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GENEALOGY AND JURISPRUDENCE IN FICHTE'S GENETIC DEDUCTION OF THE CATEGORIES

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Registering a tension between reason's theoretical interest in how the world is and its practical interest in how the world ought to be, Kant says in the *Critique of Practical Reason* that only a "necessary" union of these interests can prevent "a conflict of reason with itself," from which he infers that "all interest is ultimately practical and even that of speculative reason is only conditional and is complete in practical use alone" (AA 5, 121).¹ In the lecture transcripts comprising the *Wissenschaftslehre Nova Methodo*, Fichte observes that Kant rightly "insists upon the primacy of practical reason" but claims that he "has failed to show decisively that the practical is the source of the theoretical" (GA IV/2, 61). These lectures, Fichte says, "present philosophy *as a whole*, in the exposition of which theoretical and practical philosophy are united. This presentation follows a much more natural path, beginning with the practical sphere . . . in order to explain the [theoretical sphere] in terms of the former" (GA IV/2, 10). Fichte agrees with Kant that practical reason has priority over theoretical reason. But he demands that the latter originate in or derive from the former, lest their division threaten the unity of reason. Throughout his Jena period, Fichte articulates the primacy of practical reason in terms of the freedom of the I, from which he derives the categories of the understanding.²

Fichte takes his derivational construal of the primacy of practical reason to capture the spirit, if not the letter, of Kant's philosophy. In *Attempt at a New Presentation of the Wissenschaftslehre* (1994), he says that his system is "nothing other than the *Kantian* [system]; this means that it contains the same view of things, but is in method quite independent of the *Kantian* presentation" (SW I, 420). Fichte and Kant share an "idealistic" spirit that locates the "explanatory ground of experience" in the first-person standpoint (SW I, 428, 429n). Fichte contrasts this

spirit with that of “the modern philosophers,” whom he calls “*dogmatists*” because they assign the explanatory ground of experience to the third-person standpoint of things in themselves (SW I, 429n). This, he says, “leaves an enormous gap between things and representations” made from the first-person standpoint (SW I, 438). Although Kant avoids this explanatory gap, his presentation of transcendental idealism lacks a derivation of theoretical reason from practical reason, which calls for a new way of expressing “the same view.” Fichte’s *Wissenschaftslehre* is designed to supplement transcendental idealism by providing this derivation and, hence, by demonstrating the unity of reason.

How are we to understand Fichte’s claim to articulate the same philosophical content as Kant in a different form? How can Fichte present Kant’s system yet maintain methodological independence? Indeed, what is the nature of the method by which the *Wissenschaftslehre* expresses the spirit of transcendental idealism?

Although Fichte continually alters his presentation of the *Wissenschaftslehre*, he remains committed to a methodological division of labor between positing a first principle and deriving the conditions of experience from that principle. In the *Nova Methodo*, he says that the *Wissenschaftslehre* consists of “precisely two parts”: positing the I as “the true object of consciousness” and “the foundation of everything else”; and deriving “the conditions from which consciousness” is “to be constructed” (GA IV/2, 179).³ Earlier, Fichte describes the latter task as “exhibit[ing] the conditions that make it possible for the I to posit itself and to oppose a Not-I to itself . . . demonstrate[ing] these conditions by means of a deduction” (GA IV/2, 8). Positing the I is an act of affirming one’s freedom. It is meant to refute competing first principles, particularly the dogmatist’s thing-in-itself as it is exemplified by Spinoza’s conception of substance, whose nihilistic consequence is the denial of human freedom and purposiveness.⁴ By contrast, a deduction identifies the conditions necessary for exercising or realizing the I’s freedom.⁵ Such conditions are “categories” in that they are “the ways in which the I goes beyond simply thinking of itself and thinks of something else” or “divides itself into a manifold—though in such a way that it nevertheless continues to remain a unity” (GA IV/2, 198).

