

Fichte against Kant in the System of Ethics (in Philosophy Today, vol. 52-3, Chicago, p. 243-252)

Isabelle Thomas- Fogiel

Université de Paris 1, Panthéon-Sorbonne ; professeure invitée à l' Université de Montréal.

Introduction :

It is something of a cliché to assert that what initially drove, then later oriented and finally shaped Fichte's research in first philosophy was nothing other than ethical concerns. So, according to certain interpreters, Fichte was supposedly converted to critical philosophy because it accommodated both faith and freedom in a thoroughly dogmatic and necessarist century. To support this thesis—for once generally undisputed—the famous letter of August-September 1790 is always brought forth as evidence: “Since I've read *The Critique of Practical Reason*, I live in a new world. Propositions that I believed to be indestructible are now destroyed for me; things that I believed could never be proven, for example the concept of absolute freedom, of duty, etc., are proven for me...” (“*Ich lebe in einer neuen Welt, seitdem ich die Kritik der praktischen Vernunft gelesen habe. Sätze, von denen ich glaubte, sie seyen unumstößlich, sind mir umgestoßen; Dinge, von denen ich glaubte, sie könnten mir nie beweisen werden, z.B. der Begriff einer absoluten Freiheit, der Pflicht u.s.w. sind mir bewiesen, und ich fühle mich darüber nur um so froher.*”).

What aspect of this letter should be stressed? The word “duty” or the word “proven”, the reference to freedom or the fact that freedom is said to be demonstrable? In light of certain, later statements, we would be tempted to say that what counts in ethics, as everywhere else, is conformity with the scientific nature of the claims made. For example, Fichte in his *Contributions to the Rectification of Public Opinion...* states: “What logically follows from a proven proposition is true, and you will not frighten the resolute thinker by letting the dangerous aspect of that show; what contradicts it is false, and must be given up, even if the axis of the Earth seems to turn on it.” (“*Was aus einem erwiesenen Satze durch richtige Schlüsse folgt, ist wahr, und ihr werdet den*

entschlossenen Denker durch das gefährliche Aussehen desselben nicht erschrecken; was ihm widerspricht, ist falsch, und muss aufgegeben werden, und wenn die Achse des Erdballs darin zu laufen schiene.”) In order to demonstrate this thesis, which seems unlikely considering the state of commentary on Fichte, I will first summarize Fichte’s arguments against the moral philosophy of Kant, then analyze the deduction of the moral law with which Fichte challenges Kant, then finally assess several concrete effects to come out of the reformulation of Kant’s moral law.

THE INADEQUACIES OF KANT’S MORAL PHILOSOPHY

Once the dust has settled, what, fundamentally, does Fichte’s pages-long criticism of Kant’s moral philosophy come down to? Fichte criticizes Kant’s failure to demonstrate claims, to satisfy the “need of science” or of “grounded knowledge”. Kant most certainly wished to found ethical judgments in reason, but did not manage to do so.

For two presuppositions hinder Kant’s moral philosophy, according to Fichte. On one hand, Kant’s ethics is founded on an induction—a demonstration, which cannot possibly be acceptable in philosophy. On the other hand, Kant’s moral philosophy is irrational in that it presupposes a “dark region of sundry, irrational enthusiasm”, where the categorical imperative turns out to be a veritable “occult quality”¹. Let us now consider these two arguments against Kant in order to understand the task that Fichte undertakes in his ethics.

a) Kant did not go so far as to prove the universality of the law, but stopped short at the claim that every man, even the most hardened of criminals, is *conscious* of the moral law. Kant presumes that one’s humanity distinguishes good from evil *a priori*. Kantian ethics rests on a simple induction founded on “self-observation”. In fact, in the *Groundwork of the Metaphysics of Morals*, Kant takes the common understanding as his point of departure, then derives the condition for its possibility. It is precisely in analyzing the duty presupposed in each man that Kant arrives at the formulation of the categorical imperative. Even so, isn’t Fichte’s judgment on the *Critique of Practical Reason* still somewhat unfair? To answer this question, we might examine the structure of the argument that leads to Kant’s affirmation of the fact of reason. In paragraph 1,

¹ *Système de l’Ethique* French translation by P.Naulin, PUF, p. 52.

