way to make sense of this is to realize that every truly free act is both a response to the moral principle and also self-determining. To act freely, in the full or unqualified sense, is simply to act

as the moral law requires. To act otherwise is to act *unfreely* – the act is, in Fichte’s terms, formally free but not materially free. We might see Kant as already agreeing with Fichte about the identity of freedom and the moral law. Kant says that awareness of the law is a *Faktum der Vernunft* – a *deed* of reason, in other words, a free act (KpV 5: 31-32). If the law itself is identified with awareness of its obligatory force, and both are identified with a rational act or deed, then Kant and Fichte are not far apart. But an important difference is this: Kant thinks freedom and the law are distinct (but co-implying) thoughts because he is referring to a specific law, with a specific content: it involves his formulas of universal law, law of nature, humanity as end in itself, and autonomy or the realm of ends. Though the fact (or deed) of reason is the self-effected thought that we are obligated by the moral law, none of these *formulas* is the same thought as the thought of freedom. The formula of autonomy co-implies freedom, at least freedom in the positive sense of the term (G 4:446-447, 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; thus every choice is subject to a categorical imperative that is ubiquitous and overriding.

The paradox of self-legislation. Fichte identifies the thought of freedom with the law of autonomy. There is a familiar objection to notions such as *self-legislation* or a *self-given* norm. If a law or norm is self-given, then it seems that it cannot bind, as a law or norm (by its very concept) is supposed to do. For (we may think), a law is made by a power superior to the person subject to the law. If it were made by the very person subject to it, then whatever is legislated can then be repealed, and what is legislated one way could just as well have been legislated another way. So any laws legislated by the very person subject to them would be both arbitrary

and non-binding; hence not, properly speaking, laws at all. In other words, the very concept of self-legislation makes no sense.

Actually, however, neither of the claims about legislation assumed in this argument is true. First, it is not superior *power* but *legislative authority* that makes some entity a legislator. Brigands and barbarians may command and coerce, but lacking legitimate authority, they cannot *legislate*. What a legislator may legislate, therefore, depends not on the superiority of the legislator's power, but rather on the scope of its legislative authority. Not every legislator can make just any laws it chooses. The constitution grounding the authority of a legislature might provide that the legislature could make certain kinds of laws -- for example, laws *protecting* constitutionally guaranteed rights -- but not other kinds -- laws abrogating or abolishing those same rights. Second, and for precisely the same reason, it is not true that every legislator can unmake at will whatever laws it makes. A constitution might provide that when the legislature makes certain laws, it then lacks the power to repeal them by the same process through which they were made. The legislator might be stuck with the laws it has made, or it might need a distinct procedure to repeal them. Everything depends on the scope of its legislative authority.

In relation to Fichte's deduction of the law, however, there is a still deeper difficulty with this objection. The objection relates to the *content* of laws that are said to be self-legislated. It claims that the notion of self-legislation is problematic because of alleged variations in this content. Laws with a certain content could be made at one time, then repealed, or else the laws could have had a different content. But Fichte's notion of self-legislation has a quite different focus: it leaves the content of our self-legislation entirely open.

But perhaps there is lurking here a more legitimate objection to Fichte's view. This is that our authentic selfhood is not obviously exhausted by 'morality' in the usual sense of the term.

The claims of our freedom on us seem to overflow “morality” or “duty. Why should we consider Fichte’s purely formal principle of morality *moral*? If it has no determinate content, then why mightn’t it turn out to be the principle of an egoist, or an immoralist? On one level, the challenge posed by this objection is one that Fichte intends to meet in the Second and Third Parts of his *System*, where he deduces a content for the principle of morality that we will recognize as authentically moral – and at times it seems an extremely strict and austere morality at that. But on another level, I think we need to admit that there is in Fichte’s approach a tendency to expand the scope of moral concepts, such as duty and conscience, so that they can encompass the broader meaning of authentic selfhood and the value of your life. Fichte’s Romantic friends Schlegel and Schleiermacher turned morality into a personal code, valid only for one’s individuality. Kierkegaard’s ethical man might also be seen as exemplifying the tendency to identify morality with self-choice in all its aspects. We might see the same thing in the Heideggerian concept of “authenticity”. Even Nietzsche countenances morality when it is understood in this expanded way: The sovereign individual, he says, proud in “the privilege of responsibility,” will become aware of the dominant instinct that gives him this power over his fate. “What will he call it, this dominant instinct, assuming he gives it a name? Undoubtedly he will call it his *conscience*.” It is Fichte who initiates this expansion of the domain of the moral.

Does Fichte have a metaethics? I conclude with a few remarks about the relation of Fichte’s deduction to metaethical issues. Metaethics is the metaphysics or ontology of value or the normative. That this is its real topic is usually not stated, since then it would also have to be admitted that the dominant position in the field ever since its invention has been flagrantly nihilistic. That position holds that values, norms, morality, have no reality at all. They simply do not exist. Those who take this position, however, usually regard this shocking way of looking at

it as having been based on a silly semantic misunderstanding. Judgments of value, they say, are not about anything simply because they aren't really judgments at all. They are expressions of emotion, or disguised imperatives, or something else that was never meant to be about any sort of reality. The main alternative to this brand of nihilism, the contrary position that naively, stubbornly and obtusely adheres to the obvious and undeniable, claims that value and normativity do exist after all. For there really are things we ought to do, and some things really do matter. Since neither emotions nor arbitrary commands give anyone any reason for doing anything, if there were no objective norms, then we could never have any genuine reason for doing anything, and nothing would really matter. This is the position of metaethical *realism*.

