

THE
SCIENCE OF RIGHTS
*Grundlage des Naturrechts nach
Principien der Wissenschaftslehre*

J. G. FICHTE

TRANSLATED FROM THE GERMAN

BY

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WITH A PREFACE BY

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PREFACE.

FICHTE'S system of philosophy is pre-eminently a philosophy of the free will. Free will is certainly not an object of external perception, but rather of introspection. When we look outwardly, and behold things and events in time and space, we contemplate each thing limited on all sides by other things; each event limited before and after by other events. Such limitation, according to the philosophy of Kant and Fichte, belongs to the category of quality. This category includes affirmation, negation, and limitation: affirmation of the thing or event; negation of it by others which we perceive to exclude it; limitation of the thing or event by others and their limitation by it. This gives reciprocity for the third subcategory of quality. In the "Science of Knowledge" Fichte deduces these three immediate categories of consciousness: the ego, the non-ego, and the mutual limitation of the ego and non-ego. He thus finds the category of quality as the first and most direct form of consciousness. This category of quality considers all manner of objects always under the condition of being limited from outside.

People do most of their conscious thinking in the category of quality, and consequently find all thoughts that do not fit that category "unthinkable." This is the

supreme category with "agnostics." But all people do a great deal of thinking in the other great category of the Mind—the category of Freedom, variously called self-activity and self-determination. While quality or mutual limitation is the general form of sense-perception and the understanding, the category of self-activity (called by Spinoza *causa sui*), or freedom, is the basis of the three great realms of thought that are accounted supreme in human life—the realms of rights and morals, of art and literature, and of the revelation of the divine. The realm of rights and morals concerns the good, a sub-category under the idea of self-activity, and itself including many subordinate categories, like justice, virtue, duty, obedience to the authority of institutions, &c. These categories can have no significance in regard to inanimate things and none in regard to living beings which have not developed self-activity to the point of freedom and responsibility.

The realm of art and literature is governed by the category of the beautiful, another sub-category of freedom. For the beautiful is the manifestation of free personality, and the epochs of art take rank in accordance with the adequacy of their manifestation of this attribute. Homer taught the world how to recognize freedom under all phases of nature; the essence of the poetic is trope and personification. It indicates a view of nature that refuses to see mechanical forces, but insists that all movement is free and personal. Modern poetry still imitates Homer, and modern art ornaments all things by decking them out with shapes that seem to realize inward purposes. Thus the real intention (of usefulness for man) is concealed by the appearance of freedom. The ornamented utensil looks as though

it assumed its form for its own use and not for the sake of usefulness to others.

The realm of religion, finally, implies the same fundamental category of free personality as all in all. For it looks upon all things as creations of an absolute Person who has made all things for the sake of the manifestation of His infinite freedom.

This category of self-activity is the fundamental form of our inward sense—*i.e.*, of introspection—just as quality is the form of our external sense—*i.e.*, sense-perception. Quality is the form of fate, and its insight sees that all things are what they are because the totality of conditions has necessitated them to be so. The category of self-activity is the form of freedom, and its insight sees that the supreme condition of everything is freedom, and that there is no fate except as secondary or derivative from freedom. In other words, the ultimate motive power in all force is will.

Fichte's system of philosophy sets out from the category of quality and proceeds towards the category of freedom, demonstrating at every step that self-activity is the foundation of the qualitative and showing how the qualitative comes to arise from the self-active. Being or existence is not a sort of quiescent substrate underlying all manner of activity, but the very substance of being itself is pure activity. Having shown how the appearance of being and the qualitative arises in the mind through the process of self-activity, Fichte has completed his theory of the intellect and arrived at the beginning of his theory of the will. He calls this the Practical Part of the Science of Knowledge. It is this Practical Part of the Science of Knowledge which furnishes the standpoint of the present work.

The one supreme fact in the universe, from Fichte's point of view, is the free will. To discuss this idea in its relation to civil society and the State, both of which institutions arise from the recognition of freedom as the most sacred object in the secular world, is the object of the book before us—"The Science of Rights," or of jurisprudence.

Mr. Kroeger, the translator, says in regard to it: "The Science of Knowledge having been established as the science of all sciences, Fichte, soon after its discovery and publication, deemed it advisable to illustrate by an example in what manner other sciences take their starting point from it, and apply the form which it prescribes for all sciences. Intensely interested in the political state of affairs in Europe, he naturally hit upon the Science of Rights, or of Law generally, as the science which it would be most congenial for him to treat; and this preference was strengthened by the reflection that the deduction of the principle of law would involve a circumstantial deduction of the principle of individuality—an extremely difficult and important point in the science of knowledge. . . . What our law-books and political treatises lack, the *à priori* deduction of our fundamental principle of government and law from the conception of reason as reason (or from the ego), Fichte's Science of Rights supplies."

The present work is a translation of Fichte's first sketch of the Philosophy of Rights which appeared in 1796 under the title: "Grundlage des Naturrechts nach Principien der Wissenschaftslehre von Johann Gottlieb Fichte. Jena and Leipzig."

It seems that Kant published a little later in the same year a work on the Science of Right (Rechtslehre), as the

first part of his Metaphysic of Morals. (An English translation of Kant's work, by W. Hastie, B.D., 1887, is published by T. & T. Clark, of Edinburgh).

There is an essential agreement between the two works. Fichte held substantially the Kantian doctrine. The two works deserve the careful study of all who wish to see the profound rational principles that exist in the complex of usages and compromises that have grown into our system of law. Hegel wrote his first sketch of a Philosophy of Rights in 1802-3, and published a more elaborate work in 1821. These three works respectively by the three greatest thinkers in modern times furnish a great storehouse of ideas on the subject of jurisprudence and the constitutional framework of States. As a sample, one may refer to Kant's discussion of the three great fundamental powers into which the government is divided, and especially their co-ordination (see pp. 165-173 of Hastie's translation), as a treatment that cannot fail to be of great interest to Englishmen and to all peoples derivative from England. To the English nation belongs the great honour of having invented local self-government and the complete co-ordination of the three departments of government—the executive, the judiciary, and the legislative. In Great Britain this constitution grew as a natural growth. In English colonies its essential principles are in process of being reformulated with great success.

In the present active state of the public mind on questions of the ownership of property and the socialistic reorganization of society, it is necessary to appeal to reason rather than to tradition, and show the rationale of the institutions that have come down to us from our forefathers. It has become essential to know what this or

that right brings with it—what coheres with the ownership of land, what with the use of money, or the right of taxation, or of the ballot. The system is so complex and the interdependences are so subtle that if one link is thrust out there follow entirely unexpected results in apparently disconnected spheres of rights. The reflections of a Kant, a Fichte, or a Hegel will doubtless provoke dissent in the reader's mind. But they will already have served a good purpose when they have been the occasion for so much study as dissent implies. There is one thing that their study will surely produce. This is the conviction that the progress of the world moves from the consolidation of the three powers of government in one person to the co-ordination of those powers in separate departments; from the constitutional forms in which one type prevails (as that of the family prevails in the patriarchal government of China) to the form in which the family, civil society, the State, and the Church are independent and complete in their functions without usurping the functions of one another. This will destroy the illusion of socialism, which wishes the State to absorb civil society, as well as the illusion of the "Nihilist," who wishes civil society to absorb the State.

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INTRODUCTION.

I.

HOW A REAL PHILOSOPHICAL SCIENCE IS DISTINGUISHED FROM A MERE FORMULAR PHILOSOPHY.

THE character of Reason consists in this, that the acting and the object of the acting are one and the same ; and this description completely exhausts the sphere of Reason. Use of language has designated this sublime conception for those who are able to think it, that is, for those who are able to abstract from *their own Ego*, by the word *Ego*. Hence, Reason generally has been characterized as *Egohood*. Whatsoever exists *for* a rational being exists *in* it ; but nothing is in it except by virtue of an acting upon itself ; what it contemplates it contemplates in itself, but there is nothing to be contemplated in it but its acting ; and the Ego itself is nothing but an acting upon itself.* To enter into explanations about this matter is not worth

* I should not even like to say an *active*, lest I might suggest the conception of a substrate, in which this power of acting would be supposed to be wrapped up. Such a substrate would be again the thing *per se*, only in the present case it would make the Ego itself such a thing *per se*.

while. This insight is the exclusive condition of all philosophizing; and unless a person has attained this insight, he is not yet ripe for philosophy. And, indeed, all true philosophers have philosophized from this stand-point; only without being clearly conscious of it.

