

## Second main division

### Deduction of the applicability of the concept of right

#### §5 Fourth theorem

*The rational being cannot posit itself as an individual that has efficacy without ascribing to itself, and thereby determining, a material body*

#### *Proof*

According to the proof carried out above, the rational being posits itself as a rational individual – from now on we shall refer to this as *the person* – by *exclusively ascribing* to itself a *sphere for its freedom*. He is the person who exclusively makes choices within this sphere (and not any other possible person, who might make choices in some other sphere); thus, no other person is *this person*, i.e. no other person can make choices within the sphere allotted only to him. This is what constitutes the person's individual character: through this determination, the person is *the one* that he is, this or that person, called by this or that name.

[57] Our only task here is to analyze the action indicated above, to see what actually occurs when this action takes place.

(I) The subject ascribes this sphere to itself, and determines itself by means of it. Thus the subject posits this sphere in opposition to itself. (The subject itself is the logical subject in any possible proposition one might think of; and the sphere we have mentioned is the predicate; but subject and predicate are always posited in opposition to one another.) Now what is the subject first and foremost? Obviously, it is that which is active solely in itself and upon itself; that which determines itself to think of an object or to will an end; that which is spiritual; pure I-hood.

Now, *in opposition* to this subject *there is posited* a limited sphere for the subject's possible free actions, but a sphere that nevertheless belongs exclusively to this subject. (By ascribing this sphere to itself, the subject limits itself, distinguishing itself from the absolute, formal I and thereby becoming a determinate, material I, or a person. One would hope that these two quite distinct concepts, which are contrasted here with sufficient clarity, will no longer be confused with one another.)

To say that this sphere is posited in opposition to the subject means: this sphere is excluded from the subject, posited outside it, separated from the subject, and completely divorced from it. Considered more determinately, this means first and foremost: the sphere is posited as *not present* wherever the self-reverting activity is present, and the self-reverting activity is posited as *not present* wherever this sphere is present; both are mutually independent and contingent in relation to one another. But whatever relates to the I in this manner belongs – in accordance with what has been said above – to *the world*. Thus the sphere identified here is posited first and foremost as *a part of the world*.

(II) This sphere is posited by an original and necessary activity of the I, i.e. it is *intuited*, and it thereby becomes something real. – Since it would not be reasonable to assume that the reader is already familiar with certain results of the *Wissenschaftslehre*, I shall briefly describe those that are needed in the present context. – One doesn't have the slightest idea what transcendental philosophy – and Kant especially – is speaking of if one thinks that, when an act of intuition occurs, there exists outside the intuer and the intuition some further thing, perhaps some matter, [58] at which the intuition is directed (somewhat like the way common sense tends to conceive of bodily vision).<sup>1</sup> What is intuited

<sup>1</sup> In claiming that the act of intuiting gives rise to what is intuited, Fichte is espousing a view that is quite different from Kant's account of empirical intuition as it is usually understood. In the "Transcendental Aesthetic" of the *Critique of Pure Reason* Kant claims that for human subjects intuition "takes place only insofar as the object is given to us," and that "this, in turn, is possible only if [the object] affects the mind in a certain way" (B 33). He later distinguishes the matter, or content, of an appearance from its form, and claims that the former must be given to (finite) subjects through sensation, while the latter is supplied by the human mind (B 34). Fichte's claim that "what is intuited comes to be through the intuiting itself" certainly applies to the I as he conceives it – this is part of what it means to call the subject "self-positing" – but here Fichte extends this principle to all forms of intuition, including empirical. The view that, even in empirical intuition, the act of intuiting gives rise to what is intuited is implicit in Fichte's doctrine of the check (*Anstoß*) in the 1794 *Wissenschaftslehre* and is explicitly asserted in *Wissenschaftslehre nova methodo* (1796/99). See n. 3, p. 32 and *Fichte: Foundations of Transcendental Philosophy*, ed. Daniel Breazcale (Ithaca, NY: Cornell University Press, 1992), pp. 192–5.

comes to be through the intuiting itself, and only through it; the I reverts into itself, and this activity yields both the intuition and the intuited at once. Reason (the I) is by no means passive in intuition, but absolutely active; in intuition, reason is the *productive imagination*.<sup>2</sup> Intuition, in "seeing," projects something outward, somewhat like – if one wants an analogy – the way in which the painter projects the completed shape out of his eye onto the surface and "*looks towards*," so to speak, before the hand (which is slower) can copy the outline of the shape. The sphere that we have identified is posited here in the same way.

Furthermore – the I that intuit itself as active intuit its activity as an *act of drawing a line*. This is the original schema for activity in general, as will be discovered by anyone who wants to awaken that highest intuition within himself. This original line is *pure extension*, that which is common to time and space and from which they first emerge through differentiation and further determination. This original line does not presuppose space, but rather space presupposes it; lines in space (i.e. the boundaries of things extended in space) are something entirely different from it. In just this manner the sphere we are discussing here is produced in lines and thereby becomes *something extended*.

(III) This sphere is *something determinate*; therefore, the act of producing it has its limits somewhere, and the product is interpreted by the understanding (the faculty of grasping things in a fixed manner) as a completed whole, and only thus is it actually *posited* (i.e. fixed and held fast).

The person becomes determinate by virtue of this product; he is the same person only insofar as this product remains the same, and he ceases to be the same person when the product ceases to be the same. But now, according to what has been said above, just as certainly as the person posits himself as free, so too must he posit himself as enduring. Thus he also posits the product as continually the same, as at rest, fixed,

<sup>2</sup> Fichte's claim that the intuiting subject is not passive but "absolutely active" is consistent with his account of the I's role in empirical intuition, but it is manifestly not Kant's view; (see previous note). Fichte's use of the Kantian term "productive imagination" may be his attempt to suggest that his own view is, at least implicitly, held by Kant, too, but if so, it is a highly implausible suggestion. Kant's doctrine of the productive imagination is notoriously obscure, but it is very unlikely that in positing an *a priori* synthesis of the imagination he meant to retract his position in the "Transcendental Aesthetic" and claim that the intuiting subject is active, producing the content of what it intuit (Critique of Pure Reason, A 118–25). For more on Fichte's concept of the productive imagination see n. 1, p. 175.

and unchanging, as a whole that is completed all at once. But extension that is at rest and made determinate once and for all is [59] *extension in space*. Thus that sphere is necessarily *posited* as a limited body that is spatially extended and that fills up its space. Moreover, in analysis, this sphere is necessarily *found* as just described. It is only analysis of this sphere that we can become conscious of, since the synthesis now being described (or the production of the sphere) is presupposed in order to make the analysis possible, which in turn is presupposed in order to explain the possibility of consciousness.

(IV) The material body we have derived is posited as the *sphere of all the person's possible free actions*, and nothing more. Its essence consists in this alone.

According to what has been said above, to say that a person is free means: the person, merely by constructing a concept of an end immediately becomes the cause of an object corresponding perfectly to that concept; the person becomes a cause simply and solely through his will as such: for to will means to construct a concept of an end. But the body just described is supposed to contain the person's free actions; thus it is in the body that the person would have to be a cause in the manner just described. Immediately by means of his will, and without any other means, the person would have to bring forth in this body whatever he wills; something would have to take place within this body, exactly as the person willed it.

Furthermore – since the body thus described is nothing other than the sphere of the person's free actions, the concept of such a sphere is exhausted by the concept of the body, and *vice versa*. The person cannot be an absolutely free cause (i.e. a cause that has efficacy immediately through the will) except in the body; if a determinate act of willing is given, then one can infer with certainty that a particular change in the body corresponds to it. Conversely, no determination can occur in the body, except as a result of the person's efficacy; and from a given change in the body, one can infer with equal certainty that the person possesses a particular concept corresponding to such change. – This last proposition will acquire its proper determinacy and full meaning only later.