Kant defines what he means by the expression “practical principles”. If these principles are subjective, then they are maxims; if they are cognized as objective, “that is, as holding for the will of every rational being”, then they are practical laws. Theorems 1 and 2, as well as the accompanying remarks, are dedicated to showing that, since subjective principles presuppose a determining object, they cannot possibly be considered laws. The following passage proceeds by negating the predicates of these principles to arrive at what must be the practical law: “all that remains of a law if one separates from it everything material...is the mere *form* of giving universal law”. The first presupposition at work here is that there *are* practical laws: the existence of these laws is postulated and not demonstrated. Furthermore, and such is the second presupposition of the second *Critique*, Kant begins with a pure definition, which he attains by negating the predicates of another definition, then looks for the formula that corresponds to it, which yields the fact of reason. But even if we accept Kant’s procedure as legitimate, that does not in any way prove the universality of the formula attained. What, then, does Kant have to say on this issue? Following the formulation of the categorical imperative (Paragraph 7), he writes: “The fact mentioned above is undeniable. One need only analyze the judgment that people pass on the lawfulness of their actions in order to find that...their reason...always holds the maxim of the will in an action up to the pure will”. This argument is clearly an induction, which establishes the universality of a fact on the basis of an observation. *The Critique of Practical Reason*, like the *Groundwork*, therefore presupposes not only that there *are* practical laws, but also that they are universal. “For Kant, the question is not whether morals or obligations exist, but rather what they signify for someone who encounters this fact in himself or herself”. Of course, it would be fair to object, against this judgement on Kant, that any explication starts with a fact. But what Fichte contests is not this point, but rather the incontrovertibility of such a fact. It is not incontrovertible in that it can be reasonably denied. For example, Hobbes’ project is manifestly an attempt to withdraw all legitimacy from the notion that a moral conscience actually exists. Human beings’ conscience extends only to their own interests; in Kantian terms, they obey only material principles. If empirical reality or a simple observation be any indication, such an assertion is just as probable as Kant’s presupposition of a universally recognized duty. This first weakness shows, albeit negatively, what one must

undertake to do in order to found the validity of morals. The moral law ² One must therefore *demonstrate* and not merely *postulate* that the moral law constitutes the expression of reason.

Fichte's second objection against Kant concerns the "givenness" of the moral law. Kant does not sufficiently explain the act through which this law arises; this is why the law can give rise to "all sorts of dreams". This analysis of Fichte's is immediately surprising on a first reading because the fact of reason does not seem in any way to depend upon some sort of *Schwärmerei*. Nonetheless, the passage of the second *Critique* liable to offer a basis to this reading is no doubt the one on "the voice of reason". In effect, Kant, after affirming the self-foundation of the moral law, after claiming that it cannot be demonstrated by the procedures of speculative reason, endeavours to show that the law imposes itself on us almost like a datum. If our moral conscience is "apodictically certain, though it be granted that no example of exact observance of it can be found in experience", it's because it is given to us via "the voice of reason" ("*die Stimme der Vernunft*"), a voice "so distinct, so irrepressible, and so audible even to the most common human beings"³. In *On a Newly Arisen Superior Tone in Philosophy*, Kant explains that: "Now, every human being finds in reason the Idea of duty, and trembles as he listens to its adamant voice when inclinations, which try to make him deaf and disobedient to this voice, arise within him."⁴ This recourse to the voice undoubtedly corresponds to the attempt to think the mode of presence in us out of what is not present in the ordinary terms of the object, of the *Gegenstand*. In ordinary terms, the invocation of a voice can be read as a breach in representational thinking, as an attempt to understand that which, in not giving itself as object, undermines intuition and all vagaries of representation.

Fichte does not contest this point, as all his efforts are concentrated on thinking out an Experiment of reason by itself, which, while avoiding the representative structure that places one face to face with an object, could still be thought in terms of truth and falsity. What is problematic here is obviously the status of this "voice" in the middle of a philosophical argument, for if we take Kant's metaphor literally, we are forced to admit

² *Système de l'Ethique*, p. 20).

³ Kant's Practical Philosophy. Cambridge: Cambridge U.P., p. 177; p. 168.