This inner acting of the rational being occurs either *necessarily* or *through freedom*.

The rational being *is* simply in so far as it *posits* itself *as being*; that is, in so far as it is self-conscious. All *Being*, that of the Ego as well as that of the Non-Ego, is a determined modification of consciousness; and without consciousness there is no Being. Whosoever assumes the latter assumes a substrate of the Ego, which is to be an Ego without being such, and thus contradicts himself. Hence, only those are necessary acts which result from the conception of the rational being, or through which the possibility of self-consciousness is conditioned; but these acts are most certainly all necessary, and result as certainly as there is a rational being. The rational being necessarily posits itself; hence, it necessarily does also all that may belong to this act of positing itself through itself.

The rational being in acting does not become conscious of its acting, since *itself is its acting*, and nothing more; but that whereof we are conscious is assumed to be external to consciousness, and hence external to the acting—it is the *object* of the acting. The Ego becomes conscious only of that which *arises* for it *in and through this acting*; and

that which thus arises is the object of consciousness, or the thing. No other sort of thing exists for a rational being; and since we can speak of a thing and of being only in their relation to a rational being, no other sort of thing exists at all. Whosoever speaks of another thing does not know what he says.

That which arises in a *necessary** acting of the Ego, but whereof the Ego does not become conscious, from the reason adduced, itself appears as necessary; that is, in representing it the Ego feels itself not free. Hence, objects are said to have *Reality*. The criterion of all reality is the feeling of being *forced* to represent something *in the manner* in which it is represented. The ground of this necessity we have seen; if the rational being is to be as such, it must act in this necessary manner. Hence, the expression of our conviction of the reality of a thing is this: as true as I live, or as true as I am.

If the object has its ground solely in the acting of the Ego, and is completely determined through the Ego alone, it follows that, if there be distinctions amongst the objects, these their distinctions can arise only through different modes of acting on

* When the Science of Knowledge said: Every thing which exists through an acting of the Ego, (particularly through the productive power of imagination,) it was interpreted as if the science had spoken of a *free* acting. Thus it became easy to cry down the whole system as most visionary. But to say visionary is not to say nearly enough. To mistake the products of *free* acting for the products of necessary acting, and *vice versa*, is *insanity*.

the part of the Ego. Every object became for the Ego determined in this particular manner, in which it is determined, simply because the Ego acted in the manner in which it did act ; but that the Ego did so act was necessary, for just such an act was one of the conditions of self-consciousness. By reflecting on the object, and distinguishing from it the mode of acting whereby it arises, this mode of acting becomes—since the object appears, as we have shown, as not the product of the *free* Ego—a mere *comprehending*, a mere taking hold of a given object. Hence, also, this mode of acting, whenever it occurs in the (described) abstraction, is called a *comprehension*, or a conception.*

Only through a certain determined mode of acting does a certain determined object arise in us ; but if this acting is necessary, then also this object surely arises. The conception (or comprehension) and its object are, therefore, never separated ; nor can they be separated. The object is not without the comprehension, for it is through the comprehension ; and the comprehension is not without the object, for it is that through which the object neces-

* A reader—who in his joy at having finally found a well-known word, should hurry to transfer to it all that he may heretofore have thought as characterized by this word, conception—would soon be utterly confused, and unable to understand any thing further ; and this by his own fault. The word conception is here used to designate neither more nor less than I have described, no matter what the reader may have heretofore understood it as designating. I do not appeal to a conception already in him, but wish to develop one in his mind.

sarily arises. Both are one and the same, viewed from different sides. If you view the act of the Ego as such, that is, in its form, then it is comprehension ; but if you view the content of the act, the *what* is done—abstracting from the *that* is done—then it is an object. When one hears some Kantians speak about *à priori* conceptions, one would believe that they existed in the human mind in advance of all experience, like empty rows of shelves, waiting to have something put on them. What can such people take a conception to be, and what can have induced them to accept KANT'S doctrines thus interpreted ?

We have said that, *in advance of that which arises through an acting*, the *acting* itself and the determined mode of acting can not be perceived. Hence, for the common man, and upon the standpoint of common consciousness, there are only objects and no conceptions ; the comprehension vanishes in the object, and becomes one with it. The philosophical genius, that is, the talent to find in and during the acting not only that which arises in it, but also the acting itself, as such, and to unite these utterly opposite directions in one comprehension, thus to catch one's own mind in the act, as it were ; this talent first discovered the conception in the object, and it was thus that a new field was added to the sphere of consciousness.

Those men of philosophical mind made known their discoveries. Nothing is easier than to produce *with freedom*, and under no necessity of think-

ing, every possible determination in our minds, and to cause our mind arbitrarily to act in every possible manner ; but nothing is more difficult than to observe that mind as acting in *real*, that is, in necessary acting. The former mode of proceeding gives us conceptions without objects, or an empty thinking ; and only in the second manner does the philosopher become the observer of an actual thinking of his mind.* The former is an arbitrary repetition of the original modes of Reason's acting, after the necessity, which gave them significance and reality, has passed away ; the latter alone is the true observation of reason in its modes of proceeding. From the former arises an *empty, formular-philosophy*, which considers itself as having

* The formular-philosopher thinks this or that, observes himself in this thinking, and then places the whole series of thoughts, which occurred to him, before the public as truth, and this simply because he could think them. The *object* of his observation is himself, in his *free* productions, which he either undertakes without any clear direction, as chance may determine, or with a direction given him externally. But the true philosopher has to observe Reason in its *original* and *necessary* procedure, by which his Ego, with every thing which exists for it, has first derived Being. But since he can no longer find this originally acting Ego in empirical consciousness, he, by the only act of arbitrariness which is permitted to him, namely, by the free resolve to philosophize, places that Ego back at its first starting-point, and then causes it to describe all its acting from that point after its own laws, which to the philosopher are well-known. Hence, the object of his observation is general Reason itself, following its own laws of development, and having no external object in view. The former observes an individual, (his own,) lawless thinking ; the other, Reason itself, in its necessary acting.

done enough when it has proved that one may think any thing without being anxious concerning the object, that is, concerning the conditions of the necessity of this thinking. A real philosophy posits conception and object together, and never treats one without the other. To introduce such a real philosophy, and to abolish all merely formal philosophy, was the object of KANT's writings. I can not say whether this his object has as yet been observed by but one philosophical author. But I can say this, that the misunderstanding of that system has shown itself in a two-fold manner : firstly, through the so-called Kantians in this, that they also conceived KANT's system to be such an empty formular-philosophy, and held the difference to be only that it was the former one reversed ; and hence they continued to philosophize in the same empty manner, as had always been done before—only from an opposite side ; and secondly, through some sharp-sighted skeptics, who saw clearly enough where philosophy was at fault, but who did not see that KANT had remedied this fault. Mere formal thinking has been indescribably injurious in philosophy, in mathematics,* in the natural Sciences, and indeed in all pure Sciences.

* In mathematics this is shown, particularly in the abuse of algebra by mere formal minds. Thus, to cite an example, it has not yet been rightly comprehended that it is impossible to square a circle, and that this is contradictory to the conception of a circle. A critic has asked me, " Whether the squaring of the circle is impossible because *straightness* and *crookedness* have nothing in common ?" He thinks he has been very smart in having asked this

II.

WHAT THE PROBLEM OF THE SCIENCE OF RIGHTS,
AS A REAL PHILOSOPHICAL SCIENCE, WILL BE.