(V) Now how and in what manner are concepts supposed to be expressed in a material body by means of change within it? [60] Matter, by its very essence, is imperishable; it cannot be annihilated, nor can new matter be created. For this reason, the concept of change in the

posited body could not apply to matter. Furthermore, the posited body is supposed to endure without interruption; thus the same pieces of matter are supposed to remain together and continuously constitute the body; and yet, this body is also supposed to be changed by each of the person's acts of will. How, then, can it endure without interruption and still be (as we are to expect) continually changed?

The body is matter. Matter is infinitely divisible. The body, i.e. the material parts in it, would remain and yet the body would be changed, if the parts changed their relation to one another – i.e. their relative position. The relation of the manifold parts to one another is called *form*. Thus the parts, *insofar as they constitute the form*, are supposed to remain; but the form itself is supposed to be changed. – (I say, “*insofar as they constitute the form*”: for particular parts could continually separate themselves from the body without thereby harming the permanence required of such a body, provided only that those parts are replaced by others in the same, undivided moment.) – Thus: *motion of the parts*, and thereby change in the body's form, comes about immediately by means of the person's concept.

(VI) In the body we have been describing, the person's concepts of causality are expressed by means of change in the position of the body's *parts* in relation to one another. These concepts, i.e. the person's acts of willing, can be infinitely varied; and the body, which comprises the sphere of the person's freedom, may not restrict them. Thus each part would have to be able to change its position in relation to the others, i.e. each would have to be able to move while all the others remain at rest; each part, *ad infinitum*, would have to have its *own* movement, attributed only to it. The body would have to be configured such that it would always be up to freedom to think a part as larger or smaller, as more complex or simpler; furthermore, it would always be up to freedom to think any set of parts as a single whole, and thus as itself one part in [61] relation to a larger whole; and conversely, to divide up again everything that is thought as a unity in this way. Determining what is to be a part at any given moment would have to depend on a concept. Furthermore, if something is thought as a part, it would have to have its own characteristic movement, which would, once again, depend on a concept. – Something that is thought as an individual part in this relation is called a *member*; it must, in turn, contain *members*; and within each of these there must, once again, be *members*, and so on *ad infinitum*. The question

of what is to be regarded as a member at any given moment must depend on the concept of causality. The *member* is in motion, to the extent that it is regarded as a member; what is then the whole in relation to such a member is at rest: what is a part in relation to that member is likewise at rest, i.e. it has no movement of its own, though it does indeed have movement in common with the whole to which it currently belongs (i.e. the member). This kind of bodily composition is called *articulation*. The body we have deduced is necessarily articulated, and must be posited as such.

A material body [*Körper*] such as the one described, whose permanence and identity we tie to the permanence and identity of our own personality – a body we posit as a closed, articulated whole, and within which we posit ourselves as a cause that acts immediately through our will – is what we call *our human body* [*Leib*]; and thus what was supposed to be proved has now been proved.

## §6 Fifth theorem

*The person cannot ascribe a body to himself without positing it as standing under the influence of a person outside him, and without thereby further determining it*

### *Proof*

(I) According to our second theorem, the person cannot posit himself with consciousness, unless he posits that there has been an influence upon him. The positing of such an influence was the exclusive condition of all consciousness, [62] and the first point to which the whole of consciousness was attached. This influence is posited as having been exercised upon the *particular person, the individual, as such*; for, as we have demonstrated, the rational being cannot posit itself as a rational being in general, but only as an individual; thus an influence that the rational being posits as having been exercised upon itself is necessarily an influence upon the individual, since for itself the rational being is and can be nothing other than an individual.

According to the proofs carried out above, to say that a rational being has been affected is to say that its free activity has been canceled in part and in a certain respect. Only through this cancellation of its free activity does an object come to be for an intelligence, and only thereby

does such an intelligence infer that something exists that is not due to itself (or to its activity).

Thus to say that a rational being as an individual has been affected is to say that an activity that belongs to it as an individual has been canceled. Now the complete sphere of the rational being's activity, as an individual, is its body; thus, the efficacy in this body, the capacity in it to be a cause merely by means of the will, would have to be restricted, or – more concisely – an influence would have to have been exercised upon the person's body.

If, in consequence of this, one were to assume that an action belonging to the sphere of the person's possible actions were canceled or rendered impossible for the moment, then the required influence would be explained.

But the person is supposed to attribute this influence *to himself*; he is supposed to posit the momentarily canceled activity as one of his own possible activities in general – as contained within the sphere of the expressions of his freedom. Thus the person must posit this activity, in order to be able to posit it as canceled; accordingly, the activity must really be present, and by no means can it be canceled. (It would be wrong to say, for instance, that the person could have *previously* posited this activity as his own, and could now – by running through the sphere of his present freedom – recall that, if his freedom were whole and complete, he would have to possess a further determinate capacity that he in fact does not. For, apart from all the other reasons why this presupposition is [63] untenable, we are dealing with the moment to which all consciousness is attached and prior to which no previous consciousness may be presupposed.)

Thus, if consciousness is to be possible, the same determinate activity of the person must simultaneously, in the same undivided moment, *be both canceled and not canceled*. Our task is to investigate how this can happen.

(II) Any activity of the person is a certain way of determining his articulated body; thus, to say that an activity of the person is restricted means that a certain determination of his articulated body has been rendered impossible.

Now the person cannot posit that *his* activity is restricted, that a certain determination in *his* articulated body is impossible, without simultaneously positing that the same determination is possible; for the

person posits something as his body, only under the condition that it is possible for him to determine it by his mere will. Thus the very determination that is supposed to be impossible (and precisely insofar as it is supposed to be impossible) would have to be posited by the person as possible; and, since the person cannot posit anything unless it *is* (for him), the person would actually have to produce this determination. But this activity, even though it is actually produced, must remain continually restricted and canceled, for the person produces it precisely in order to be able to posit it as canceled. Thus we can grasp this much for the time being: this determination of the body's articulation is, in a certain way, actually produced by the will's efficacy, and at the same time – in another way – it is canceled by an influence from outside.

Furthermore – in the moment to be described now, the person is supposed to find himself as free within his sphere, ascribing his body entirely and thoroughly to himself. If the person did not posit that it is at least possible for him to reproduce, through his mere will, the given determination of his body's articulation (even in the sense in which the determination is and remains canceled), then to that extent he could not at all ascribe his body to himself or posit that there has been an influence upon himself – [64] and this contradicts our presupposition. The fact that the person does not cancel the given restriction must depend – in accordance with the assumption of such a restriction – on the person's own free will; and the person must posit that it is possible to cancel the restriction.

How, then, is the person to posit this possibility? Certainly not as a consequence of previous experience, for what is at issue here is the beginning of all experience. Thus the cancellation of the restriction on the body's articulation, insofar as it occurs, would occur only through the person's positing, out of the production of that determination, in the manner in which the determination is actually produced, provided that the person did not restrain his will from canceling it.

Now what, then, is actually posited in the situation just described? Evidently, a double manner of determining the body's articulation, which for now might even be called a double articulation, or a double *organ*, the two sides of which relate to each other in the following way: the first organ (within which the person produces the canceled movement and which we shall call the *higher organ*) can be modified by the will without thereby becoming the other (which we shall call the *lower*



organ). To this extent, the higher and lower organs are distinguished from one another. But furthermore: if the modification in the higher organ is not to lead automatically to a modification in the lower, then the person must also restrain his will from thereby modifying the lower organ: thus the higher and lower organs can also be unified through the will; they are one and the same organ.