The specific problem that Fichte’s deduction is meant to solve is the arbitrariness of Kant’s metaphysical deduction of the categories in the *Critique of Pure Reason*, which aims to derive the categories from the understanding by proving their complete coincidence with the logical forms of judgment. Kant claims that this proof avoids the “haphazard search for pure concepts” that he attributes to Aristotle (A81/B106–7)—a charge that Fichte returns to Kant. Implicitly addressing Kant in the

New Presentation, Fichte says: “To a Critical idealist . . . who does not derive the presumed laws of the intellect from the very nature of the intellect, one may address the following question: How did you obtain any material acquaintance with these laws? I.e., how did you become aware that the laws of the intellect are precisely these laws of substantiality and causality?” (SW I, 442). According to Fichte, if we derive categories like substantiality and causality from presupposed logical forms of judgment—from what he calls “a detour through logic”—then we cannot prove that these and only these categories are “immanent laws of the intellect,” as opposed to properties of things in themselves (SW I, 442–43). Deducing the categories from the activity of the I avoids this problem and thereby demonstrates the unity of reason.

Inquiring into the nature of the *Wissenschaftslehre*’s methodological innovation accordingly draws our attention to Fichte’s idea of *genetic deduction*. In the *New Presentation*, he says that a genetic deduction “shows that what is first set up as a fundamental principle, and directly demonstrated in consciousness, is impossible unless something else occurs along with it, and that this something else is impossible unless a third thing takes place, and so on until the conditions of what was first exhibited are completely exhausted, and this latter is, with respect to its possibility, fully intelligible” (SW I, 446; italics in original). For Fichte, the immediate awareness or “intellectual intuition” of freedom is the only proper starting point for philosophy. However, it incurs the further task of articulating the conditions under which freedom can be realized, which task is served by a genetic deduction.

To comprehend Fichte’s claim to articulate the same view as Kant in a different form and thus to comprehend the *Wissenschaftslehre*’s methodological independence from transcendental idealism, it is crucial to distinguish genetic deduction from the sorts of deduction that Kant offers. I propose to interpret genetic deduction as the simultaneous fulfillment of two tasks: the *genealogical* task of deriving the categories from a first principle and the *jurisprudential* task of establishing our entitlement to them as necessary conditions of experience. While the second task represents Fichte’s agreement with Kant’s transcendental deduction, the first reflects his dissatisfaction with Kant’s metaphysical deduction of the categories from a contingent origin. For Fichte, we derive the categories from the I just if we establish our right to them.

My reading draws on a Kantian distinction on which the secondary literature on Fichte is almost completely silent. In the first *Critique*, Kant distinguishes between the question *quid facti*, which concerns the origin of our possession of a concept, and the question *quid juris*, which concerns our right to a concept. Kant’s metaphysical and transcendental

deductions of the categories are his respective responses to these questions. It is, therefore, imperative to interpret Fichte's methodological innovation in light of the questions *quid facti* and *quid juris*, for, as I will argue, the genealogical and jurisprudential tasks that these questions raise jointly define the unified task that he assigns to a genetic deduction.⁶

In what follows, I will offer an analysis of Kant's two questions (section 1) and explain Fichte's critique of Kant's metaphysical response to the question *quid facti* (section 2). I will then examine Fichte's genetic response to this question (section 3), highlighting the genealogical character of his solution while keeping in view its jurisprudential character. I will conclude by observing how Fichte's deduction impacts a modal development in post-Kantian thought (section 4). Insofar as a genetic deduction eliminates arbitrariness from the categories' derivation, it initiates the pursuit of a presuppositionless logic as championed by Hegel.

1

Kant only briefly discusses the questions *quid juris* and *quid facti* in the first *Critique*. In §13 of the *Transcendental Analytic*, he says that the question *quid juris* concerns our lawful "claim" or "entitlement" to a concept, which a transcendental deduction is meant to prove. By contrast, an empirical deduction demonstrates, not the "lawfulness" with which we possess a concept but "the fact from which the possession has arisen." It is with such an origin of acquisition that the question *quid facti* is concerned (A84–85/B116–17). This brief definition of the question *quid facti* may give the impression that only an empirical deduction qualifies as an answer to it, which would imply that we only come to possess concepts empirically. If we broaden our interpretive frame, however, we see that the question *quid facti* admits of another sort of answer—what Kant calls a metaphysical deduction (B159)—according to which we acquire certain concepts through the understanding alone.