To say, therefore, a certain determined conception is originally contained through and in Reason,

question, looks around, laughs, and leaves me to sink under my disgrace. But I look at him and laugh at his question. "Most truly, such is my serious opinion, dear sir!" "*Ansam philosophia non habes!*" says he pityingly; and I reply, "Your great wisdom has run away with your common sense. Knowledge on this point, my dear sir, I do not lack exactly; but understanding of it—most sorely. When I was still at college, I heard often enough that the circumference is equal to a polygon of an infinite number of sides, and that we can square the circle when we get the content of that content. But I never could understand it. And I hope to God that I shall never understand how it is possible to measure that content. For what is the conception of an Infinite? I suppose that of a *problem*, to divide infinitely the side of the polygon; and hence the problem of an *infinite determining*? But what, then, is a measure, for which you want to use the infinitely-sided polygon? I suppose a *determined something*. Now, if you keep on dividing *ad infinitum*, as the problem requires you, you will never get to measuring it. But if you proceed to measure it, you must first stop dividing, and then your polygon is finite, and not, as you have posited it, infinite.—But because you can take hold of your manner of acting in describing an Infinite, that is, because you can seize the empty comprehension of the Infinite, and designate it, for instance, as A, you now pay no further attention, to whether you have really accomplished the act—no, not even to whether you can accomplish it; you take your A calmly and proceed to business. Common sense looks at your doings admiringly, and cheerfully confesses its own fault that it does not understand you; but when some one who is not so modest takes it upon himself merely to utter his opinion on the subject, you can not explain his inability to understand a matter which to you seems so very clear, except on the presumption that the poor man has not gone through the rudiments of the Sciences."

can only signify: a rational being, as sure as it is such, acts in a determined manner. The philosopher has to show of this determined act, first, *that it is a condition of self-consciousness*, and this furnishes the deduction thereof; but he has also to describe this determined act as well in regard, secondly, to its form, to *the manner of acting in it*, as, thirdly, in regard to its content, to that *which arises in this act for the reflection*. He thus furnishes at the same time the proof of the necessity of this conception, determines it, and shows its application. None of these parts can be separated from the others, without wrongly treating even these separates, and without falling into formal philosophy. The conception of Rights is assumed to be an original conception of Reason; it must, therefore, be treated in the above manner.

1. Now, in regard to this conception of Rights, it results—as we shall hereafter show in its deduction—that this conception becomes a necessary condition of self-consciousness, because a rational being can not self-consciously posit itself as such, without positing itself as an *individual*, or as one of many rational beings, which many it assumes outside of it by assuming itself.

2. What the manner of acting in the positing of the conception of Rights is, can be even sensuously represented. I posit myself as rational, that is, as free. In doing so I have the representation of freedom. In the same undivided act I posit other free beings. Hence, I describe through my power

of imagination a sphere of freedom, which these many separate beings divide amongst themselves. I do not ascribe to myself all the freedom which I have posited, because I must also posit other free beings, and must ascribe part of it to them. Thus, in appropriating freedom to myself, I at the same time restrict myself, by leaving freedom to others. The conception of Rights is, therefore, the conception of the necessary relation of free beings to each other.

3. Finally, as regards the *content* of the conception of Rights. The conception of freedom involves originally only the power, through absolute spontaneity, to form conceptions of our possible causality; and it is only this power which rational beings necessarily ascribe to each other. But that a rational individual, or a person, *should find himself to be free* requires something more, namely, that a result in the external world should follow the thinking of his activity, or that he should perceive the effect of his free causality.

Now, if the causalities of rational beings should work upon the same world, and should thus be able to influence, check, and oppose each other, as is indeed the case, then freedom—in the latter signification of the word—would be possible for persons who stand under this reciprocal influence, only on condition that all of them restrict their causality within certain limits, and divide the world, as it were, amongst them. But since they are posited as free, such a limit to their freedom could not lie

beyond freedom—since then the limit would *cancel*, but not restrict it *as* freedom; but must rather be *freely* posited by all; in other words, all must have made it their rule, not to disturb the freedom of those with whom they are placed under reciprocal influence.

And thus we have the *whole object* of the conception of Rights, namely, *a community between free Beings as such*. It is necessary that every free being should assume other free beings as existing; but it is not necessary that all these free beings, *as free beings*, should coexist together; the thought of such a community and its realization are, therefore, altogether arbitrary. But *when* it is thought, through what conception or determined mode of acting is it thought? It appears that it is possible in thought to have every member of this community so restrict his own external freedom through inner freedom as to make it possible that all other members shall also be free. Now, this is the conception of Rights.—If this conception is thought as a practical conception—because the thought as well as the realization of such a community is arbitrary—then it is purely of a technical-practical character; that is to say, the conception of Rights does not demand *that* such a community be erected, but merely demands that, if it be erected, it shall be established on the basis of the conception of Rights.

In all this our representation of the conception of Rights we have refrained from expressly refut-

ing those who attempt to deduce the conception of Rights from the Moral Law, because, as soon as the true deduction of that conception has been established, every impartial mind will accept it as the true one without demanding that the incorrectness of other deductions be shown up. But for partisans and narrow-minded disputants, it would be lost time to write. The rule of law, Restrict your freedom through the conception of the freedom of all other persons with whom you come in contact! receives, it is true, a new sanction for conscience through the Moral Law; but the deduction of this sanction forms a part of the Science of Morality, and does not belong to the Science of Rights. It might be said that many learned men, who have written systems of natural law, have treated in them without knowing it that very part of the Science of Morality, had they not forgotten to state why obedience to the Moral Law always conditions absolute inner harmony of the rational Being. Indeed, most teachers of morality seem not to have considered that the Moral Law is purely formal, and hence empty; and that a content for it must not be surreptitiously obtained elsewhere, but must be thoroughly deduced. We can state at once how the matter stands in our case. I must necessarily think myself in contact with the men nature has placed me amongst, but this I can not do without thinking my freedom as restricted by their freedom, and hence I must act in accordance with this neces-

sary thinking, or my thinking and my acting* are in contradiction, and I am not in that absolute harmony with myself which constitutes morality. I am, therefore, bound in conscience, through my knowledge of what *shall* be, to restrict my freedom; or, in other words, morally bound to respect the conception of Rights. Now, it is this moral aspect of the question which belongs to the Science of Morality, and not to the Science of Rights; in the latter science men are bound only by their arbitrary resolution to live in community with others; and if any one is not willing to restrict his arbitrariness at all, the Science of Rights has nothing to say to him other than this: that he must, in that case, remove from all human society.

In the present work the conception of Rights, as the condition of self-consciousness, is deduced at the same time with its object; it is derived, determined, and secured in its application, as should be done by a real science. This has been done in the first, second, and third books of our science. It is then further determined in the second part, and the manner stated, in which it must be realized in the sensuous world.

* I have read somewhere that the fundamental principle of the Science of Morality is, that "The manifold acts of the free will should be in harmony." This is a very unfortunate application of my statement of the absolute self-harmony of rational beings in my *Lectures on the Vocation of the Scholar*. For if it were correct, a man might merely resolve to be a very thorough and consequent rascal—in which case all the acts of his free will would perfectly agree, being, all of them, opposed to the condition of what *shall* be; and he would have done enough to satisfy such a morality.

III.

CONCERNING THE RELATION OF THE PRESENT THEORY OF RIGHTS TO KANT'S SCIENCE.

With the exception of some excellent suggestions in recent writings by Mr. EHRHARDT and Mr. MAIMON, the writer of this had discovered no trace of a distrust in the manner in which the Science of Rights had been heretofore treated, until—after the completion of the present work—he was most agreeably surprised by KANT's important work, *A Perennial Peace*.

A comparison of KANT's doctrines of Rights, as they appear from that work, and the principles of the present science may not be disagreeable to many readers.

It can not be clearly seen from KANT's work, whether he deduces the conception of Rights, according to the usual method, from Morality, or whether he assumes another deduction. But some remarks (page 15) concerning the conception of a Law of Permission make it very probable that his deduction agrees with our own.

A Right is evidently something which one may use or not use, and is, therefore, the result of a pure Law of Permission ; of a law which simply allows you rights, leaving you at liberty to use them or not as you please—a law, moreover, which, being restricted to a certain sphere, permits the conclusion, that beyond that sphere each one is left to his own free will. This permission does not lie ex-

pressly in the law, but is merely argued from the limitedness of the law. The limitedness of a law shows itself in this, that it is a conditioned law. Now, it is absolutely not comprehensible how from the unconditionally commanding and thus universal Law of Morality it were possible to derive a Law of Permission.

KANT's assertions that the state of peace or of law amongst men is not a condition of nature, but of art ; and that we have the right to compel persons, though they have not attacked us, to submit to the supremacy of government as the only security against future possible attacks from them ; agree wholly with our science, and are deduced in our science in the same manner as in KANT's work.

Our science also agrees with KANT's work in its deduction of the principle, that a state government can be erected only on the basis of an original but necessary compact ; and, furthermore, of the principle, that the people must not themselves exercise the executive power, but confer it, and that hence a Democracy, in the pure significance of the word, is an utterly unlawful form of government.