Thus the person's perception of the required influence upon him involves the following: The person must tacitly accept the influence, must give himself over to it; he must not cancel the modification that has been produced in his organ. The person could cancel this modification through his mere will, and – if this is not supposed to happen – he must limit the freedom of his will. Furthermore, he must freely and internally reproduce the modification produced in his organ. We have said that a possible expression of the person's freedom is canceled. This certainly does not mean that the person can no longer act in some particular [65] direction or towards a certain goal; it means only that something has been produced in the person that he himself is able to produce, but that is now produced in such a way that he must ascribe it not to his own efficacy, but to the efficacy of a being outside of himself. In general, nothing is found in the perception of a rational being that it does not believe itself capable of producing, or the production of which it cannot ascribe to itself; the rational being has no sense of anything else, and so everything else lies absolutely outside the rational being's sphere. What has been produced in the person's organ is freely reproduced by him through his higher organ, but in such a way that he does not influence the lower organ; for if he did, the same determination would certainly exist in the articulated body, only not as a perceived determination, but as one produced by the person himself; not as a determination arising from an external efficacy, but rather as one arising from the subject's own efficacy. For example, a person cannot see if he does not first accept an influence upon himself and then internally reproduce the form of the object, that is, actively construct the object's outline; [similarly,] there can be no hearing if the sounds are not internally imitated by the same organ that produces those sounds in speech. However, if this inner causality should extend as far as the external organ, then the result would not be hearing, but speaking.

If the situation is as we have described it, then the human being's articulated body is *sense*. But as everyone can see, the body is sense only

in relation to something present in the body that is the product of an efficacy that could have been the subject's own, but that in the present case is instead the product of the efficacy of a cause outside the subject.

With this kind of influence upon him, the person remains entirely and perfectly free. The person can immediately cancel what the external cause has produced in him; and he expressly posits his ability to do so, and thus posits that the existence of such an influence depends solely on the person himself. Furthermore, if there is to be any influence upon the person, then the person must freely imitate it: thus the person expressly realizes his [66] freedom, simply in order to be able to perceive. (With this, by the way, the *absolute freedom of reflection* has been described and fully determined.)

Now in this way, the articulated body of the person has been further determined, as was required. It has been posited as sense; and in order for it to be posited as such, a higher and lower organ have been ascribed to it; of these two, the lower organ (through which the body first enters into relation with objects and rational beings outside it) can stand under an external influence, but the higher organ never can.

(III) This influence on the subject is supposed to be such that only a rational being outside the subject can be posited as its cause. This rational being's end would have been to exercise some influence on the subject. But, as we have shown, there can be no influence on the subject at all, unless the subject, through his own freedom, accepts the impression that has been made upon him and internally imitates it. The subject himself must act purposively, i.e. he must limit the sum of his freedom (freedom that could just as well cancel the impression made upon him) to the attainment of the intended end of cognition. It is precisely such self-limitation that is the exclusive criterion of reason. Therefore, the subject himself must bring to completion the attainment of the external being's end; and thus this external being – if it is to have possessed any end at all – would have to have counted on such completion by the subject. Thus the being outside the subject must be regarded as a rational being to the extent that – in presupposing the subject's freedom – it has *limited* its own freedom to this particular manner of influencing the subject.

But it is always possible that the external being may have exercised this kind of influence on the subject only by chance, or because it could not have acted otherwise. There is still no reason to assume that the

external being limited itself, if it cannot be shown that it also could have acted otherwise, that the fullness of its power would have led it to act in a completely different way, and that it necessarily limited the fullness of its power and had to do so through the concept of the subject's rationality, [67] so that an influence like the one described could occur.

Thus in order to be able to conclude that the external being limited itself, I would have to posit that an influence could have been exercised upon me in an opposite manner, and that the being assumed to exist outside me could have exercised its influence in this opposite manner.

What is the opposite manner? The nature of the described influence was such that the question of whether there was to be any influence upon me at all depended entirely on the freedom of my will, since I first had to accept the influence upon me, and posit it as having occurred; otherwise, there would have been no influence upon *me*. Thus an opposite kind of influence would have to be one where the question of whether or not I was aware of the influence did not depend on my freedom; rather, I would have to be aware of it as surely as I was aware of anything at all. How is such an influence possible?

The first kind of influence that we have been describing depended on my freedom primarily because I was able – through the mere freedom of my will – to annul the form that was brought about in my articulated body. With the opposite kind of influence, such annulment must not depend solely on the freedom of my will; the form brought about in my body would have to be fixed, indestructible (at least not capable of being immediately annulled by my higher organ); my body would have to be bound to this form and completely restricted in its movements. As a result of such complete restriction, I would necessarily have to reflect on the restriction. Such necessity would not pertain to the form (i.e. to the fact that I am a reflective being at all, a fact that is grounded solely in the essence of reason), but rather to the matter (i.e. to the fact that, if I reflect at all, I would necessarily have to reflect on the influence that has occurred). For the free being must find itself only as free. Therefore, as surely as it reflects on itself, it internally imitates a determination that has been brought about in it, under the condition that its own free will could annul that determination. The person limits [68] his own freedom. But if – in accordance with our presupposition here – the given determination cannot be annulled by the mere causality of the will, then such self-limitation is not required; something that belongs in

the reflection of the free being, as free, is missing, and the free being therefore feels compelled in its reflection. As surely as the free being reflects upon something, it feels compulsion; for everything in the articulated body is necessarily connected, and every part influences every other part, in consequence of the concept of articulation.

In view of the opposite kind of influence postulated above, I must necessarily posit that my body's free movement can be restricted in the way described; and thus, once again, my body is further determined. As a condition of this restriction, I must posit resistant, solid matter existing outside me that is capable of resisting the free movement of my body; thus – by virtue of this further determination of my body – the sensible world is also further determined.

This resistant, solid matter can restrict only a part of my free movement, not all of it; for in the latter case, the person's freedom would be completely annihilated; in that case, I would be dead, dead in relation to the sensible world. Thus, by means of the free movement of the rest of my body, I must be able to release the restricted part of my body from being compelled; thus I must also exercise some causality on resistant matter. The body must have physical power to resist the impression of such matter, if not immediately by willing, then mediately by skill, i.e. by applying the will to the part of the body's articulation that is still free. But then the organ of this causality must itself be composed of such resistant, solid matter; and the free being's superior power over this external matter arises solely from its freedom to act in accordance with concepts. Matter, in contrast, operates only in accordance with mechanical laws and thus has only *one* mode of exercising efficacy, while the free being has several.

If my body is composed of resistant, solid matter and has the power to modify all matter in the sensible world [69] and to shape it in accordance with my concepts, then the body of the person outside me is composed of the same matter and has the same power. Now my body is itself matter, and thus a possible object that the other person can affect through mere physical force; it is a possible object whose movement he can directly restrict. If he had regarded me as mere matter and wanted to exercise an influence on me, he would have exercised an influence on me *in the same way* that I influence anything I regard as mere matter. He did not influence me in this way, thus his concept of me was not that of mere matter, but that of a rational being, and through this concept he

limited his capacity to act; and only now is the conclusion fully justified and necessary: the cause of the influence upon me as described above is nothing other than a rational being.

With this, the criterion of the reciprocal interaction between rational beings as such has been established. They influence each other necessarily under the condition *that the object of their influence possesses sense*; one does not influence the other as if it were a mere thing to be modified by physical force for one's own purposes.