An early 1780s *Reflexion* repeats the distinction made in §13, assigning the question *quid facti* to the "way one has first come into the possession of a concept" and the question *quid juris* to the "right [by which] one possesses and uses it." Kant then adds that the "universality and necessity in the use of the pure concepts of the understanding betrays their origin," namely, that it "must not be empirical" (AA 18, 267). A transcendental deduction demonstrates that certain pure concepts or categories are universal and necessary features of experience, that is, conditions of its possibility. But then the origin of these categories cannot be empirical, since they make experience possible. This points

to a nonempirical origin and, thus, to a nonempirical response to the question *quid facti*. It points, in other words, to a metaphysical deduction of the categories.⁷

This raises the issue of how a metaphysical deduction and a transcendental deduction are related. How can such diverse tasks as tracing the origin of the categories and proving our right to the categories—tasks intended to answer such distinct questions as the questions *quid facti* and the question *quid juris*—both count as deductions?

Ian Proops clarifies this issue in light of Dieter Henrich's seminal work on the first *Critique*. Henrich (1989) has shown that the context for Kant's conception of a transcendental deduction is the eighteenth-century legal practice of justifying a claim to a contested possession. Proops observes that this narrowly jurisprudential sense of deduction is distinguishable from a broader sense that descends from the Latin *deducere*, which means "to draw out" or "to derive from a source." He argues that this broader, derivational sense of deduction captures Kant's idea of a metaphysical deduction (Proops 2003, 216). As Kant says in the first *Critique*, it is through a metaphysical deduction that the categories are meant to be "systematically generated from a common principle" (A80/B106). Moreover, in *Prolegomena to Any Future Metaphysics*, he describes the categories' generation equivalently as their "derivation or deduction" (AA 4, 324). The equivalence of these terms in this context distinguishes the metaphysical deduction's derivational function from the jurisprudential function of a transcendental deduction. Given these two senses of deduction, we can see how metaphysical and transcendental deductions track the problems voiced, respectively, by the questions *quid facti* and *quid juris*. A metaphysical deduction derives the fact of our possession of the categories from a nonempirical origin, while a transcendental deduction establishes the right by which one "possesses and uses" them.

Proops (2003) draws attention to the genealogical character of the derivation provided by a metaphysical deduction. In the Preface to the first *Critique*, Kant personifies metaphysics as the queen of sciences, to whom he says we attribute a false "genealogy" if we trace her birth to the "rabble of common experience" (Aix). Shortly after introducing the distinction between the questions *quid juris* and *quid facti*, he says that an "entirely different birth certificate than that of an ancestry from experiences must be produced" for the categories (A86/B119). These passages show that the question *quid facti* demands a nonempirical lineage for the categories. Moreover, in the *Prolegomena*, Kant credits Hume with recognizing that reason, if restricted to relations of ideas, only "pretends to have generated [the category of causality] in her womb"

and so falsely takes it “for her own child” (AA 4, 257). This passage indicates that the categories’ provenance cannot be ascertained through mere conceptual analysis—which Hume recognizes is powerless to rule out the contradiction of the concept of causality—but instead requires a more robust, metaphysical certification.

Turning to the metaphysical deduction itself—by which Kant refers to §§9–12 of the *Analytic*—we see that it proceeds in an explicitly genealogical manner, tracing the categories to their “birthplace” and “ancestral registry” in the understanding (A66/B90, A81/B107). Kant argues that the categories’ “*a priori* origin” is proven by their “complete coincidence” with the logical forms of judgment (B159). These forms are the ways in which the understanding combines concepts and propositions. For example, the categorical form of judgment is a way of combining subject-concepts and predicate-concepts; the hypothetical form of judgment is a way of combining assumed propositions and inferred propositions; and so on. Kant observes that the forms of judgment have two uses. On the one hand, they provide the unity of “different representations in a judgment,” whether these representations are concepts or propositions. They do so in abstraction from any sensory content, that is, without reference to any object of intuition. In another guise, however, they provide the unity of “different representations in an intuition,” namely, when sensible intuition is given to the understanding. Whereas the first use of the forms of judgment is merely logical in that it abstracts from all content, the second is real because it applies to intuited content. They are nevertheless isomorphic because, Kant says, they are actions of the “same understanding” (A79/B105). The introduction of intuition occasions the shift in the understanding’s use: intuited content transforms the logical forms of judgment into categories that can determine a sensory manifold so as to yield empirical cognition. Thus, the categorical form of judgment generates the category of substance; the hypothetical form of judgment generates the category of causality; and so on. By tracing the categories’ origin to the logical forms of judgment, the metaphysical deduction provides an answer to the question *quid facti*.