But I differ with KANT in his statement, that the division of legislative and executive power is sufficient to secure the maintenance of rights in a state. The chief points which I hold on this subject, and which are developed at length in the present work, I shall here state as concisely as possible.

The conception of Rights involves that when

men are to live in a community, each must so restrict his freedom as to permit the coexistence of the freedom of all others. But it does not involve that this particular person, A, is to restrict his freedom by the freedom of those particular persons, B, C, and D. That it has happened so that I, A, must conform myself particularly to the freedom of these, B, C, and D, of all other men, is purely the result of my living together with them; and I so live with them, simply by my free-will, not because there is an obligation for me to do so. Thus it is originally within the free-will of every citizen, whether he chooses to live in this particular state or not—though he *must* live in some state, if he wants to live at all with other men. Now, as soon as he expresses the resolve to enter a particular state, and is accepted as a member of it, then he is, by this simple, natural declaration, subjected to all the restrictions which law prescribes for that state. By his mere statement, I will live in this state, he has adopted all its laws. The laws of the state become *formally* his laws by his resolve to live in the state; but, *materially*, they have been determined without his consent by the conception of Rights and the position of the state. Again, the law, Restrict your freedom by the freedom of all others, is a purely formal law, and as such not capable of application. For how far is the sphere to extend, within which no one may hurt him, but beyond which he may also not go, without being regarded as a disturber of the freedom of others?

This the parties must arrange amongst themselves. Applying this to the state: each one, on entering the state, must arrange with the state what is to be his particular sphere of free activity, (his property and his civil rights.) When he has so arranged, by what has his sphere been determined? Evidently, by his own free resolve; for without it he would have had as much right to what the others possess as they have themselves. But how is it determined, how much can be allowed to each individual? Clearly, by the common will in accordance with the rule: This number of men are to be free in this particular sphere of general freedom, hence, each one has as his share so much.

Now, within these self-imposed restrictions, the citizens must be kept by force, and a certain threat of punishment, should they transgress them, must keep them from such transgressions. It is also clear that this punishment must be known to them if it is to affect their wills; that they must have consented to receive such punishment for a transgression of their sphere of freedom upon entering the state. (In other words, no *ex post facto* laws are admitted.)

But who is to *proclaim* the common will, thus determined in all respects, regarding the rights of the individual citizen as well as regarding the punishment to be inflicted upon their transgression? Who is to *interpret* this necessary arrangement and agreement? The masses themselves would be the most improper body for it, and by counting together

the expressed wills of the individuals, the true common will could scarcely be obtained in its purity.

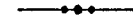
This business can only belong to him who continually overlooks the whole community and its requirements, and who is responsible for the continuous supreme rule of the law: to the administrator of the executive power. He proclaims the *matter* of the law, as given in the conception of Rights and in the geographical position of the state; which matter receives its *form*, that is, its binding power over each individual, only by that individual's consent, that is, his consent to remain in the state, but not expressly his consent to any particular law.

From these reasons we, in our theory, have asserted, that in civil law the legislative and the executive powers are inseparable, and not to be divided. Indeed, civil legislation is itself a branch of the executive, if the law is really to be executed. The administrator of the executive power is the natural interpreter of the common will, announcing the relations of the individuals to each other in the state; not exactly of the will which they actually have, but of the will which they must have, to make their coëxistence in a community possible.

Of quite a different nature is the law concerning the manner in which the laws are to be executed, or the *constitution*. The constitution must be adopted by the vote of every citizen, and can be adopted only by unanimity; since it is the guarantee which each one has given him by all others for

the security of all his rights in the community. The essential component of every constitution is the *ephorate*, explained in our work. Whether this is sufficient to secure the rights of all—without the separation of the legislative and executive powers, which to me seems inadmissible, I must leave to the judgment of more competent men

FIRST PART OF THE SCIENCE OF RIGHTS.



PART FIRST.



DEDUCTION

OF THE

CONCEPTION OF RIGHTS.

§ 1.

A FINITE, RATIONAL BEING CAN NOT POSIT ITSELF WITHOUT ASCRIBING TO ITSELF A FREE CAUSALITY.

PROOF.

A. If a rational being is to posit itself as such, it must ascribe to itself an activity which shall have its last ground in itself.

An in itself returning activity (Egohood, subjectivity) is character of the rational being. The positing of itself (reflecting about itself) is an act of this activity. Let this reflection be called A. The rational being posits itself through the act of such an activity. All reflection reflects something as its object ; let this object be called B. Now, what sort of a something must this object be as object of the reflection A ? In A the rational being is to posit itself, is to be its own object ; but its character is in itself returning activity. The last highest object (B) of its reflection must therefore also be *in itself returning*, or *itself determining activity*, since otherwise it would not posit itself as a rational being, and hence would not posit itself at all.

This assumed rational being is a *finite* being ; but

a finite rational being is one *which can reflect only upon a Limited*. Hence, the in itself returning activity B, must be a limited activity, that is, beyond this activity B there must be, and must be posited by the reflecting, a C, which is not this in itself returning activity, but rather its opposite.

B. *Its activity in contemplating the world can not be posited by the rational being as such an activity, which has its last ground in itself:*

For this contemplating activity is posited by its very conception as an activity which does not return into the Contemplating, but rather has an externality, an opposite of the Contemplating, a World for its object.

(After the contemplation, the *activity* in this contemplating may certainly also be ascribed by the rational being to itself, or raised into its consciousness; that is, the rational being may posit itself as the Contemplating. Nay, from the stand-point of transcendental philosophy, it appears quite clearly that even this Contemplating is nothing but an in itself returning Ego, and that the World is nothing but the Ego contemplated in its original limits. But if the Ego is to ascribe that activity in the contemplation of the world to itself, it must already have existence; and, at present, the question is only, how the Ego can originally be for itself, and this we can not explain from the world-contemplation, since, on the contrary, the latter becomes possible only through the former, which we are in search of.)

C. *But the rational being can opposit such an ac-*

tivity as we are in search of, to the world, as that which limits this activity, and in order to opposit it can generate it. Moreover, if such an activity is the sole condition of the possibility of self-consciousness, and if self-consciousness must be ascribed to a rational being, as indeed that which constitutes it a rational being, then it must opposit and generate such an activity.

The activity of the rational being, in contemplating the world, which must be known to the philosopher, when his speculation has advanced to the Science of Rights, but which may not yet be known to the rational being, about which he philosophizes, is *necessitated* and *bound*, if not in regard to its form, that is, that it occurs at all, at least in regard to its content; that is, that, if it occurs, it must occur in such or such a manner. We must represent objects as they are—in our belief—without our coöperation; our representation must be determined by their being. An activity opposed to this activity would therefore, in order to be its opposite, have to be free in regard to its content; or, there must be in it a possibility of acting thus *or otherwise*.

Again, this free activity is to be limited by the activity in contemplating the world; that is, the activity in the world-contemplation is itself that free activity, but in, a state of limitedness; and *vice versa*, the free activity is the activity in the world-contemplation, whenever that limitedness falls away. In other words, objects are objects merely in so

far as and through this, that they do *not* exist through free activity; and this free activity must be checked and limited, if objects are to be. For free activity tends to cancel these objects, in so far as they bind it. Hence, free activity is *causality* upon the objects, and contemplation is cancelled causality, causality voluntarily renounced by the rational being itself.

We have now described what the activity B is in its relation to the world-contemplation, and to the world itself. But it is also to be a return of the rational being into itself, and in so far as it is directed upon objects, it is not this. Hence, when related to the rational being itself, it must be a free determining of itself to have causality. Only in so far as this activity is directed upon objects, is it determined in its content. But originally, and in its essence, it must not be so determined. Hence, it must be determined through itself—must be determined and determining at the same time, and is, therefore, most truly, an in itself returning activity.

What we have just said may be systematically expressed thus: The activity B, which we were in search of, must be *posited as an opposite* to the contemplation, and is, in so far, absolutely free, precisely because that contemplating activity is not free; this activity B, moreover, is directed upon the rational being, or, which means the *same*, returns into itself, precisely because the contemplating activity is directed upon something external to the rational being; and in so far this activity B is the

creating of the conception of an intentional causality *outside* of us, or of the conception of an end, (object.) At the same time, this activity B must be *related* to the contemplation, that is, *posited as equal to it*; and in this relation it is a causality directed upon objects. But it is to be carefully remembered that this causality upon objects follows immediately from that conception of an end, and is the very same, only viewed from another point of view.