(IV) With the kind of influence we have been describing, the subject's organ has actually been modified by a person outside him. Now this has happened neither through immediate bodily contact with this person nor by means of solid matter; for if it had happened in one of these ways, one could not infer that the influence was caused by a person, and the subject would not perceive himself as free. – In each case, the subject's organ is something material, since his entire body is material: thus the organ is necessarily modified by matter outside it, the organ is given a particular form and maintained in that form. The mere will of the subject could cancel this form, and thus the subject must restrain his will so that the form is not annulled. Thus the matter that produces this form in the subject's organ is not resistant, solid matter; it is not matter whose parts cannot be separated by the mere will; rather, it is a finer, subtler matter. A [70] subtler matter of this kind must necessarily be posited as a condition of the required influence among rational beings in the sensible world.

The modification of the organ affected by freedom is not supposed to influence the organ affected by compulsion, but is supposed to leave it perfectly and completely free. Thus the finer matter must be able to influence only the former organ, but not the latter. The finer matter must not be able to restrict or bind the latter organ; there must therefore be a kind of matter whose component parts have absolutely no discernible connection to lower sense, i.e. the sense affected by compulsion.

In the situation just described, I acquire the capacity to affect this subtle matter in turn through my mere will, by affecting the higher organ through the lower; for we have expressly stated that I would have to refrain from producing such a movement of the lower organ, in order not to annul the determination produced in the higher one and, thus, also in order not to give another determination to the subtler matter, which stands in immediate relation to the higher

organ. *Therefore, the subtler matter is capable of being modified by me, through my mere will.*

In anticipation of possible confusions, I shall add a few more remarks here. – A double – i.e. a higher and lower – organ has been posited. The higher organ is the one that is modified by the subtler matter; the lower organ is the one that can be restricted by the resistant matter, the matter whose parts can be separated only with difficulty.

*Either:* an influence is exercised upon the person as a free being, as has been described. In that case, the higher organ is modified by a particular form of the subtler matter and maintained as thus modified. In order to perceive, the person must restrain the movement of his lower organ insofar as it is in relation to the modified part of the higher organ;<sup>3</sup> however, the person must at the same time also – though only internally – imitate the particular movement he would have to make if he himself were to produce the given, determinate modification in the higher organ. For example, if a shape in space is to be perceived by sight, then the feel of the object (i.e. the pressure that would have to be exerted in order to produce the shape by sculpting it) would have to be internally imitated (but with lightning speed, unnoticed by the [71] ordinary observer); but the impression in the eye, as the schema of such imitation, would be retained. This, then, is why uncultivated people – i.e. those who have not yet been adequately taught (people whose basic human functions have not yet been refined into skills) – touch physical objects that have raised or embossed surfaces (or even the surfaces of paintings, engravings, or the books they read) when they want to get a good look at them. It is impossible for someone to speak and to hear at the same time, for he must imitate the external sounds by constructing them with the organ of speech. And this is also why some people occasionally ask what has just been said to them; for they have heard it all right, but have not taken it in; and indeed sometimes when it is not repeated for them, they actually know what was said, because then they

<sup>3</sup> In a letter to Johann Smidt (1798) Fichte makes the following clarifications of his difficult remarks on the higher and lower organs of sense: “(1) I distinguish the higher, or *inner*, organ from the lower, or *outer*, organ. (2) Both are *sense*; the first is inner sense, the second outer. (3) Outer sense is lower sense that [also] becomes higher sense; (there lies the error in my presentation [in the *Foundations*]).” He then proposes that the text be amended to read: “In that case the higher *sense* is modified by a particular form of the subtler matter and maintained as thus modified. In order to perceive, the person must restrain the movement of his *higher organ*, and *through that*, the lower organ insofar as the latter is in relation to the modified part of the higher organ” (changes are emphasized).

have to imitate the sounds they had previously failed to reproduce. Others are even accustomed to repeating out loud what has been said to them, and only then do they take in what was said. – In this case, the body serves as sense, indeed as the higher sense.

*Or:* a modification is produced in the higher organ<sup>4</sup> by the person's mere will, and the person simultaneously wills that his lower organ should be moved thereby in accordance with an end. If the person's lower organ is not restricted, then the intended movement of it would ensue – and from that, the intended modification of either the subtler or the coarser matter, depending on the end the person has set for himself. Thus, for example, shapes to be painted or characters to be written down are first formed in the eye, as an active organ, and projected upon the surface, before they are actually affixed to the surface by the hand, which is slower than the eye and operates under its guidance and command. – In this case, the body serves as an instrument.

If the intended movement of the lower organ does not ensue (the movement of the higher organ always ensues, as long as the human being is alive), then the lower organ is restricted, it [72] feels resistance, and the body then serves as sense, but as lower sense.

If a rational being exercises an influence upon another as upon mere matter, then the latter being's lower sense is certainly – indeed, necessarily – affected as well. And, as is always the case with this sense, it is affected quite independently of the fact that the latter being is free. One should not assume, however, that this affection was intended by the rational being that caused it. This rational being wanted only to bring about his own end in the affected matter, to express his concept in it. In the concept of his end, he took no account of whether or not such matter would actually feel his influence upon it. Thus, the reciprocal interaction of free beings *as such* always occurs by means of the higher sense; for only this sense is such that it is impossible to have an effect upon it without presupposing that it is the higher sense; and thus the aforementioned criterion for the reciprocal interaction among rational beings remains correct: in this kind of interaction, one must presuppose that the object being affected possesses sense.

(V) As a condition of self-consciousness, it has been posited that there must be an external influence upon the person; and in conse-

<sup>4</sup> In a letter to Smidt (see previous note) Fichte advocates replacing 'organ' with 'sense' in this sentence.

quence of this, that the person's body must have a certain composition; and in consequence of this, that the sensible world must be constituted in a certain way. Hence, first of all: if consciousness is to be possible, then the sensible world must be constituted in *this way* and must stand in *this* relation to our body; and furthermore, there is, of course, nothing in the sensible world except what stands in relation to our body; nothing exists for us except as a result of this relation. – One should not forget that these inferences are to be understood transcendently. To say that something *is* a certain way means that we must posit it as such: and because we must posit it in that way, it is so. The presence of a body was inferred from the concepts of independence and freedom. But freedom exists only insofar as it is posited: and therefore, since what is grounded cannot extend beyond its ground, the body can exist only for one who posits it.

The further determination of the body and, through it, of the sensible world, is inferred from the necessary community of free beings, which in turn is the condition of the possibility of self-consciousness, and thus depends on our [73] first point. Since free beings, as such, are to exist in community in the world, the world must be constituted in *just this way*. But now a community of free beings exists only insofar as it is posited by such beings; therefore, the world also exists in a certain way, only insofar as they posit it as such. – This they do, not *freely*, but with absolute necessity; and what is posited in this way has reality for us.

(VI) I ascribe to myself a lower and a higher organ, which relate to each other in the manner described; in consequence of this, I assume that there exists in the sensible world external to me a coarser and a subtler matter that relate to my organs in the manner described. Such positing is a necessary condition of self-consciousness and belongs therefore to the very concept of the person. Thus, if I posit a being outside me as a person, I must necessarily assume that he also posits other persons outside himself, or – what amounts to the same thing – I must ascribe to him the real possession and use of two organs that are distinguished in the same manner; I must assume the real existence *for him* of a sensible world that is determined in the manner described.