⁴ "On a Newly Arisen Superior Tone in Philosophy". In: *Raising the Tone in Philosophy: Late Essays by Immanuel Kant*, Transformative Critique by Jacques Derrida. Peter Fenves, ed. Baltimore: Johns Hopkins U.P., 1993, p. 68).

that what we are dealing with here is purely and simply what normally would be called a hallucination. From there, how does one go on to distinguish the voice of reason from the voice of insanity? Thus construed, the voice depends not on reason, but in fact on the *Schwärmerei*: it is indeed an “occult quality” that leads to “all sorts of dreams”. Of course, it will be objected that no reader of Kant is supposed to take this experience literally, since it is obviously a metaphor. But what is the status of the metaphor in philosophy? The “voice” isn’t there to illustrate or “fulfil” a self-supporting argument, but, indeed, to stand in for one.

This weakness in Kant’s reasoning as regards his moral philosophy is actually symptomatic not only of his sharp division between theory and practice but also, correspondingly, of his narrow definition of what counts as valid. It illustrates, once again, the impossibility of conceiving of some validity other than the validity of pure object knowledge. Paradoxically, Kant’s moral philosophy endorses Hume’s divorce between facts and values.

This analysis casts even more doubt on the notion of a Fichte who would have supposedly embraced Kantian doctrine because it limited the claims of knowledge in having to accommodate both the possibility of an ethics and an evaluation of moral actions. Fichte’s goal is not to promote ethical concerns at all costs and under any condition, but rather to determine whether or not a discipline that lays claim to truth can take on that claim and legitimize it. When, as philosophers, we say that such and such an action is unacceptable, we lay claim to the validity of this judgment. *Quid juris?* It is possible that, along with Hume and many others, we have no other choice but to answer this question by saying that we make such a judgment out of habit or on account of particular customs of a given society.

It is worth insisting on this point, as the distinctive character (focus) of philosophical questioning is itself at issue. A certain interpretation of Fichte has led to a veritable “moralisation” of his philosophical statements. Either Fichte’s initial ethical concern will be overemphasized or else his grounding of theory in practice will be over-interpreted as sheer expression of an obsession with moral philosophy. However, Fichte never challenges a philosophical statement on the basis of its being morally questionable, politically incorrect or legally suspect; he challenges philosophical statements when he

deems it within his power to demonstrate that they are inherently false. A necessary prerequisite for founding theory on practice is defining the essence of knowledge in exact terms. What is this new essence of knowledge that claims to ground ethical as well as theoretical judgments in reason? That is the question. If one does not wish to blunt the radical edge of philosophical questioning and divert the latter from its destination, we must entertain the possibility—“with freedom and that according to the truth” —that our value judgments do not possess any sort of validity. Since, in philosophy, it is before all else a question of what is true and false, our moral judgments, like all judgements, must be able to substantiate their claim to truth and not become unquestioned standards by which to evaluate any judgment or philosophical position. Grounding ethics in reason is exactly what *The System of Ethics* sets out to achieve.

THE DEDUCTION OF THE PRINCIPLE OF MORALITY

Following the two preceding *Wissenschaftslehre* (1794 and 1798), we obtain two processes or series: the process of representing the world of the senses as an extension of the finite into the infinite and, conversely, the process of reflection as a finite determination of the infinite. Due to the failure to find an immediate cause of infinite activity, the latter of these processes terminates in exclusion (I am summarizing the first paragraphs of the 1798 doctrine)⁵. From this exclusion arises the necessity to posit a world other than the world of the senses, a world of pure will. This pure will, expression of the infinite, should be given finite expression, determined. Like all assertions in the *Wissenschaftslehre*, this determination of the infinite obeys the law of reflexive identity⁶ (loi de l'identité reflexive). The ethical system, based on these analyses of the *Wissenschaftslehre*, thus attempts to construct more specific concepts that embody this process of the human spirit giving finite expression to the infinite. This means deepening the laws of reflection (the thinking of the subject-object structure) by showing how this

⁵ Doctrine de la science nova method, translation by Isabelle Thomas-Fogiel, Le livre de poche, 2000

⁶ About this law as Identity of Tun and Sagen, See my two books *Critique de la représentation*, Paris ,Vrin 2000 and *Fichte, réflexion et argumentation*, Paris Vrin 2004, and my article *Fichte et l'actuelle querelle des arguments transcendants*, *Revue de métaphysique et de morale*, 4, 2003.

thought reveals models more and more particular and concrete, which are results of the infinite's pluralisation.