By means of such an activity B the required self-consciousness becomes possible. B is something which has its last ground in the rational being itself, and can, as such, be posited only by means of the possible opposition of a something which has not its ground in the rational being. The Ego (the rational being itself as such) is thus now limited and determined, and hence, can be taken hold of by reflection; that is to say, the practical Ego is the Ego for the reflection; the reflection takes hold of this practical Ego, which is posited through itself, and which, in the reflection, must be posited as through itself; and of this Ego, as logical subject, a possible predicate may assert something, as, for instance, in our case—the contemplation of the world.

It is only by means of such an activity that self-consciousness becomes possible; for our result involves only the characteristics, which, at the com-

mencement, we showed to be the conditions of self-consciousness ; namely, first, the existence of such an in itself returning activity, or of an activity which should have its last ground in the rational being itself ; secondly, the *finity* and limitedness of this activity ; and thirdly, the being *posited* of this activity in opposition and relation to the limiting ; as which it is posited indeed by merely being *reflected* about.

Hence, such an activity, and the positing thereof, is necessarily assumed when self-consciousness is assumed ; and both conceptions are identical.

COROLLARIA.

1. It is here maintained, that the practical Ego is the Ego of original self-consciousness ; that a rational being perceives itself immediately only in Willing, and that it would not perceive itself, and hence would also not perceive the world, and that it would therefore not be Intelligence, if it were not a practical being. Willing is the real essential character of reason ; and representation—although in the insight of the philosopher it stands in reciprocal causality with willing—is posited as the accidental. The practical faculty is the inmost root of the Ego ; to it every thing else is attached, and with it connected.

All other attempts to deduce the Ego in self-consciousness have failed, because they must always

presuppose what they wish to deduce ; and we here see why they must fail. How was it indeed possible to assume, that the Ego arises through the connection of many representations, in none of which the Ego is contained ? that an Ego is produced by the mere connection ? On the contrary, only after the Ego is, can any thing be connected in it. The Ego must, therefore, exist *—of course *for the Ego*—in advance of all connection.

2. Willing and Representing are, therefore, in continual and necessary reciprocal causality, and neither is possible unless the other is at the same time. The first assertion, that willing is not possible without representing, will be admitted without much trouble : I must represent what I will. The other, that every representing is conditioned by a willing, may, however, meet difficulties. But a representation can not be without a Representing subject, and can not be posited in consciousness unless this representing subject is posited. This repre-

* The Ego, *which* is to reflect, or which is to determine itself to have causality, or *which* is to contemplate the world, is the prior—of course, for the philosophizing Ego, which, however, let us hope, is also an Ego, and follows the laws of its being—*by virtue of those very laws* ; and it is this prior Ego, of which the first fundamental principle of the Science of Knowledge speaks.

Now *another* Ego is to be object *for* this reflecting Ego ; that is, this Ego is to be object for itself. How is this possible ? Such is the question we are here answering.

Attentive readers must pardon this note. It is not for them, but for the careless and superficial readers, who need such a reminder ; and these are requested to recall it to mind whenever they need it hereafter.

senting subject is—not *accidentaliter*, in so far as it now represents, but *substantialiter*, in so far as it is at all, and as it is a somewhat—either a really Willing, or, at least, a something, which is posited and characterized through its ability to will. Not Intelligence alone constitutes a rational being, for it alone is not possible; nor does the practical activity alone constitute a rational being, for it also is not possible alone; it is only both united which complete it and make it a Whole.

3. It is through this reciprocal causality between the Contemplation and Willing of the Ego, that the Ego and every thing which is for the Ego, that is, every thing which is at all, first becomes possible.

First of all, the Ego itself. It might be said, that a reciprocal causality between the Contemplation and the Willing of the Ego must precede the possibility of the Ego itself; that there must be something in the Ego, which stands in reciprocal causality, before the Ego is itself; and that this is a contradiction. But here lies the very deception which we wish to remove. Contemplation and Willing neither precede nor follow the Ego, but are the Ego; occur only in so far as the Ego posits itself; occur only in this positing and through this positing of its occurrence; and it is nonsense to think of any occurrence outside of and independent of this positing. *Vice versa*, the Ego posits itself in so far as both occur and in so far as it posits the occurrence of both; and it is equally nonsense to think of any other positing of the Ego. It is, at any

rate, very unphilosophical to believe, that the Ego is something else than both *its deed and product* at once. Usually, however, as soon as we hear the Ego spoken of as an active, we hasten to picture a substrate, of which we proclaim this activity to be mere power or faculty. This substrate, however, is not the Ego, but is a product of our own imagination, which we sketch in consequence of the demand made upon us to think the Ego. The Ego is not something, *which has* powers; it is no power at all; but it is simply *Acting*; it is what it acts, and when it does not act, it is not at all.

It has been asked: How does the Representing subject arrive at the conviction that there exists an object of its representation outside of it, and that this object is determined precisely as it represents it? If those who asked this question had but considered what it really meant, they would themselves have arrived at the correct conception.

The Ego itself, through its acting, makes the object; the form of its acting is itself the object, and no other object is to be thought of. That, the manner of acting whereof necessarily becomes an object, is an Ego; and the Ego is nothing but that, the mere manner of acting whereof becomes an object. If it acts with its whole power—I must use this expression if but to express myself—then it is object to itself; but if it acts only with part of its power, then it acts upon something which is external, or upon an object.

To grasp itself in this identity of acting and be-

ing acted upon—not in the acting, nor in the being acted upon, but in the *identity* of both ; and to surprise itself as it were in this act of grasping itself, is to comprehend the pure Ego and to get possession of the stand-point of all transcendental philosophy. This talent seems to be altogether deficient in some men. He who can only view each apart and separate, and who, though he takes the greatest pains, always grasps either the active or the object of the activity, obtains through both in their separation utterly distinct results, which can only be seemingly united, because they have not been so united from the beginning.

§ 2.

THROUGH THIS POSITING OF ITS POWER TO HAVE FREE CAUSALITY, THE RATIONAL BEING POSITS AND DETERMINES A SENSUOUS WORLD OUTSIDE OF ITSELF.

A. It *posits* this external sensuous world. Only the absolutely self-active, or practical, is posited as subjective, as belonging to the Ego, and by its limitation the Ego is limited. Whatsoever lies beyond this sphere of the absolutely self-active, is posited, for the very reason that it lies beyond it, as not produced nor producible through the activity of the Ego ; hence, it is excluded from the sphere of the Ego, and the Ego is excluded from its sphere ; and thus there arises a system of objects, that is, a

world, which *exists independently of the Ego*, that is to say, of the practical Ego, which here stands for the Ego generally, and independently of which world *the Ego* (also, of course, the practical Ego, which determines its ends) *exists likewise* ; both of which, therefore, exist independently and externally of each other, and have both their separate existences.

COROLLARIA.

1. The transcendental philosopher must assume that every thing which is, is only *for* an Ego ; and whatsoever is for an Ego, can only be *through* the Ego. But common sense, on the contrary, claims an independent existence for both ; and maintains that the world would be, though it (common sense) were not. The latter has no need to take cognizance of the assertion of the philosopher, and can not do so, for it stands on a lower stand-point ; but the former must certainly take cognizance of common sense ; and his assertions are indefinite, and hence, in part, incorrect, until he has shown *how, from these very assertions, the precise results of common sense follow, and how they can indeed only be explained by those assertions*. Philosophy must deduce our conviction of the existence of a world.

Now, this has been done here from the possibility of self-consciousness ; and that conviction has been shown up as a condition of this self-consciousness. The Ego must posit an external world, because it

can posit itself in self-consciousness only as practical activity; and because, since it can not posit any thing but a limited, it must posit a limit to this, its practical activity. This is the original procedure of every rational being, and is, doubtless, also the procedure of the philosopher.

Now, although the philosopher immediately afterward sees that the rational being must first posit its suppressed practical activity before it can posit and determine the object, and that thus the object itself is not immediately given, but is originally produced only by virtue of another—this need not disturb common sense; for it can not become conscious of the just now postulated process, since that process conditions the possibility of all consciousness, and is therefore beyond its sphere; it even does not disturb the philosopher as soon as he gets to the sphere of common sense.