However, Kant qualifies the conclusiveness of the metaphysical deduction in §21 of the *Analytic*:

for the peculiarity of our understanding, that it is able to bring about the unity of apperception *a priori* only by means of the categories and only through precisely this kind and number of them, a further ground may be offered just as little as one can be offered for why we have precisely these and no other functions for judgment or for why space and time are the sole forms of our possible intuition. (B145–6)

This is a striking admission, one that will draw Fichte's criticism and inspire him to revolutionize the idea of deduction. In this passage, Kant claims that, at a certain level of abstraction, the source of the categories is radically contingent—a *brute fact*. This is not the claim that different categories could suddenly inform experience, but rather the claim that our categories have no "further ground" than the logical forms of judgment, that is, no ground in an absolute principle of reason. Kant compares this situation to the forms of intuition, which, although they constitute human sensibility, are arbitrarily spatio-temporal insofar as different forms of intuition are conceivable. The absence of space and time, however impossible for our sort of experience, poses no logical contradiction. They exhibit anthropic necessity, yet are brute in that they lack a "further ground" in an absolute principle. Similarly, that the logical forms of judgment are constitutive of understanding does not show, absent some further ground, why these and no other forms combine representations in judgment. This arbitrariness extends to the categories since, according to the metaphysical deduction, they completely coincide with the forms of judgment. The kind and number of categories, despite their universality and necessity in experience, is ultimately groundless because their "birthplace" in the understanding is.⁸

The metaphysical deduction is not an unmitigated failure. It locates an origin for the categories and in doing so provides an answer to the question *quid facti*. Nevertheless, this answer may not be entirely satisfying. As Kant admits, the origin it traces is relatively arbitrary, which arbitrariness extends to the categories. Without a further ground in an absolute principle, this origin is a brute fact that escapes reason's theoretical power of self-explanation.⁹ Fichte will seek to remove this bruteness by genetically deriving the categories from the I's practical power of self-determination.

2

We saw that Fichte expresses dissatisfaction with Kant's metaphysical deduction in the *New Presentation* when he claims that, by making a "detour through logic," it raises the question of how we know that the categories it deduces are the precise "laws of the intellect."¹⁰ The only satisfactory answer to this question, he claims, is one that derives these laws "from the very nature of the intellect." Fichte echoes this criticism in the *Nova Methodo*:

Kantian philosophy . . . is a proven philosophy, and everyone who understands it must admit that it is true. But it is not our vocation to be satisfied with this. We are destined for complete and systematic cognizance. It is not sufficient that our doubts be resolved and that

we be consigned to tranquility; we also want science. Human beings have a need for science, and the *Wissenschaftslehre* offers to satisfy this need. The conclusions of the *Wissenschaftslehre* are therefore the same as those of Kant's philosophy, but the way in which these results are established is quite different. Kant does not derive the laws of human thinking in a rigorously scientific manner. But this is precisely what the *Wissenschaftslehre* is supposed to do. (GA IV/2, 7)

This passage criticizes the metaphysical deduction, but not the transcendental deduction. It posits as a necessary condition of "systematic" philosophy the resolution of "doubts" and the attainment of "tranquility." It is not difficult to see how Kant's transcendental deduction meets this *anti-skeptical condition*. First, it resolves the skeptical doubts raised by Hume concerning our right to the categories, to which Fichte alludes prior to this passage (GA IV/2, 5). Second, by resolving these doubts, it avoids one of skepticism's weaknesses, which, as Kant says in the *Prolegomena*, is its inability to warrant tranquility (AA 4, 274). The transcendental deduction's achievements in this regard are, Fichte says, the shared "conclusions" of the *Wissenschaftslehre*.

However, Fichte adds, "it is not our vocation to be satisfied" with these achievements. The transcendental deduction's conclusions are "not sufficient" without a crucial premise on which they can be "established," namely, the fulfillment of our "need for science." By "science," Fichte means, not empirical inquiry but a noncontingent or "rigorou[s]" derivation of the categories from their source. Fulfilling our scientific need would satisfy an additional necessary condition of systematic philosophy. According to Fichte, this *scientific condition* is not met by Kant's metaphysical deduction, which traces the categories to a radically contingent origin in the logical forms of judgment. The conclusions of Kant's transcendental deduction, while "true," lack a premise essential for explaining why they are true, namely, an origin that can support a rigorous derivation of the categories' precise kind and number.¹¹ This origin must be "a single, fundamental law," for only such an origin can ensure that the categories "constitute a single system" (SW I, 441).