This transference of my necessary mode of thinking to a person outside me also belongs to the concept of the person. Thus I must suppose that the person outside me – in the event that he posits me as a person – assumes the very same things about me that I assume about



myself and about him; and I must suppose that he simultaneously assumes that I am also assuming the very same things about him. The concepts of the determinate articulation of rational beings, and of a sensible world outside such beings, necessarily go together; they are concepts about which rational beings necessarily and without any prior arrangement agree, because *the same way of intuiting* is found in every rational being, in *each one's own personality*, and all rational beings must be thought of in this way. Each rational being, just as surely as he is one, can justifiably presuppose of others – can expect of them and can appeal to this fact – that they have the same concepts of these objects.

(VII) A new objection arises here, and only after it is answered will the body of a rational [74] being be fully determined. The objection is this: it has been claimed that I would not become self-conscious at all, and could not, unless a rational being outside me exercised some influence upon me. Now if it is entirely up to me whether or not I want to give myself over to this influence – and, further, if it is up to me whether and *how* I want to exercise an influence in return – then the possibility of such an expression of my freedom still depends on the other rational being's influence on me.

I become a rational being – *actually*, not merely *potentially* – only by being *made* into one; if the other rational being's action did not occur, I would never have become rational. Thus my rationality depends on the free choice, on the good will, of another; it depends on chance, as does all rationality.

But the situation cannot be thus; for if it were, I as a person would not be independent first and foremost; rather, I would only be the accidental result of another person, who in turn would be the accidental result of a third person, and so on *ad infinitum*.

This contradiction can be resolved only by presupposing that the other was *compelled* already, in his original influence upon me, compelled as a rational being (i.e. *bound* by consistency) to treat me as a rational being; and indeed, that he was compelled to do so by *me*; therefore, that – already in his first, original influence upon me, in which I depend on him – he at the same time depends on me; and accordingly, that that *original* relation is already a reciprocal interaction. But prior to his influence upon me, *I am not an I at all*; I have not posited myself, for the positing of myself is, after all, conditioned by his influence and is possible only through it. But I am supposed to exercise my efficacy.

Thus I am supposed to exercise my efficacy without exercising it; I am supposed to exercise my efficacy without activity. We will see how this can be thought.

( $\alpha$ ) *To exercise efficacy without exercising it* can only signify a mere capacity. This mere capacity is supposed to exercise efficacy. But a capacity is nothing but an ideal concept, and it would be an empty thought to ascribe to such a capacity the exclusive predicate of reality – efficacy – without assuming that the capacity [75] was realized. – Now the entire capacity of the person in the sensible world is realized in the concept of his body, which exists as surely as the person exists and endures as surely as the person endures. This body is a completed totality of material parts and therefore has a determinate, original shape (as discussed above). My body therefore would have to exercise some efficacy, be active, without *me* exercising my efficacy through it.

( $\beta$ ) But my body is *my* body only insofar as it is put into motion by my will; otherwise, it is only a mass of matter. It is active as my body only insofar as *I* am active through it. Now in the present case I am said not yet to be an *I* at all and thus also not active; my body is therefore also not active. Thus my body would have to exercise an efficacy by virtue of its shape and its mere existence in space; and indeed, it would have to exercise an efficacy such that every rational being would be obliged to recognize me as a being capable of reason and to treat me in accordance with that presupposition.

( $\gamma$ ) First of all, the most difficult point: how can something exercise any efficacy by means of its mere existence in space, without any motion?

The influence is supposed to be exercised upon a rational being *as rational*; thus it must not be exercised through immediate contact with, or restriction of, the rational being's lower organ; rather, it must be exercised upon its higher organ, and thus via the *subtler matter*. Now it was assumed above that this matter is a medium for the reciprocal influence of rational beings upon one another, since such matter could be modified by the movement of the higher organ itself. But that is not supposed to be the case here. Here, the human body is supposed to exercise an influence in a state of rest, without any activity: thus in this case, the subtler matter must be posited as capable of being modified by a *mere shape at rest*, and – in consequence of this modification – of modifying the higher sense of another possible rational being. – Thus

far the human body has been regarded merely as a spatial shape, and thus what has been proved concerning it must be valid – and must be posited as valid – for all shapes.

[76] (It has not been proved that the subtle matter just discussed – i.e. the subtle matter through which a mere spatial shape is said to exercise its efficacy – is specifically distinct from the subtle matter derived above; rather, it has only been proved that the subtle matter must have both of these properties. The first claim would be proved if it could be shown that the matter that can be modified by a mere shape cannot be directly moved by the movement of the organ, but rather is imperturbable and immovable with respect to it. A proof of this is not really relevant to our present argument, but I want to provide it here, so that the various issues do not get scattered too far apart.[]) – The shape of the person outside me must continue to be the same shape for him, if he is to appear to himself as the same person; and his shape must continue to be the same for me if he is to appear to me as the same person. Now suppose that we stand in reciprocal interaction with one another via the moveable subtle matter (e.g. we speak with one another). Then this matter, A, would continually change, and if it were the matter in which our shapes were imprinted, they would also continually change for us both; but this contradicts our presupposition, namely, that – in conformity with both of our representations – the same persons must stand in reciprocal interaction with each other. Therefore, the matter in which our shapes are imprinted must be immovable and imperturbable amidst the constant motion of matter A; thus the matter in which our shapes are imprinted must be incapable of being modified for our organ; it must therefore be a matter, B, distinct from A: *air* or *light*. (Appearances in light can be modified by us only mediately, i.e. only to the extent that the shape itself can be modified.)

(δ) My body must be visible to the person outside me; it must appear to him through the medium of light, and it must have appeared to him, *as surely as he exercises an efficacy on me*. With this, the first and smallest part of our question has been answered. Now according to our necessary presupposition, this appearance of my body must be such that it cannot be understood or comprehended at all except under the presupposition that I am a rational being; i.e. its appearance must be such that I could say to the other: just as you behold this shape, so must you [77] necessarily take it to be the representation of a rational being in the

sensible world, if you yourself are a rational being. – How is this possible?

*First of all* – what does it mean to *understand*, or *comprehend*? It means to *posit as fixed*, to *determine*, to *delimit*. I have comprehended an appearance if, through it, I have attained a complete cognitive whole that, with respect to all of its parts, is grounded in itself; i.e. if each part is grounded or explained through all the others, and *vice versa*. Only in this way is it completed or delimited. – I have not comprehended something if I am still in the midst of explaining it, if my interpretation of it is still in a *state of oscillation* and therefore not yet fixed; i.e. if I am still being led from one part of my cognition to the others. (I have not yet comprehended some contingent A, if I have not thought of a cause for A, and this means – since a particular kind of contingency must belong to A – if I have not thought of a particular cause for it.) Hence, to say that I cannot understand an appearance except in a certain way, means this: I am always driven from the individual parts of the appearance to a certain point; and only when I have arrived at this point can I order the parts that I have gathered together and comprehend them all together in a cognitive whole. Hence, to say that I cannot understand the appearance of a human body except by assuming it to be the body of a rational being, means this: in gathering together the parts of the appearance of the human body, I cannot stop until I have arrived at the point where I must think of it as the body of a rational being. I shall carry out this genetic proof in strict terms, i.e. I will present its main moments. The proof cannot be presented in complete detail here. On its own, this proof constitutes a separate science, anthropology.