It might be asked, What reality shall be ascribed to those acts which lie beyond the sphere of consciousness, and are not posited in consciousness, if reality is properly ascribed only to that which is necessarily posited by the Ego? Of course, no reality, except in so far as it is thus necessarily posited. Those acts beyond common consciousness have reality, therefore, only for the philosopher who posits them. *If* the activities of the human mind are to be systematically united in an ultimate ground, *then* this and that must be assumed as necessary acts; such, and nothing more, is what the philosopher asserts. Those original deed-acts have the same

reality which the causality of things upon each other in the sensuous world, and their universal reciprocal relation, claim to have. For those primitive peoples, of which we still have memorials, who little united their experiences, but rather allowed their observations to lie scattered and separate in their consciousness, no such causality or universal relation of things had existence. They gave separate life to almost every object of the sensuous world, and thus made those objects first free causes, as they were themselves. The universal connection we speak of, had not only *no reality* for them, it even *did not exist* for them. But the man who connects his experiences into unity—and this problem lies in the way of the synthetically progressive human reason, and had to be taken up sooner or later—must necessarily connect in such a determined manner; and for him the whole connection thus obtained has reality. Moreover, as soon as this problem had been taken up and solved, and as human reason had once again returned into itself—as it did for the first time with clear consciousness, and completely, in one of its sublimest representatives, KANT—and had thus discovered, that all its seeming external perceptions were, after all, produced by itself; the following additional problem proposed itself to the still synthetically progressive reason: namely, to unite all these, its modes of acting, also in an ultimate ground; and this proceeding had reality from the same ground which gave reality to the category of causality, of a universal connection of

objects, etc. etc. This final problem for the synthetic faculty, moreover, after the solution of which mankind returns forever again to analysis, which analysis has thus, however, received quite a different significance—had also to be solved sooner or later; and all we might wish is this, that those persons who are not called by their talents to take part in this branch of science, would also take no notice of it, would leave, as has been heretofore customary, philosophy to the philosophers, and would not be so foolish in their anxiety for the reality of the results of that science, as to demand that we ought to give to those results the same kind of reality which alone is known to them. To say, "A pure Ego and its acts have no reality prior to consciousness," is as foolish as if a savage were to say, "Your causality and your reciprocal connection have no reality, because I can not eat them."

2. From the deduction of our conviction of the existence of a sensuous world, it results at the same time, how far this conviction extends, and in what condition of mind it occurs: for no grounded goes further than the ground, and as soon as we know the ground of a certain mode of thinking we also know its extent. It extends so far as our practical faculty is distinguished from and opposed to the theoretical faculty; so far as our representation of the influence of things upon us and of our reaction upon them extends, since only by this representation is our practical faculty posited as limited. This

is the reason why philosophers have always proved the reality of an external world by its influence upon us; a proof which certainly presupposes what it would prove, but which pleases common sense, because it is the same proof common sense makes use of for itself.

But how does the speculative philosopher proceed in order to remove this conviction for some time, so that he may investigate beyond its range? Evidently by not drawing the distinction which conditions this conviction. As soon as we look merely at the activity in the representation and seek only to explain it, a necessary doubt regarding the existence of external things will arise. The transcendental idealist comprehends the practical and theoretical activity at the same time as activity generally; and hence—there being now no passivity in the Ego, as, indeed, there can not be—he arrives at the result, that the whole system of objects must be produced for the Ego by the Ego itself. But for the very reason that he has thus comprehended both activities, he can also, at the proper time, distinguish both, and show up the stand-point which common sense must necessarily occupy. The dogmatic idealist excludes the practical activity wholly from his investigations, looks only at the theoretical activity, which he desires to ground through itself; and hence he naturally makes the theoretical activity unconditioned.

But these speculations are possible for both sorts of philosophers only so long as they remain in the

solitude of thinking ; as soon as their practical activity is excited, both immediately forget their speculative convictions and return to the ordinary human view of things, simply because they must. There never has been an idealist who extended his doubts or his certitude to his actions, and there never will be one ; for if he did, he could not act at all, and hence could not live at all.

B. The rational being also *determines* the sensuous world by that positing of its free activity ; that is, in positing that sensuous world it at the same time invests it with certain general and unchangeable characteristics.

Firstly. The conception of the causality of the rational being is produced through absolute freedom ; and hence the object of this causality in the sensuous world, being its opposite, must be fixed and unalterably determined. The Ego is infinitely determinable ; the object, because it is an object, is once and for ever determined. The Ego is what it is in *Acting* ; the object is what it is in *Being*. The Ego is incessantly becoming, and there is nothing permanent in it ; the object is, as it is, forever ; is what it is and is what it will be. In the Ego lies the ultimate ground of its acting ; in the object lies the ultimate ground of its being ; for it has nothing but being.

Secondly. The conception of causality, produced through absolute freedom, and which, under this same circumstance, might be infinitely different,

tends upon a causality in the object. Hence the object must be infinitely changeable through an infinitely changeable conception ; that is to say, it must be possible to make out of the object whatever one may possibly will to make out of it. The object is fixed, is permanently determined, as we said at first, and may, therefore, by virtue of this its permanency, *resist* the causality of a rational being ; but it can not change itself through itself, (it can not *commence* any effort ;) and hence it can not *act* contrary or in opposition to this causality of a rational being.

Finally, the rational being can not posit itself as having causality, without positing itself, at the same time, as representing ; it can not posit itself as acting upon a determined object, without constantly representing this determined object ; it can not posit a determined causality as completed, without positing the object upon which it was directed. For, since the object is posited as annihilating the causality, although the causality must remain together with the object, there arises here an opposition, which can only be mediated by a floating of the imagination between object and causality, through which floating there arises a *Time*. Hence, the causality, in its working upon the object, occurs successively in Time. Now, if the causality is directed upon one and the same object, and if thus the causality is regarded in every present moment as conditioned by the previous moment, then the condition of the object is also regarded in each mo-

ment as conditioned by its condition in all previous moments, beginning at the first cognition of the object; and thus the object remains the same, although it is incessantly changed; that is to say, the substrate produced by imagination, in order to connect in it the manifold of the qualities, or in other words, the basis of the incessantly each other excluding accidents, which is called their substance, always remains the same. This is the reason why we can posit ourselves only as changing the form of the things, and not their substance, and why we are well conscious of the power to infinitely alter the shapes of things, but also of our inability to produce or annihilate them, and, likewise, why matter can be neither increased *nor* diminished for us. On this stand-point of common consciousness—but by no means on the stand-point of transcendental philosophy—it is true that matter is originally given to us.

§ 3.

THE FINITE RATIONAL BEING CAN NOT ASCRIBE TO ITSELF A FREE CAUSALITY IN THE SENSUOUS WORLD, WITHOUT ASCRIBING THE SAME TO OTHERS, AND, HENCE, WITHOUT LIKEWISE ASSUMING OTHER FINITE RATIONAL BEINGS OUTSIDE OF ITSELF.

PROOF.

A. We have shown in § 1 that a rational being can not posit (perceive and comprehend) an object,

without, in the same undivided synthesis, ascribing to itself a causality.

But it can not ascribe to itself a causality without having posited an object, upon which that causality is directed. The positing of the object, as a something determined through itself, and in so far checking the free activity of the rational being, must be posited in a previous time-moment, and it is only through this positing of a previous time-moment, that the time-moment, in which we comprehend the conception of causality, becomes the present. All comprehending is conditioned by the positing of a causality of the rational being, and all causality is conditioned by a previous comprehending of the same. Hence, every possible moment of consciousness is conditioned by a previous moment of the same; and thus, in the explanation of the possibility of consciousness, consciousness is already presupposed. Consciousness can only be explained through a circle; hence it can not be explained at all, and appears impossible.

The problem was to show: how self-consciousness can be possible. Our reply was: self-consciousness is possible, when the rational being can ascribe to itself a causality in one and the same undivided moment wherein it opposes something to this causality. Let us suppose this to occur in the time-moment Z. You ask now, under what condition this occurrence is possible? and it appears at once that the causality, which the rational being is to ascribe to itself, can be posited only in

relation to a determined object, A, upon which it is directed. For no one must say that a *general* causality, a merely *possible* causality might be posited, since such would be an indefinite thinking; and Philosophy has already received injury enough from this sort of arguments. Such a merely possible causality, or causality in general, is posited only through abstraction from a certain or from all *actual* causality; but you can not abstract from any thing, unless it has been previously posited; and hence here, as ever, the indefinite conception of the *general* is preceded by a definite conception of a definite *actual*, and the former is conditioned through the latter. Nor must any one say that the causality might be posited as directed upon the object B, which is posited in the same moment, Z, for B is posited *as object* solely in so far as no causality is directed upon it.