So, what is at stake in the system of ethics is the question of thinking, thinking which gives rise to concepts that do not merely reproduce the real (as do *Nachbilder*), but present an aim to be achieved (*Vorbilder*). That is why Fichte's deduction of the moral law consists in deducing a thought from the subject-object structure of I-hood. Fichte thus starts out from the intellectual intuition, obtained through a process of abstraction, to end up with a first theorem: "I find myself as willing". This point of departure may seem arbitrary, but in fact, notes Fichte, it "is linked, by means of this deduction, with a foundation of the entire *Wissenschaftslehre*"⁷. The point of departure is necessary and is in no way an act of faith. We encounter the problem of I-hood that must be thought without contradiction. In this first section of the system of ethics, the I is defined as will, as tendency to spontaneity for spontaneity's sake (§1, p. 24-34). But the I is not only object; it is subject-object. As an act, I-hood can be grasped only in the intuition in actuality. The activity of the observed I (or what Fichte calls the I-object, which is "found" at the end of an abstraction) must correspond to the activity of the observing I (we encounter here the process of "*Tun und Sagen*"). If this were not the case, the activity would no longer be grasped as activity, but rather as the passivity of an object (however, Fichte incurs this risk by using the expression "I find myself"). Thus, if reflexive acting shows up only in action, the mode of cognition of this acting is itself action: hence the necessity, in the second section, of positing knowledge of this "found as willing", hence of positing "the I-subject". We find here Fichte's method of argumentation used throughout the *Wissenschaftslehre* in an extremely condensed form: he deduces what follows from the very positing of the *Tathandlung* (the object-I of the first paragraph and the Subject-I of the second).

Once he has posited these two aspects, Fichte shows in an argument that I won't go into here, that from the knowledge of myself as willing (Subject-I from section 2) ensues the consciousness of acting freely according to concepts—not the consciousness of spontaneity for the sake of spontaneity (Object-I from section 1). Consequently, there is a contradiction. The identity of the thinking and the thought is broken. How can the I

⁷ *Systeme de l'Ethique* p. 21

become consciousness of itself not as a simple power to act according to concepts, but as absolute spontaneity? That is the question. To answer it, it is necessary to go beyond the contradiction and deepen reflection; that is, to reflect on this new reflection until the contradiction is dissolved. Once again, as always, the principle of reflexive identity (*Tun und Sagen*) is what drives the demonstration. To arrive at this reflexive identity, Fichte will think through the mutual determination of what is objective and what is subjective until the very moment when the two dimensions can be brought together in the same act, without contraction. Therefore, an effort must be made to think the following thesis without falling into contradiction: namely, that the tendency toward spontaneity must concern the entire I and not just the objective I. Out of this process of reciprocal determination of what is subjective by what is subjective, (“spontaneity” by the “power to act by means of concepts”) there results a thought—and the only non-contradictory one. This thought gives itself as the requirement for maintaining reflexive identity (*Tun und Sagen*). For just this identity prevents Fichte from determining this thought objectively by way of existence or by another act of thinking. “It follows that this thought is not determined by anything outside itself, whether a being or an act of thinking, but is conditioned and determined absolutely through itself”⁸. Fichte examines this thought first of all with respect to its form⁹, then with respect to its content¹⁰. Since it is immediate and absolute with respect to its form, this thought has a content which obviously must not fall into contradiction with its absoluteness. Therefore, Fichte examines the two possibilities of mutual determination afresh: what is objective determines what is subjective and what is subjective, what is objective.

When what is objective determines what is subjective, the following law results: “The content of the derived thought would therefore amount to this: that the intellect has to give itself the unbreakable law of absolute spontaneity”¹¹. The law is the expression of necessity on the subjective side. Nevertheless, since this necessity is that of the I and not that of any outside force, it follows that the law is a law that the I gives to itself. If now we think of what is objective determined by what is subjective, we obtain the following