Grasping Fichte's criticism of the metaphysical deduction helps to clarify a related criticism that he makes earlier in the *Nova Methodo*: "Kant proves his philosophy only by means of induction and not through deduction" (GA IV/2, 6). We know that Kant's deductive failure is not transcendental, for the transcendental deduction meets the antiskeptical condition of systematic philosophy and thereby yields conclusions adopted by the *Wissenschaftslehre*. His deductive failure must be metaphysical. In what sense is his metaphysical deduction inductive?

In the context of this criticism, Fichte glosses Kant's metaphysical deduction as arguing that experience is explicable if we assume "the operation of this or that [category]." Fichte concludes that this deduction achieves merely "hypothetical validity" (GA IV/2, 6). A hidden premise behind Fichte's conclusion is that nothing compels us to affirm the antecedent. We have seen why this is so. If there is doubt about the exact kind and number of the categories, there is doubt about which categories we must assume to be in operation. The metaphysical deduction assumes as operative those categories which coincide with the logical forms that Kant inherits from traditional logic and takes as given—forms that he admits are radically contingent. From this assumption, Kant infers that those same categories will be operative in all future judgment. But this inductive inference spoils the metaphysical deduction since, by tolerating contingency, it cannot support a rigorous derivation.

We see, then, that Fichte's criticism of Kant's metaphysical deduction posits two necessary conditions of systematic philosophy that jointly provide a job description for his successor notion of genetic deduction. The first condition is that philosophy must resolve skepticism and achieve tranquility. Kant "proves" his philosophy to the extent that he meets this condition on the strength of his transcendental deduction of our right to the categories. The second condition is that philosophy must rigorously derive the categories from their origin. Kant's metaphysical deduction fails to meet this condition because it locates a radically contingent origin. Meeting the first, antiskeptical condition is insufficient for systematic philosophy without meeting the second, scientific condition: as Fichte syllogistically expresses the point, this is to offer conclusions without an essential premise. The method of a truly systematic philosophy must meet both conditions at once, establishing our right to the categories precisely in deriving them from a non-arbitrary origin. Hence, it must simultaneously answer the question *quid juris* and the question *quid facti*, which is to say that it must be jurisprudential as well as genealogical. As I will argue in §3, the methodological innovation of Fichte's genetic deduction is that it satisfies this unified constraint.

3

We have seen that Kant's metaphysical and transcendental deductions of the categories are answers to the questions *quid facti* and *quid juris*, respectively, and that Fichte charges the metaphysical deduction with failing to meet systematic philosophy's scientific condition of deriving the categories from a non-arbitrary origin. In this section, we will see that Fichte devises a genetic deduction in order to satisfy this condition. However, while his deduction aims to overcome the limits of Kant's

metaphysical deduction, it also aims to support the conclusions of Kant's transcendental deduction.

In the First Introduction to the *Nova Methodo*, Fichte provides a definition of deduction that is at once jurisprudential and genealogical:

Whatever is required in order for the I to be able to posit itself and to oppose a Not-I to itself is necessary. The *Wissenschaftslehre* demonstrates these conditions by means of a deduction. A deductive proof proceeds as follows: We can assume that it is the very nature of the human mind to posit itself and to oppose a Not-I to itself; but if we assume this, we must assume much else as well. This is called "deducing," i.e., deriving something from something else. Kant merely asserts that one always proceeds in accordance with the categories, whereas the *Wissenschaftslehre* asserts that one must proceed in accordance with the categories—just as surely as one posits oneself as an I. The conclusions are the same, but the *Wissenschaftslehre* connects them to something higher as well. (GA IV/2, 8)

According to this passage, a deduction demonstrates the conditions that are necessary for positing a "Not-I" over against the I. By "Not-I," Fichte means the world of which the I gains empirical cognition. Cognizing such a world is possible only given certain necessary conditions, which the *Wissenschaftslehre* purports to deduce. Such conditions, Fichte says, are "categories," to which one is entitled "just as surely as one posits oneself as an I." In this respect, Fichte's definition conveys the narrower, jurisprudential sense of deduction that characterizes Kant's answer to the question *quid juris*.