Hence, the moment Z must be explained from another moment, in which the object A must have been posited and comprehended; but A also can be comprehended only under the same conditions under which alone B could be comprehended; that is to say, the moment in which A is comprehended, is also possible only on condition of a previous moment, and so on, *ad infinitum*. We find no possible point wherein we might connect the thread of self-consciousness, through which all consciousness first becomes possible, and hence our problem is not solved.

It is important for the whole science which is

here to be established, that the reader should obtain a clear insight into this argument.

B. The ground of the impossibility of explaining self-consciousness, without constantly presupposing it as already existing, lay in this: that in order to be able to posit its causality, the subject of self-consciousness must previously have posited an object, merely as such; and that thus, whenever we wanted to connect the thread of self-consciousness to a time-moment, we were always forced to go to a previous moment, wherein the connections must have been already made. This ground must be removed; but it can be removed only by assuming that the *causality of the subject* is synthetically united with the object in one and the same time-moment; that the causality of the subject is itself the perceived and comprehended object, and this object that causality of the subject, and that thus both are the same. Only from such a synthesis can we not be driven to a previous one; only it contains all the conditions of self-consciousness, and gives us the point in which we can connect the thread thereof. Only on this condition is self-consciousness possible. As sure, therefore, as self-consciousness occurs, must we make this assumption. The strict synthetical proof is, therefore, completed; for what we have stated has shown itself to be the absolute condition of self-consciousness.

The only question is yet, what our synthesis may signify, or what it may involve, and how its require-

ments may be possible. Our business now is therefore to analyze what has been proven.

C. It seems as if the synthesis we have undertaken, in place of dispelling the mere incomprehensibility which it undertook to clear up, proposes to us a complete contradiction. That which the synthesis has established, must be an object; but it is the characteristic of the object, that the free activity of the subject in taking hold of it be posited as checked. Now, the object in the present case is to be a causality of the subject; but it is the character of such a causality that the activity of the subject be absolutely free, and determine itself. The activity of the subject is therefore by this synthesis required to be both checked and absolutely free. How is this contradiction possible? It is possible, and both activities are united, when we think *the subject as being determined to determine itself*; or when we think a requirement addressed to the subject to resolve on manifesting its causality.

In so far as that which the synthesis establishes is an object, it must be given in sensation, and in *external*, not in internal sensation; for all internal sensation arises solely through reproduction of an external sensation, and hence presupposes the latter; and thus, we should again by the assumption of such sensation, presuppose that self-consciousness, the possibility whereof is to be explained. But that object is comprehended, and can be comprehended only as a requirement addressed

to the Ego to act. As sure, therefore, as the subject comprehends it, it has the conception of its own freedom and self-activity, and of this freedom and self-activity as given to it externally. It obtains the conception of its free causality, not as something which in the present moment *is*, for this were a real contradiction; but as something which in the future moment *shall be*.

The question was, How can the subject find itself as object? To find *itself*, it could find itself only self-active; for else it would not find *itself*; and since it does not find at all unless it is, and is not unless it finds itself, it would not find at all. Again, in order to find itself as *object*, (of its reflection,) it could not find itself as *determining itself* to be self-active,* but as determined to self-activity through an external requirement, which requirement must leave it, however, in possession of its full freedom of self-determination; for otherwise, the subject would not find itself as Ego.

To make the latter point clearer, I shall here prestate some future results. The subject can not find itself compelled to act; for then it would not be free, would not be Ego; nor, when it resolves to act, can it find itself necessitated to act in this or that determined manner; for then, again, it would not be free, would not be Ego. How, then, must

* The question here is not how the matter may be when viewed from the transcendental stand-point, but simply, how it must appear to the subject under investigation.

we think it as determined to be active, in order to find itself as object? Only in so far, that the subject finds itself as something which may be active or not, to which a requirement is addressed to be active or not, but which may *also* not follow that requirement.

The rational being shall realize its free activity; this requirement addressed to it lies in its very conception, and as sure as it comprehends that conception it realizes that free activity. This it only can realize either through *actual acting*. All that is required is activity in general, but the conception expressly involves that the subject must choose in the sphere of possible acts one act through its free self-determination. It can act only in *one* way; can *determine* its power of sensation, which is here the power of sensuous causality, only in *one* manner. As sure as it acts, it chooses through absolute self-determination this one way, and is in so far absolutely free and a rational being; and posits itself as such.

Or it can realize that free activity through *not acting*. In this case it is also free, for according to our presupposition, it has comprehended the conception of its causality as something required of it. Now, in resisting this requirement and *not acting*, it chooses freely between acting and not acting.

The conception here established is that of a *free reciprocal causality*, in its greatest precision, and is, therefore, nothing but this. I could add, for instance, to any free causality a free opposing causality as *accidental*; but that would not be the pre-

cise conception here required. In our conception *Causality* and a *Counter Causality* can not be thought apart at all. Both are the integral parts of a whole event; and such an event is now postulated as the necessary condition of the self-consciousness of a rational being. It must occur, as we have shown.

Only to such an event is it possible to attach the thread of consciousness, which can then, we apprehend, pass through all other objects without difficulty.

This thread has been attached by our present representation. Under this condition the subject can and must posit itself as a free acting being: such was our proof. If it does posit itself as such, then it can and must posit a sensuous world and must oppose itself to the sensuous world. And now, after the chief problem has been solved, all the workings of the human mind proceed according to the laws thereof without further difficulty.

D. Hitherto our analysis of the established synthesis has been simply *explanatory*: all we had to do was to make clear to ourselves what the mere conception of that synthesis involved. This analysis still continues, but it now begins to *draw conclusions*; that is to say, perhaps the subject must posit many other things in consequence of the posited influence upon it; if so, how does it posit this other, or what does it posit, by virtue of the laws of its being, in consequence of its first positing?

The described influence was necessary condition of all self-consciousness; it occurs as sure as self-

consciousness occurs, and is, therefore, a necessary fact. If, by virtue of the necessary laws of rational beings, something else must be posited at the same time with this influence, then the positing of this other is a necessary fact like the former.

In so far as the described influence enters sensation, (is felt,) it is a limitation of the Ego ; and the subject must have posited it as such ; but there is no limitation without a limiting. Hence the subject, in positing that influence, must have posited at the same time something *outside of itself* as the determining ground of that influence. This is evident at a glance.

But again: This influence is *determined*, and through the positing of it as determined there is posited, not merely a general ground, but a *determined* ground of it. What sort of ground must this be, or what must be its characteristic as ground of this determined influence? This is a question we shall have to dwell upon more at length. The influence was comprehended as a requirement addressed to the subject to manifest free causality ; and (which is of all-important significance) it could not be at all comprehended otherwise, and could not have been comprehended, had it not been comprehended in this manner.

This requirement to act, is the content of the influence, and its ultimate end is a free causality of the rational being, to which that requirement is addressed. The rational being is not determined or necessitated to act by this requirement—as in the

conception of causality the effect is necessitated by the cause—but merely seizes this requirement as occasion to determine itself to act. To do this, however, it must first have understood and comprehended the requirement, and this previous cognition of it is taken into calculation. Hence the posited ground of the influence, or of the requirement addressed to the subject, must, at least, presuppose the possibility, that the subject can understand and comprehend it, for otherwise its requirement would have no End in view at all. Its having such End is conditioned by the understanding and freedom of the rational being, to whom it is addressed. This ground must, therefore, necessarily have the conception of reason and freedom, and must, therefore, be itself a being, capable of comprehending, that is, an intelligence, and since this is also not possible without freedom, it must be a free and hence a rational being, and must be posited as such.

In regard to the manner of drawing a conclusion, which has here been established, as a necessary manner, which is originally grounded in the nature of reason, and which most assuredly follows without our conscious coöperation, we add a few words of explanation.