⁸ *ibid* p. 49

⁹ p. 49 and 50

¹⁰ p. 51 and 52

¹¹ p.51

result: “What is subjective is the positing of an absolute but completely undetermined power of freedom, as described in the previous section. What is described as objective is determined, produced, and conditioned by this subjective power”¹². This means that thought is itself possible (with respect to its content as law) only if the I thinks itself free. Thus, we obtain a synthesis of the idea of law and the idea of freedom, not through some arbitrary act of faith, but through this content, content acquired through the necessity of thinking. Freedom and law determine one another reciprocally just as the identity of the I entails that what is subjective and what is objective determine one another reciprocally. The mutual determinacy (or reciprocal determination) of law and freedom appears here as a possible exemplification of the reciprocal determination of subject and object, developed in the *Wissenschaftslehre*. This reciprocal determination is expressed by the notion of the moral law. This is why Fichte concludes: “Now neither should what is objective in me be thought of as dependent upon what is subjective (as in the first case), nor should what is subjective in me be thought of as dependent upon what is objective (as in the second case); instead, the two should be thought of as purely and simply one [als schlechthin Eins]. I think this as one by determining it with the aforementioned mutual determinacy (in accordance with the law of reciprocal interaction); that is, by thinking freedom as determining the law and the law as determining freedom. Neither of these is thought without the other, and insofar as one of them is thought, then so is the other. When you think of yourself as free, you are required to think your freedom under a law; and when you think of this law, you are required to think of yourself as free, for your freedom is presupposed by this law, which announces itself as the law of freedom”¹³.

Freedom is a law for freedom. The moral law is the determination that entails freedom without denying it, that limits it without objectifying it, that crystallizes it without destroying it. The moral law is the only possible thought because it is the only non-contradictory one, non-contradictory in the sense implied by the principle of reflexive non-identity. Through the moral law, the unlimited character of freedom is grasped [apprehended]. The moral law is thus a way of crystallizing the infinite.

¹² p. 51

¹³ p. 55

Through this deduction of the moral law from the intangible principle of reflexive identity, The *System of Ethics* shows how the moral law is inscribed in the very process of reflection, as it is one of the results of that process. To deduce the moral law is to follow the laws of reflection and to deepen these laws: it is to derive the only mode of thinking that does not blast apart reflexive identity. From this fact, the moral law is no longer a “chimera” or an “occult quality”, according to Fichte, but the product of reason that experiments on itself by way of this law; the moral law becomes one of the ways in which reason may express itself. Thus, the moral law is not disassociated from the process of knowing, but is one of its manifestations.

How does this demand (of reason) to “demonstrate” itself transform (disrupt) the more concrete content of ethics? How does the change from simple understanding (*Erkenntnis*) to non-representational knowledge (*Wissen*) of the reflexive identity (*Tun und Sagen*) radically alter even the way in which concrete ethical questions are framed? This is what I will now evaluate by way of a classic example in which the moral conscience is put to the test. I will then show how Kant and Fichte differ with respect to this particular case.

KANT AND FICHTE FACED WITH HANNAH ARENDT’S QUESTION

As regards universalism in philosophical ethics, the case likely to pose a problem is, as Hannah Arendt has shown, the case of Eichmann. In her book, *Eichmann in Jerusalem: A Report on the Banality of Evil*, Hannah Arendt showed that the philosophical question to come out of the war crime trials was the issue of the “fact of reason” as consciousness of the moral law. The statements proffered by Eichmann in particular and by Nazi officials in general raise the question: “How can one not know that he is transgressing the law?”, which is very different from “Why and how does one transgress the law?”. As Arendt recalls, Eichmann performed the chemical experiment recommended by Kant in *The Critique of Practical Reason*. However, rather than produce the effect expected, that is, that the separation of the good principle from the bad one, in the way that lime might be precipitated from hydrochloric acid, this experiment seemed useful to Eichmann for explaining his actions.

[Eichmann] suddenly declared with great emphasis that he had lived his whole life according to Kant's moral precepts, and especially according to a Kantian definition of duty. ...And, to the surprise of everybody, Eichmann came up with an approximately correct definition of the categorical imperative: "I meant by my remark about Kant that the principle of my will must always be such that it can become the principle of general laws".

(p. 135-136)

Let us now briefly analyze the problems raised for ethics by what we might call "the Nazi common understanding".