(ε) First of all, it would have to be necessary to think of the human body as a *whole* and impossible to separate its parts conceptually, as can be done in the case of objects that are merely raw matter, e.g. rubble, piles of sand, and so forth. But anything constituted such that it must necessarily [78] be thought as a whole, is called an *organized product of nature*. First of all, the human body must be an organized product of nature. What an organized product of nature is, and why and to what extent it is to be thought only as a whole, can best be understood by comparing it with a *product of artifice*; the latter is similar to the product of nature insofar as it, too, can be thought only as a whole. In both kinds of product, each part exists for the sake of the others, and thus for the

sake of the whole; and therefore, in observing either kind of product, the faculty of judgment is driven from the positing of one part to all the others, until it has completed its comprehension. But in the product of nature, the whole also exists for the sake of the parts; it has no purpose other than to produce these parts in a specific way. In a product of artifice, by contrast, the whole does not point back to the parts, but rather to an end outside itself; it is an instrument for something else. Furthermore, in the product of nature each individual part produces itself by its own inner force, and so all the individual parts produce the whole; but with the product of artifice, this inner formative drive had to be killed off before it could even become a product of artifice; the product of artifice does not depend on this inner formative drive, but rather on being composed in accordance with mechanical laws. For this reason, the product of artifice points to a creator outside itself, while the product of nature, by contrast, continually produces itself, and maintains itself precisely insofar as it produces itself.

(§) An appearance is fully understood through the assumption that it is a product of nature, if everything found in it refers back to its organization, and can be fully explained by reference to the purpose of its determinate organization. For example, the highest and final – the most developed – stage of the organizational force in the individual plant is the seed. Now the seed can be fully explained by reference to the plant's being organized as purpose: by means of the seed, the species is reproduced; by means of it, the plant's organization returns back into itself, and recommences its course from the beginning. The act of organization is not ended, but rather drives itself onward in an eternal cycle. [79] Thus to say that an appearance is not fully comprehended through the assumption that it is a product of nature, means this: the final and highest product of the formative drive cannot be referred back to this drive as its means, but rather points to another purpose. In such a case, explanation may well proceed for some time in conformity with the laws of organization (and so it is not as if these laws cannot be applied at all, as is the case with the product of artifice); but one reaches a point at which one can no longer explain things in terms of these laws; i.e. the final product of the formative drive cannot be referred back to them. In such a case, the circuit is not closed and the concept is not completed, i.e. nothing is *comprehended*: the appearance is not understood. (Of course, by reproducing the species, the human being also

completes the circuit of organization. The human being is a consummate plant; but he is also more.)

Now such a being would be an instance of *articulation*, which must necessarily be visible and which is a product of the process of organization. But articulation does not in turn produce organization, but points instead to another purpose, i.e. articulation is fully comprehended and reduced to a unity only through another concept. This could be the concept of determinate *free movement*, and then the human being would be an *animal*.

(η) But the human body cannot be understood even through this assumption. Thus the articulation of the human body would have to be such that it could not be comprehended through any *determinate* concept at all. Its articulation would have to point not to some *determinate sphere* of arbitrary movement, as in the case of animals, but rather to all conceivable movements *ad infinitum*. The articulation would not have any determinacy but only an infinite determinability; it would not be formed in any particular way but would be only formable. – In short, all animals are complete and finished; the human being is only intimated and projected. The rational observer is completely unable to unite the parts of the human body except in the concept of *his equal*, in the concept of freedom given to him by his own self-consciousness. In order to be able to think something here, the rational observer must supply the concept of himself, [80] because none is given to him; but with that concept he can now explain everything. Every animal *is* what it is: only the human being is originally nothing at all. He must become what he is to be: and, since he is to be a being for himself, he must become this through himself.<sup>5</sup> Nature completed all of her works; only from the human being did she withdraw her hand, and precisely by doing so, she gave him over to himself. Formability, as such, is the character of humanity. Because it is impossible to superimpose upon a human shape any concept other than that of oneself, every human being is inwardly compelled to regard every other human being as his equal.

<sup>5</sup> This passage is a striking illustration of the extent to which Fichte's conception of subjectivity anticipates some of the foundational principles of existentialism. It is worthy of note that, contrary to most existentialists, Fichte takes the lack of a given human nature to imply a certain political ideal, namely, universal equality of rights.

*Corollaries*

(1) A vexing question for philosophy, which, as far as I know, it has not yet anywhere resolved, is this: how do we come to transfer the concept of rationality on to some objects in the sensible world but not on to others; what is the characteristic difference between these two classes of objects?

Kant says: act so that the maxim of your will can be the principle of a universal legislation.<sup>6</sup> But then who is to be included in the kingdom governed by such legislation and thus share in the protection it affords? I am supposed to treat certain beings such that I can will that they, in turn, treat me in accordance with the same maxim. Yet every day I act upon animals and inanimate objects without ever seriously posing the question raised above. Now someone will say to me: it is obvious that we are speaking only of beings that are capable of representing laws, and therefore only of rational beings. With this, I admit, I have replaced the first indeterminate concept with another, but I certainly do not have an answer to my question. For then how do I know which particular object is a rational being? How do I know whether the protection afforded by that universal legislation befits only the white European, or perhaps also the black Negro; only the adult human being, or perhaps also the child? And how do I know whether it might not [81] even befit the loyal house-pet? As long as this question is not answered, that principle – in spite of all its splendor – has no applicability or reality.

Nature decided this question long ago. Surely there is no human being who, upon first seeing another human being, would immediately take flight (as one would in the presence of a rapacious animal) or prepare to kill and eat him (as one might do to a beast), rather than immediately expecting reciprocal communication. This is the case, not through habituation and learning, but through nature and reason, and we have just derived the law that makes it the case.

However, one should not think – and only a few need to be reminded of this – that the human being must first go through the long and difficult reasoning process we have just carried out, in order to understand that a certain body outside him belongs to a being that is his

<sup>6</sup> This is Fichte's paraphrase of Kant's categorical imperative, the supreme principle of the latter's moral theory. Kant gives several formulations of the categorical imperative, but the one closest to Fichte's statement of it here is: "So act that the maxim of your will could always hold at the same time as a principle in a giving of universal law." See Kant's *Critique of Practical Reason* (1788), trans. Mary Gregor (Cambridge, UK: Cambridge University Press, 1997), §7.

equal. Such recognition either does not occur at all, or it is achieved instantaneously, without one being aware of the reasons for it. Only the philosopher is required to give an account of such reasons.

(2) We shall dwell a few more moments on the outlook that has been opened to us.

(a) Every animal, a few hours after its birth, moves and seeks nourishment at the breast of its mother. It is guided by *animal instinct*, the law of certain free movements, a law that also grounds what has been called the animal's *mechanical drive*. To be sure, the human being has a plant-like instinct, but he has no animal instinct at all in the meaning given here. He needs the freely given assistance of other human beings, and without it would die shortly after birth. When the human offspring has left its mother's body, nature withdraws her hand from it and cuts it loose, so to speak. Because of this, *Pliny*<sup>7</sup> and others have inveighed forcefully against nature and her creator. This may have its rhetorical point, but it is not philosophical. For it is precisely nature's abandonment of him that proves that the human being, as such, neither is nor should be nature's pupil. [82] If the human being is an animal, then he is an utterly incomplete animal, and for that very reason he is not an animal. It has often been thought that the free spirit existed for the sake of caring for animal nature. Such is not the case. Animal nature exists for the sake of bearing the free spirit in the sensible world and of binding it with the sensible world.

Because of this utter helplessness, humanity is made to depend on itself. This means first and foremost that the species is made to depend on the species. Just as the tree maintains its species by shedding its fruit, so too does the human being maintain itself, as a species, by caring for and raising its helpless offspring. In this way, reason produces itself, and only in this way is reason's progress towards perfection possible. In this way, the generations are linked to one another, and every future generation preserves the spiritual achievements of all preceding ones.