At the same time, the passage defines a deduction as involving "deriving something from something else." Fichte adds that deriving must lead to "something higher." Given that he does so in explicit contrast to Kant, we can infer that the destination to which he refers is not another "something," such as another category, but rather the source of the categories. This is further supported by his claim that a deductive proof adverts to "the very nature of the human mind," for we have seen that the "nature of the intellect" is precisely the origin from which Fichte thinks Kant's metaphysical deduction should have drawn. Hence, the definition also expresses the broader, genealogical sense of deduction that characterizes—even if it is not fully served by—Kant's answer to the question *quid facti*.¹²

The definition's genealogical element provides support for Frederick Neuhouser's claim that Fichte's deduction is dialectical, that is, that it consists in the detection and supersession of categories that prove on analysis to be internally inconsistent (2014, 313). The definition states that when we assume a category in a deductive proof, "we must assume

much else as well.” This implies that such a proof does not present the categories as a mere aggregate of conditions, operating inertly alongside each other. Rather, it suggests how thinking a category leads one—in the broader sense of deduction—to think of other categories. Fichte signals the dialectical movement of a deductive proof in the *New Presentation* when he says that it “proceeds in an uninterrupted progression from what is conditioned to the condition of the same. Each condition becomes, in turn, something that is itself conditioned and whose condition has to be discovered” (SW I, 446). A deduced category serves as a purported condition of the I’s exercise of freedom, until it turns out that this category cannot be stably thought in its role as condition without a more adequate category, which emerges as a condition of the first. Thinking of categories in this derivational manner yields “the sum total of all of the conditions of that with which [idealism] began,” namely, the I (SW I, 446). Hegel will adopt and radicalize this dialectical mode of thinking in the decades following Fichte’s Jena period.

A passage immediately following Fichte’s definition of deduction provides a compressed expression of a dialectical movement of thought, one in which I first posit myself as free, but discover that I cannot do so without positing much else: “[t]he essence of reason consists in my positing myself; but I cannot do this without positing a world in opposition to myself, and indeed, a quite specific world: a world in space, within which appearances follow one another sequentially in time” (GA IV/2, 9). At each stage of deductive thinking, a purported category reveals an inner tension and a need for resolution. Thus, I am intrinsically free; but this is an unstable thought unless my action is directed at something else, for, otherwise, my action is indeterminate. This requires thinking a world in which my action is rendered determinate by its surroundings; but this is an unstable thought unless that world is one in which my action can advance from need to fulfilment, for, otherwise, my action is indistinguishable from a mere happening. This requires thinking a world that is structured by spatially contiguous regions and temporally continuous phases through which my action can progress; and so on.

The derivation of higher categories from lower categories also defines the movement, in the theoretical and practical parts of the *Foundations of the Entire Wissenschaftslehre*, through the categories of reality, negation, determination, and striving. A similar dialectic guides *Natural Right*, in which Fichte deduces the concepts of the sensible world, other minds, relations of right, and embodiment—categories that progressively explain the possibility of self-conscious agency.

The First Introduction’s definition of genetic deduction is not the only evidence that Fichte conceives of it as equally jurisprudential and

genealogical. Genetic deduction's double character is borne out by texts throughout the Jena period. In the *Foundations*, Fichte claims to deduce the necessity of the categories, following Kant's answer to the question *quid juris*, while arguing that they arise "originally" from the human mind, redeeming Kant's answer to the question *quid facti* (see Fichte SW I, 99–123, 232, 271). This text expresses the mutual dependence of deduction's jurisprudential and genealogical tasks when it states that the categories, by which it is possible to think the I, and the I, from which the categories must be derived, are only reciprocally warranted: this, Fichte says, "is a circle, though an unavoidable one" (SW I, 92). Furthermore, the *New Presentation* states that the "proper task" of idealism is to deduce the necessary laws of reason, while insisting that each law transforms from condition to conditioned, superseded by successor laws in a progressively derived "totality" (SW I, 446).

For its part, the *Nova Methodo* depicts genetic deduction jurisprudentially as securing "conditions that make it possible for the I to posit itself and to oppose a Not-I to itself," categories that are "present within us necessarily" (GA IV/2, 8–9), while also portraying it genealogically as tracing the successive "foundation" for each category (GA IV/2, 35). Echoing the *Foundations*, the *Nova Methodo* observes that the reciprocity of these two functions of deduction yields an unavoidable and, thus, virtuous circularity—what Fichte there calls a "circle of reason" (GA IV/2, 167). Indeed, the simultaneously jurisprudential and genealogical character of Fichte's genetic project explains why he often uses the terms "deduction" and "derivation" interchangeably (see Fichte SW I, 23; GA IV/2, 8; SW IV, 14).