a) The Question of Good and Evil

The first problem that a common understanding peculiar to Nazis raises is their total lack of awareness of what can be called good and evil. Following Kant's text to the letter, we are forced to acknowledge that such a lack of awareness jeopardizes the reasoning conducted in *The Critique of Practical Reason*. For Kant reckons that consciousness of the moral law can be separated out "at any time...with every human practical reason"), regardless of the weight of material principles (such as happiness, pleasure or interest). Eichmann's understanding (of the law) underscores the frailty of Kant's induction, for a simple counter-example suffices to invalidate it. Conversely, Kant's characterization of the law as something verging on a *datum* also collapses. Thus, as Hannah Arendt has shown, the entire Kantian structure seems infested by the "banality of evil". The same cannot be said of Fichte's moral philosophy. For, as we have seen, the moral law is not at all imprinted in humanity, like hieroglyphs in stone. Fichte does not portray the reflexive process that leads to the moral law as some sort of return to a pre-given, pre-existing entity (which would be the law), of which we gain consciousness as something always already there. Rather, the law is generated by putting "reflexive agility" into play; that is, it is produced by the actualization of reason. Furthermore, this agility is not understood as a pre-given fact, but rather, it proves to be totally indemonstrable, much like the *Tathandlung* on which it depends. It is an act and not a fact. Thus, the particular model of reflection that Fichte constructs within speculative philosophy provides a different way of approaching the problem raised for universalist ethics by the existence of the "Nazi common understanding". The model of reflection as Fichte construes it avoids the

problem of the moral law's "naturalization", which is still discernable in certain spots of the second *Critique*. So, what is required, in the individual case, is literally to apply Fichte's formula that the human being is essentially (originellement) nothing. Although both Rousseau and Kant insisted upon the perfectibility of humanity, neither one was able to think through all the consequences of this thesis. As can be seen by their shared metaphor of the voice, both were caught up in the idea that the moral law is a fact, a datum imprinted in every individual. If for Fichte, on the contrary, human beings start out as nothing, then he is neither moral nor immoral. Consequently, that man must be conscious of the moral law—for consciousness of the moral law is his vocation—entails neither that he is nor that he will attain this consciousness. To put it more concretely, Eichmann was nothing from the start and did not evolve. So, in Fichte but not in Kant, a lack of awareness of the moral law is conceivable without causing the basis of ethics as founded in reason to weaken in the long run.

b) The Misuse of the Principle of Universalization

The second problem that Eichmann raises for an ethics with universalist claims is his relatively accurate formulation of Kant's imperative. Kant's demonstration is once again undermined, for Kant clearly states that the chemistry experiment set up to get around the problem of the noumenon's inintuitability can be conducted "at any time" and "with every human practical reason" (5:92). Eichmann did indeed perform this chemistry experiment, which means that we can wipe out (push aside) the motives for his action—any inclination or personal interest whatsoever—and programme crime. What is the basis for such an utter misconstrual of the principle of universalisation?

First of all, Eichmann's statement that he had always acted according to duty has its roots in the following reasoning: if something goes against the inclinations, then it is a sure sign that duty is involved, not pleasure; consequently, it is good. The principle of universalization is totally disembodied and holds as a pure neutral structure taking the form of an "if...then" statement that can be applied mechanically in all cases. The "rationality" implemented is that of automatic application of a general law to particular cases.

That this reasoning is a total misinterpretation of Kant's work has well been established. Nevertheless, this misinterpretation might help underscore the difference between the moral philosophy of Kant and that of Fichte by showing what objections each could make when faced with such straying (perversion) of the faculty of judgment, straying that manifests itself as a sort of mechanical repetition of the law. Certainly, in the two systems, the law must be produced by embodied, thinking subjects and not turn into a pure form that is mechanically applied in all circumstances. But we are forced to acknowledge (and Kant has been criticized for this on innumerable occasions) that the purely formal aspect of Kant's law can lend itself to misinterpretation, it is ambiguous. The law is actually first defined by abstracting the inclinations, which are contemptible by nature. The terms in which Kant couches this substitute for a proper presentation of the law are also ambiguous. Kant's evocation of a chemistry experiment and his talk of the universal laws of nature do nothing to discourage the purely calculating rationality and can even give the impression that the universalizing principle possesses an axiological neutrality. On the contrary, it is just these points that Fichte's moral philosophy avoids. First of all, on the most general level, Fichte's moral law is not "a pure form", but, as always in his system, it is an agreement between a form and a content. The form cannot take just any content, and vice versa. Moreover, Fichte expresses the moral law not in terms of natural necessity, but in terms of time. It is not a matter of acting as if the maxim of my action could become analogous to the law of universal attraction, but rather of acting as if the maxim of my action could have been valid for all time and could be maintained for all eternity. This seemingly innocuous shift from external necessity to a purely interior temporality requires another attitude when dealing with empirical cases. Thus, Fichte, borrowing the example of the inquisitor from Kant, shows that he who declares: "whoever does not believe everything I say is damned for all eternity", "must also find it within himself to add: 'But if it isn't true, then may I myself be damned for all eternity'." Yet, "it is to be hoped that the great majority of them would have doubts about running such a risk; and they could draw from that, that they themselves are not so firmly convinced of their belief so as to wish to impose it on others". ["wer dies alles, was ich euch da sage, nicht glaubt, der ist ewig verdammt; der müsse doch wohl hinzusetzen sich getrauen: wenn es aber nicht wahr ist, so will ich