The biggest problem faced by realism is to tell us how mere truths or facts – “out there” could ever have a justifying or motivating influence on us. How do they ever get their hooks into us and give us grounds for doing anything or caring about anything? It would seem that this requires something to come from our side, feelings or emotions, or normative-generating acts of will. As with the dilemma of determinism, we seem faced by two impossible alternatives. If there is no objective reality to values, norms or oughts, then there is nothing that we ought to do and nothing matters. But if there are such realities, then they too give us no reason to do or care about anything, and once again, there is nothing we ought to do and nothing matters.

The moral principle tells us what we *ought* to do. There must be an *objective fact* about what we ought to do, and this requires a ‘mind-must-fit-reality’ direction of fit; so there must also be a reality (the objective truth “out there”) that we ought to do it. But that fact or truth must also give us a *reason* to do it, and motivate us to do it; in this there is a ‘reality-must-fit-mind’ direction of fit. The reason the moral law gives us for doing something must be exactly the same as the objective truth that we ought to do it. Neither the objective ‘mind-must-fit-reality’ truth

nor the subjective ‘reality-must-fit-mind’ reason can come first and neither can come second. Precisely the same fact that we ought to do something must be identical to the motivating reason for doing it. Could any metaphysical fact about the world -- about what exists “in itself” -- have this structure? All positions in metaethics take a fact of that form to be self-contradictory.

I suggest that although Fichte had the great good fortune to have died long before twentieth century philosophers invented metaethics, his position does have something to say in response to its issues. Fichte simultaneously embraces two claims that metaethics regards as incompatible: first, the moral law does come from us: it is the product of our freedom, our volition, our self-legislation; but second, because willing is self-determination, the very structure of our volition itself involves objective reality. Because it is transcendently deduced, the moral law is every bit as real as the material world, since in Fichte’s system it too has the same transcendental foundation: as a necessary condition of the I’s self-positing. The moral law is a real norm constraining our choices and telling us what they ought to be. To the objection that no fact about reality in itself could have this structure, Fichte’s reply is that this why critical philosophy refuses to base itself dogmatically on any such reality in itself. It does not *deny* such a reality (since that too would be dogmatism); but it refuses to make any claims about it, since none of them could be transcendently deduced. If metaethics, as the metaphysics of value or normativity, is faced with the impossible choice between nihilism and realism, the right response is to say: “So much the worse for metaethics, or the metaphysics of value.” We must reject its answers, along with its questions, as products of dogmatism. All the positions metaethics is capable of entertaining – realist and anti-realist alike -- are to be dismissed, not as false, but, in Fichte’s words, as “hollow and meaningless babble” (ZE 1:510).

Text: Fichte, *System of Ethics* (tr. Breazeale and Zöller). Cambridge: Cambridge University Press, 2005, pp. 24-63 (SW 4:18-62).

“Direction of fit”. A term commonly used in philosophy since the concept was first introduced in Anscombe’s *Intention*. Anscombe did not use that term, but philosophers look to the following passage as having introduced the concept into general philosophical use:

“Let us consider a man going round a town with a shopping list in his hand. Now it is clear that the relation of this list to the things he actually buys is one and the same whether his wife gave him the list or it is his own list; and that there is a different relation where a list is made by a detective following him about. If he made the list itself, it was an expression of intention; if his wife gave it him, it has the role of an order. What then is the identical relation to what happens, in the order and the intention, which is not shared by the record? It is precisely this: if the list and the things that the man actually buys do not agree, and if this and this alone constitutes a mistake, then the mistake is not in the list but in the man's performance (if his wife were to say: “Look, it says butter and you have bought margarine”, he would hardly reply: “What a mistake! we must put that right” and alter the word on the list to “margarine”); whereas if the detective's record and what the man actually buys do not agree, then the mistake is in the record.” (Anscombe, *Intention* (1957), §32).

The first philosopher to use the term ‘direction of fit’ seems to have been J. L. Austin, "How to Talk: Some Simple Ways", *Proceedings of the Aristotelian Society*, Vol.53 (1953), p. 234. Like Anscombe, Fichte also does not use the term “direction of fit,” but the concept is fundamental and pervasive in his philosophy of mind:

“The entire mechanism of consciousness rests on the various aspects of its separation of what is subjective from what is objective, and in turn on the unification of the two. The first way what is subjective and what is objective are unified or viewed is harmonizing is when I engage in cognition. In this case, what is subjective follows from what is objective; the former is supposed to agree with the latter. Theoretical philosophy investigates how we arrive at the assertion of such a harmony. – The second way what is subjective and what is objective are unified is when I act efficaciously (ich wirke). In this case the two are viewed as harmonizing in such a way that what is objective is supposed to follow from what is subjective; a being is supposed to follow from a concept (the concept of an end). Practical philosophy has to investigate the original assumption of such a harmony” (SL 4:1-2).

The power and originality of Fichte’s mind is hard to exaggerate. He is the author not only of most of the key ideas in continental philosophy in the past two centuries, but also of some ideas, such as “direction of fit,” that are more often associated with Anglophone analytical philosophy, as well as some ideas (e.g. “drive”) used in empirical psychology. It is a monstrous injustice of intellectual history that his influence is not more often acknowledged. Fortunately for those of us whose calling is to botch the history of ideas, monstrous injustices of intellectual history, if not less common, are at least less serious than those routinely committed by politicians, statesmen and generals.