The question has justly been asked : What effects can be explained only as the effects of a rational cause? The answer : Those effects, which must be necessarily preceded by a conception thereof ; is true, but not sufficient, for the higher and more

difficult question remains: What, then, are effects, of which it must be said, that they were possible only after a previous conception thereof? Every effect can be taken up in conception, after it once exists, and the manifold of the effect arranges itself under the unity of the conception more easily and happily only as the observer himself has more sense and understanding. Now, this is a unity, which the observer himself has transferred into the manifold through what KANT calls his reflective power of judgment, and which he must so transfer, if only *one* effect is to exist for him. But who guarantees him that, just as he now arranges the actual manifold under the unity of his conception, so, previously to the effect, the *conceptions* of the manifold, which he perceives, were subordinated by an understanding to the conception of that unity, which he now thinks; and what may justify him in arriving at such a result? There must be a higher ground of justification, or the conclusion, that the effect is that of a rational cause, is false throughout.

There is no doubt: a rational being, as sure as it is this, sketches out for itself the conception of the product, which is to be realized through its activity; and by the conception thus traced out, it guides its activity, always looking at it in acting, as it were. This conception is called the conception of an end.

Now, a rational being cannot at all obtain a conception of its causality, *unless it has a cognition of the object of this causality*. For it cannot determine itself to act—of course, with a consciousness of this

self-determination, for only thereby does it become a free activity—unless it has posited this its activity as checked; and when it posits a determined activity as checked, it posits an external object as the checking. This is the reason, by the by, why nature, even if we should claim for her intelligence and freedom, cannot have the power to form the conception of an end, (and for that very reason, no one should claim for her intelligence and freedom.) For there is nothing external to nature, upon which she could direct her causality. Every thing upon which causality can be directed, is itself nature.

A sure criterion of the effect of a rational being would, therefore, be this: that the effect could only be thought possible on condition of a cognition of its object. Now, there is nothing which can not be thought possible through mere force of nature, and which must be thought as possible only through cognition, except cognition itself. Hence, when the object—and here also the end of an effect—can only be, to produce a cognition, then it is necessary to assume a rational cause of the effect.

But the assumption, that a cognition was intended, must be necessary; that is, it must be impossible to think any other end of the act, and the act itself it must be possible to comprehend only when it is comprehended as intending to produce a cognition.

(To illustrate by the contrary: Nature, we say, teaches us this or that by an event; but in so saying, we do not mean to assert that nature had not

quite another end in view in producing the event than to teach us ; we only wish to say that, if any one chooses to regard the event from such a point of view, it may be instructive for him to do so.)

The above case arises here. The cause of the influence upon us has no end at all, unless it has, above all, the end in view, that we should recognize it as such cause. Hence we must assume a rational being as this cause.

We have now proved what was to be proved. The rational being can not posit itself as such, unless a requirement to act free is addressed to it. When such a requirement to free self-determination is addressed to it, it must necessarily posit a rational being outside of itself, as the cause thereof ; and hence it must posit a rational being outside of itself generally.

COROLLARIA.

I. Man becomes man only amongst men ; and since he can only be man, and would not be at all unless he were man, it follows, that *if man is to be at all, there must be men*. This is not an arbitrary assumption, not an opinion based on past experience or on other probability-reasons ; but it is a truth to be strictly deduced from the conception of man. As soon as you proceed to determine this conception fully, you are driven from the thinking of a single man to the assumption of another one, by means of which to explain the first. Hence,

the conception of man is not at all the conception of a single one, for such a one is unthinkable, but of a race.

The requirement addressed to the rational being to manifest its free self-activity, is what is called education. All individuals must be educated to be men ; otherwise, they would not be men. The question here forces itself upon every one : If it should be necessary to assume an origin of the whole human race, and hence a first pair of human beings—and from a certain standpoint of reflection this assumption is assuredly necessary—who educated that first pair ? They must have been educated, for our proof is universal, and a man could not educate them, since they are assumed as the first men ; hence it is necessary to assume that another rational being, not of the race of men, educated them ; of course, only so far, until they could educate each other. A spirit took them in his charge, precisely as it is represented in an old and venerable chronicle, which, indeed, contains throughout the profoundest, sublimest wisdom, and establishes results, to which all philosophy must, after all, return.

II. Only free, reciprocal causality upon each other through conceptions and after conceptions, only this giving and receiving of knowledge, is the distinguishing characteristic of mankind, through which alone every person shows himself to be man.

If man is, then there must also be necessarily a world, and precisely a world like our own, which

contains irrational objects and rational beings. This is not the place to proceed further, and to show up the necessity of all determined objects in nature, and their necessary classification, which, however, can be demonstrated quite as strictly as the necessity of a world generally.*

The question concerning the ground of the reality of objects is now answered. The reality of the world—of course for us, that is, for all finite reason—is a condition of self-consciousness; for we can not posit ourselves without positing something outside of us, to which we must ascribe the same reality which we ascribe to ourselves. To ask for a reality which shall remain after having abstracted from all reason, is contradictory; for he who asks that question, has also, in all probability, reason, and is impelled by reason to ask his question, and desires a rational answer; hence he has not abstracted from reason. We can not go out of the sphere of our reason; this has been well taken care of; and philosophy desires only that we shall become aware thereof, and shall not believe that we have gone beyond it, when we are always, as a matter of course, within it.

§ 4.

The finite rational being can not assume other finite rational beings outside of itself, without positing it-

* Readers who can not see this, should have patience, and should draw no other conclusions from their not seeing, than the only legitimate one, that they do not see it.

self as occupying a determined relation toward them, which is called the Legal Relation.

PROOF.

A. *The subject must distinguish itself through opposition from the rational being, which it has assumed outside of itself.* The subject has posited itself as one, which contains in itself the last ground of something that is *in it*, (for this is the condition of Egohood, or of Rationality generally;) but it has also posited a being outside of itself, as the last ground of this something in it.

It is to have the power of distinguishing itself from this other being; and this is, under our pre-supposition, possible only, if the subject can distinguish in that given something how far the ground of this something lies *in itself* and how far it lies *outside of itself*.

The ground of the acting of the subject lies both in the being *outside of it*, and in itself; that is, the ground of the form of that acting, or that the subject did act. For if the outside being had not influenced the subject and thus called upon it to act, the subject would not have acted. Its acting, as such, is conditioned by the acting of the outside being.

But moreover, its acting is also conditioned *materialiter*; for to the subject is assigned its general sphere of action.

Within this sphere, however, the subject has chosen with freedom, has absolutely given to itself

the further determination of its acting ; and of this further determination of its activity, the ground lies solely *in the* subject itself. In so far alone, therefore, can it posit itself as an absolutely free being, and as the sole ground of something ; in so far alone can it separate itself utterly from the free being outside of itself, and ascribe its causality to itself only.

Within that sphere, that is, from the end point of the product of the outside being, X, to the end point of its own product, Y, it has chosen amongst the possibilities, which that sphere contains ; and from these possibilities and from this comprehension of them, as possibilities which it might have chosen, the subject constitutes for itself its freedom and self-determination.

Within that sphere the subject had to choose, if the product, Y, was to become possible as a separate one of the effects given through that sphere. Again :

Within this sphere *only* the subject could choose, and *not the other being* ; for the other being had left that sphere undetermined, according to our presupposition.

That, which chose exclusively within this sphere, is *its* Ego, is the individual, is the rational being determined as such through opposition to another rational being ; and this individual is characterized through a determined utterance of freedom, pertaining exclusively to it.

B. *In this distinction through opposition the conception of the subject as a free being, and the conception of the outside rational being, as also a free being, are mutually determined and conditioned through the subject.*

Opposition is not possible unless in the same undivided moment of reflection the opposites are also posited as equals, related to each other, and compared with each other : this is a formal theoretical proposition, which has been proved in its place in the Science of Knowledge, but which we trust will be accepted here as self-evident by common sense, even without that proof. We shall now apply this proposition.

The subject determines itself as an individual and as a free individual through the sphere wherein it has chosen one of the possible acts given in that sphere ; and the subject also posits another individual outside of itself, as its opposite, and as determined through another sphere, wherein this other individual has chosen. Hence the subject posits both spheres at the same time, and only thus is the required opposition possible.

The being outside of the subject is posited as free, hence as a being, which *might* also have overstepped the sphere by which it is now determined, and might have overstepped it in such a manner as not to leave to the first subject the possibility of a free acting. It has voluntarily *not* overstepped that sphere, and has, therefore, itself restricted its own freedom, *materialiter*, that is to say, the sphere of