selbst ewig verdammt seyn: aber es sey zu hoffen, dass wohl die meisten Bedenken tragen würden, es auf diese Gefahr hin zu wagen; und daraus könnten sie ersehen, dass sie selbst doch nicht so fest von einem Glauben überzeugt seyen, den sie anderen aufdringen wollen.”]. The attitude required here is not that of applying a rule to different cases, but rather that of suspending judgment, of hesitating before the most strongly-held beliefs. As P. Naulin has insightfully suggested, it is a matter of transplanting Cartesian doubt into the ethical sphere. When faced with beliefs of an ethical nature, doubt is not just permitted—it is required. Thus, if we analyze the cognitive process suggested by these two moral philosophies, the difference can be expressed as follows: in the first case, application of the law is possible since the terms employed are those of natural necessity. In the second, the ensuing process is an on-going effort to make one’s belief an object of judgement—effort which presupposes distancing oneself from this belief. Yet that is precisely what Eichmann is incapable of doing. In fact, it is striking to realize that his line of defence consists purely and simply in proclaiming his nigglingly small intelligence: as he explains to us, he was nothing but “a little man”, who had to apply the law and not evaluate it. What Eichmann lacks is thus a certain form of the faculty of judgement which must not consist in applying laws to cases, but rather in distancing oneself/ (tearing oneself) from contents.

Many other analyses of the Eichmann case could be conducted, but concentration on these two points has helped highlight the concrete effects of Fichte’s refusal to make a sharp division between the theoretical sphere, where judgments can be thought in terms of validity, and the practical sphere, which ultimately is answerable to “faith” or “belief”. If we consider there to be a total separation between the theoretical and practical domains, if we reckon that theoretical speculation has no place whatsoever in the practical domain, then how can we give a concrete explanation of the problem that Eichmann raises? That is, how can we explain the close connection between intelligence and ethics, a connection which, in theory as in practice, bears the name “faculty of judgment”? What Fichte’s philosophy elucidates is the link between the exercise of knowledge and the exercise of freedom. Norms, just as well as facts, are judged according to the truth. Briefly put, if, as Eichmann would have it, there is no distinction between truth and faith, theory and practice, then Eichmann himself falls under a

judgment that is neither ethical (in the immediate or Kantian sense of the term) nor theoretical (as the exact sciences understand the term), but one which transcends this division and brings together both dimensions, dimensions which roughly translate as knowledge and freedom. Human judgment is simultaneously and in the same respect (Ackrill) knowledge and freedom, for freedom is knowledge and knowledge, freedom.

CONCLUSION

At the end of these analyses, we are in a position to assess the differences between the ethical systems of Kant and Fichte. These differences are immediately a function of the distinction between understanding and knowledge (Erkenntnis and Wissen), between objective validity (intuition plus concept) and reflexive truth (the identity of *Tun* and *Sagen*). This is what distinguishes the two systems and also what brings them into opposition. For Fichte, thinking through the essential ends of humanity means, first of all, determining the essence of knowledge. Determining the essence of knowledge makes it possible to overcome the rift between facts and values, theory and practice, understanding and faith. Ethical norms are liable to be thought in terms of truth and falsity in that, as with any judgment, they must obey the identity of saying and doing (*Tun and Sagen*), follow the logic of actualization and articulate the finite and infinite. The most specific and concrete notions in Fichte express the profound transformation that has taken place within the very concept of knowledge. For example, Fichte very pointedly replaces the Kantian feeling of respect with the feeling of conviction. Thus, Fichte's definition of knowledge is what accounts for his particular philosophy and lends it its coherence, right down to its most distinctive concepts. What is innovative in Fichte's contribution is nowhere better captured than in this unique term that characterizes and brings together his entire trajectory: *Wissenschaftslehre*.