(b) The human being is born naked, the animal clothed. In her creation of animals, nature has completed her work and has imprinted the seal of that completion upon it; by means of a rougher cover, nature has protected the finer organization of the animal against the influence of the coarser matter. In human beings the first and most important

<sup>7</sup> Pliny the Elder (23–79) was a Roman official and the author of a 37-volume work, *Natural History*. The view alluded to here is found in Book VII.



organ, that of touch, is spread throughout the entire skin and exposed directly to the influence of the coarser matter: not because of nature's neglect, but because of her respect for us. That organ was designed to touch matter immediately, so that matter could be made to conform to our ends in the most precise of ways. But nature left us free to determine in which part of our body we want to locate our capacity to shape matter, and which parts we want to regard as mere mass. We have located this capacity in our finger tips, for a reason that will soon become apparent. It is located there, because we have so willed it. We could have given the same refined feeling to every part of our body, if we had so willed it; this is demonstrated by people who sew and write with their toes, who talk without moving their lips, and so forth.

(c) As we already noted above, every animal has innate skills pertaining to bodily movement. Consider, for example, the beaver, the bee, and so forth. The human being has nothing of this kind, and even [83] the newborn's position in lying on its back is [not innate but] given to it, in order to prepare it to walk upright in the future. – It has been asked whether the human being was designed to walk upright or on four feet. I believe he is designed to do neither; it has been left up to him, as a species, to choose his manner of motion for himself. A human body can run on four feet, and humans who were raised among animals have been discovered who could do this with incredible swiftness. In my view, the human species has freely lifted itself up from the earth and has thereby earned for itself the capacity to cast its gaze in every direction, in order to survey half of the universe in the skies. By contrast, the eyes of the animal, because of their position, are riveted to the earth, which brings forth its nourishment. By lifting himself up from the earth, the human being has wrested from nature two instruments of freedom: two arms that, relieved of all animal functions, hang from the body only to await the will's command and be made suitable for its ends. Through its daring, upright gait – an everlasting expression of its audacity and skill – the species, in maintaining its balance, also maintains its freedom and reason in constant practice; it remains perpetually in a state of becoming, and gives expression to this. By its upright position, the species transports its life into the kingdom of light, and constantly flees from the earth, which it touches with the smallest possible part of itself. For the animal, the earth serves as both bed and table; the human being raises his bed and table above the earth.

(d) The cultivated human being is characterized most distinctly by a spiritual eye and a mouth that reflects the heart's innermost stirrings. I am not talking about the fact that the eye can move around freely by the muscles that secure it and that its gaze can be cast in this or that direction; this mobility is also increased by the human's upright position, but it is still mechanical in itself. Rather, I am calling attention to the fact that for the human, the eye, in and of itself, is not simply a dead, passive mirror, like the surface of still water, [84] or an artificially produced mirror, or the eye of an animal. It is a powerful organ that self-actively circumscribes, outlines, and reproduces spatial shapes. It self-actively sketches out the figure that is to emerge from raw marble or that is to be projected upon a canvas before the chisel or paint brush is set in motion; it self-actively creates an image for a freely constructed mental concept. Through this live, continual weaving together of parts, the eye, so to speak, tears off and throws away the earthly matter of those parts; the eye is transfigured into light and becomes a visible soul. – This is why the more spiritual a person's self-activity is, the more spiritual is his eye; the less spiritual his self-activity, the more his eye remains a dull, fog-covered mirror.

The mouth, which nature designed for the lowest and most selfish of functions – that of nourishment – becomes, through the human's self-cultivation, the expression of all social sentiments, just as it is the organ of communication. As the individual, or – since we are talking here about fixed parts of the species – as the race becomes more animal-like and more self-seeking, the mouth protrudes more; as the race becomes more noble, the mouth recedes beneath the arch of the thinking forehead.

All of this, the whole expressive face, is nothing as we emerge from the hands of nature; it is a soft mass of confluent tissues within which one can detect, at most, only what is yet to become of it once one imposes on it an idea of one's own development; – and it is precisely because of this incompleteness that the human being is capable of such formability.

All of these things – not considered in isolation, the way philosophers split them up, but rather in their amazing, instantaneously grasped connection, as given to the senses – these are what compels everyone with a human countenance to recognize and respect the human shape everywhere – regardless of whether that shape is merely intimated and

must still be transferred (albeit with necessity) to the body that intimates it, or whether that shape already exists at a certain level of completion.  
[85] The human shape is necessarily sacred to the human being.

§7

*Proof that the concept of right can be applied through the  
propositions established*

(I) Persons as such are to be absolutely free and dependent solely on their will. Persons, as surely as they are persons, are to stand with one another in a state of mutual influence, and thus not be dependent solely on themselves. The task of the science of right is to discover how both of these statements can exist together: the question that lies at the basis of this science is: *how is a community of free beings, qua free beings, possible?*

Until now we have demonstrated the *external* conditions of this possibility. We have explained (under the presupposition of these external conditions) how persons standing in a state of mutual influence, and how the sphere of their mutual influence (i.e. the sensible world), must be constituted. The proof of our propositions is based solely on the presupposition of such a community, which is itself grounded on the possibility of self-consciousness. Thus all the conclusions up to this point have been derived, by way of mediate inferences, from the postulate I am I; thus they are just as certain as this postulate. Our systematic path now leads us to a discussion of the *inner* conditions of such reciprocal interaction.

The point at which we left off is the point from which we shall now progress further: at the basis of all voluntarily chosen reciprocal interaction among free beings there lies an original and necessary reciprocal interaction among them, which is this: the free being, by his mere presence in the sensible world, compels every other free being, without qualification, to recognize him as a person. The one free being provides the particular appearance, the other the particular concept. Both are necessarily united, and freedom does not have the least amount of leeway here. — In this way, a common cognition emerges, and nothing more. Both [86] recognize each other in their inner being, but they are isolated, as before.

Present in each of the two beings is the concept that the other is a free

being and not to be treated as a mere thing. Now if all their other concepts were determined by this concept, and if (since their willing is also part of their concepts) their actions were determined by this willing, then (if all their willing and acting were conditioned by the law of contradiction, i.e. if there were rational necessity here), they *would not be able to will* to affect one another arbitrarily, i.e. they could not do so at all; they could not *ascribe* to themselves the physical power to do so, and thus they would not *have* such a power.

Now obviously this is not the way things are. Each has also posited the body of the other as matter, as formable matter, in accordance with the following concept: each has ascribed to himself in general the capacity to modify matter. That is why each can obviously subsume the body of the other, insofar as it is matter, under that concept: each can think of himself as modifying the body of the other through his own physical power; and he can also *will* this, since his will is limited by nothing but his capacity to think.

But precisely because each is free (i.e. because each can make choices within the entire sphere of his efficacy), each can limit the exercise of his power, each can prescribe laws (and in particular the law that has just been indicated) for such exercise. Thus, the validity of the law depends solely on whether someone is consistent or not. But consistency here depends on the freedom of the will, and it is not clear why someone should be consistent, when he *need* not be; it is just as unclear why he should *not* be consistent. The law would have to be directed towards freedom. – Here, therefore, is the dividing line between necessity and freedom within our science.

(II) It is not possible to provide an absolute reason why the rational being should be consistent and why it, in consequence of this, should adopt the law that has been established. But perhaps it is possible to offer a hypothetical reason. Now it can be demonstrated immediately that, if an absolute community [87] among persons, as persons, is to exist, then every member of such a community would have to adopt the above law. Persons reciprocally treat one another as persons only insofar as each exercises an influence on the other's higher sense, and therefore only insofar as each leaves it up to the freedom of the other to accept such an influence, but leaves the lower organ completely unaffected and unconstrained. Any other kind of influence cancels the freedom of the one who is influenced, and therefore cancels the community of persons

as persons, as free beings. But now, as we have just seen, it is physically quite possible for each person to exercise an immediate influence on the material body of the other person. If a person in an enduring community *never* wills to exercise such an influence, then this is thinkable only if one assumes that he has accepted that law and thereby prescribed limits to the freedom of his will; and – since it is not possible to find a reason for limiting one's will in this way, other than that there should be a community among free beings as such – this is thinkable only if one assumes that the person has accepted this law for *this* reason and with this presupposition.

If it could now be shown that every rational being must necessarily will such a community, then the necessity of the postulated consistency could also be demonstrated. But that cannot be demonstrated on the basis of the premises established thus far. It has indeed been shown that, if a rational being is to come to self-consciousness – and hence if it is to become a rational being – then another rational being must necessarily exercise an influence upon it as upon a being capable of reason. These are reciprocal propositions: no influence as upon a rational being, no rational being. But that, even after self-consciousness has been posited, rational beings must continue to influence the subject of self-consciousness in a rational manner, is not thereby posited, and cannot be derived without using the very consistency that is to be proven as the ground of the proof.

Thus the postulate that a community among free beings as such ought to have an enduring existence appears [88] here as arbitrary, as a postulate that each could adopt simply by his own free choice; but if one adopts this postulate, one thereby necessarily makes oneself subject to the above law. (The rational being is not absolutely bound by the character of rationality to will the freedom of all rational beings outside him. This proposition is the dividing line between a science of natural right and morality, and it is the distinguishing characteristic of a pure treatment of natural right. Within the sphere of morality, there is an obligation to will this. In a theory of natural right, one can only say to each person that such and such will follow from his action. Now if the person accepts this or hopes to escape it, no further argument can be brought against him.)

(III) Let us assume that I have resolved with complete freedom, as this has been understood above, to exist in community with free beings,

and – to make our argument clearer – to exist in community with a particular free being, C, as one free being with another. What have I posited thereby, and what have I not posited? We shall *analyze* this proposition.

I want to stand with C in a *community* of rational, mutual treatment. But a community is nothing without *several* beings. That is why I necessarily also think of the person C here, and in my concept of him I ascribe to him the same intention I have. – I myself have freely adopted this intention; in accordance with it, I think of C as free; I must also think of him as free in his adoption of the intention that I ascribe to him in my concept of him. Therefore, I necessarily posit our community as dependent also on the free decision of the other and therefore as contingent, as the result of a *reciprocal willing*.

I want nothing more than to stand with him in a *community* of rational treatment; this way of proceeding is to be mutual. We *both* want to treat each other in this way. He me, I him; I him, he me. Therefore, if *he* does not treat me in this way, then I have posited *nothing* in my intention; and if there exists nothing beyond [89] this intention, then I have posited nothing at all. I have not posited that I want to treat him as a free being even if he does not treat me as one; just as little have I posited that in that case I want to treat him as an unfree being and thus treat him as he treats me. With respect to these matters, I have posited neither the one nor the other; I have posited nothing at all. Just as *his* treatment of me does not fit under my concept, so too my concept, as it has been established, ceases to apply, and the law that I prescribed to myself through that concept, as well as the obligation I imposed upon myself, also cease to apply. I am no longer bound by them, and once again I am dependent solely on my free decision.

(IV) These are the results of what has been said so far: It is not possible to point to an absolute reason why someone should make the formula of right – limit your freedom so that the other alongside you can also be free – into a law of his own will and actions. This much is clear: a community of free beings as such cannot exist if each is not subject to this law; and therefore, whoever wills such a community must also necessarily will the law; and thus the law has hypothetical validity. *If* a community of free beings as such is to be possible, then the law of right must hold.

But even that condition, the community of free beings, is conditioned

in turn by a common willing. No one can realize such a community with another by his own will alone, if the other does not have the same will and if he does not subject himself, in consequence of that will, to the law of right that is conditioned by it. If the other does not have this will (and the sure proof of this is that he treats the first person in a manner contrary to the law of right), then the first one is, by virtue of the law itself, absolved from adhering to that law. The law held only under the condition that the other behaved in accordance with the principle of right; this condition does not obtain: therefore the law, according to its own expression, is not applicable to this case, and if there [90] is no further law, as is presupposed here, then the first person is left simply and solely to his own arbitrary will: he has a right against the other.

The difficulty which, for the most part, has been left unresolved by previous treatments of the theory of right is this: how is it possible for a law to command by not commanding? how can a law have force by not being in force? how can a law encompass a sphere by not encompassing it? The answer is: all this necessarily follows if the law prescribes a determinate sphere for itself, if it directly carries within itself the quantity of its own validity. As soon as the law indicates the sphere to which it applies, it thereby simultaneously determines the sphere to which it does not apply; it explicitly holds itself back from saying anything about this sphere and making prescriptions with respect to it. – In relation to a particular person, I am absolved from adhering to the law requiring me to treat him as a free being, and the question of how I will treat him depends solely upon my free choice, or I have a right of coercion against him. These claims mean, and can mean, nothing other than: this person cannot, *through the law of right alone*, prevent my coercion of him (although he may well do so through other laws, by physical strength, or by appealing to the moral law). My coercion is not contrary to *this* law, and if the other person has nothing to appeal to but it, he must endure my coercion of him.<sup>a</sup>

(V) The applicability of the concept of right is now completely secured, and its limits have been precisely determined.

<sup>a</sup> In his essay *On Perpetual Peace*, Kant brings the concept of a *lex permissiva*<sup>8</sup> to the attention of theorists of natural right. Such a law is one that carries within itself the quantity of its own validity. Insofar as such a law encompasses a particular sphere, it leaves free everything that lies outside it. The moral law is not of this kind. It does not posit a particular sphere for itself, but governs all acts of rational spirits; thus, the concept of right is not to be derived from it.

<sup>8</sup> Permissive law. See n. 15, p. 13.

A sure criterion has been established for determining which sensuous beings are to have rights ascribed to them, and which are not. Everyone [91] who has a human shape is internally compelled to recognize every other being with the same shape as a rational being, and therefore as a possible subject of right. But everything that does not have this shape is to be excluded from the sphere of this concept, and there can be no talk of the rights of such beings.

The possibility of what is to be determined by the concept of right and what is to be judged in accordance with it has been demonstrated: the mutual influence of free and rational beings upon one another. It has been shown that such beings *can* have an influence upon one another without harming their character of being free.

The law of right, as a law in general, has been determined. It has been demonstrated that it is in no way a mechanical law of nature, but rather a law for freedom: for, physically speaking, it is just as possible for rational beings to treat each other without mutual respect for each other's freedom and by means of natural force alone, as it is for each to limit his power through the law of right. It has been demonstrated that, if this law is to hold in actuality, if it is to be carried out in practice, then everyone must continually and freely make it a law for himself.

The quantity of the applicability of this law has been determinately stated. It holds in general only under the condition and in the event that a community, a reciprocal influence among free beings as such, is to exist without harm to their freedom. But since the end of this community itself is in turn conditioned by the behavior of the person with whom one wants to enter into community, the law's validity for the individual person is in turn conditioned by whether or not the other person subjects himself to the law. But if the other does not subject himself to the law, then the law holds precisely by not holding, and it entitles the one who has been treated contrary to right to treat the offender as he wills.