By grasping the double character of genetic deduction, we see how Fichte can claim to present the results of transcendental idealism in a methodologically unique fashion. Consequently, it enables us to register the *Wissenschaftslehre's* impact on the development of post-Kantian logic, to which I now turn.

4

In its genealogical function, Fichte's deduction prefigures the analysis of higher from lower categories that becomes a hallmark of Hegelian dialectics. For reasons Hegel himself indicates, the *Wissenschaftslehre's* impact runs even deeper.

In the *Encyclopedia Logic*, Hegel says that "logic," by which he means a rigorous account of the categories of thought, is scientific only if it is "preceded by *universal doubt*, i.e., by total *presuppositionlessness*" (Hegel 1991, 124). We can hear in this criterion an echo of Fichte's complaint that Kant's answer to the question *quid facti* presupposes logical forms

of judgment that, lacking a further ground in an absolute principle, are relatively arbitrary and therefore dubious. Hegel's criterion for logic is that it cannot presuppose anything whose doubt could be so entertained. In other words, it cannot tolerate radical contingency. As Hegel states in the *Encyclopedia*

We are all well aware that Kant's philosophy took the easy way in its *finding* of the categories. "I," the unity of self-consciousness, is totally abstract and completely undetermined. So how are we to arrive at the *determinations* of the I, or at the categories? Fortunately, we can find the *various kinds of judgment* already specified empirically in the traditional logic. To judge, however, is to *think* a determinate object. So, the various modes of judgment that have already been enumerated give us the various *determinations of thinking*. —It remains the profound and enduring merit of Fichte's philosophy to have reminded us that the *thought-determinations* [i.e., the categories] must be exhibited in their *necessity*, and that it is essential for them to be *deduced*. —Fichte's philosophy ought to have had at least this effect upon the method of presenting a treatise on logic: that the thought-determinations in general, or the usual logical material, the species of concepts, judgments, and syllogisms, are no longer just taken from observation and thus apprehended only empirically, but are deduced from thinking itself. If thinking has to be able to prove anything at all, if logic must require that *proofs* are given, and if it wants to teach us how to prove [something], then it must above all be capable of proving its very own peculiar content, and able to gain insight into the necessity of this content. (Hegel 1991, 84)

Hegel lauds Fichte for recognizing that the categories cannot be derived "empirically" or, to use the latter's term, inductively. If the categories are "*thought-determinations*," they cannot be "taken from observation" of "traditional logic," but must be "deduced from thinking itself". This reflects Hegel's view in the *Science of Logic* that logic "cannot presuppose any of these [customary] forms of reflection, these rules and laws of thinking, for they are part of its content and they first have to be established within it" (Hegel 2010, 23).¹³ Again, we hear Fichte's demand that, rather than derive the categories from a "detour" through presupposed logical forms, philosophy must derive them from thought alone, that is, from thinking dialectically through the contradictions of lower toward higher categories.

Hegel's commitment to presuppositionlessness extends to the very essence of logic, which, he insists, "cannot say what it is in advance" (Hegel 2010, 23). We cannot decide anything about logic *a priori*—not even that it should derive the necessary categories of thought dialectically. As Stephen Houlgate argues, dialectic "may well *turn out* . . .

to be the proper method for philosophical thought . . . but this is only because thought is required to become dialectical by the concepts it is led to consider"; dialectic is a method "that proves to be inherent in presuppositionless thought itself" (2006, 34–35). This finds support in the *Encyclopedia*, where Hegel says that dialectic is "not brought to bear on [logic's] thought-determinations from outside; on the contrary, it must be considered as dwelling within them" (Hegel 1991, 82). Logic may not presuppose dialectic for the same reason that a metaphysical deduction may not presuppose the logical forms of judgment: presupposition introduces intolerable arbitrariness into philosophy, namely, at the origin of the categories of thought. Thus, while Hegel adopts and radicalizes the dialectical movement of Fichte's genetic method, he gradually discovers it, on pain of radical contingency. One of the *Wissenschaftslehre's* chief insights, then, is modal: to complete the genealogical task inherited unfulfilled from Kant, we must remove contingency from the generation of the categories from thought. Another way of expressing this insight is that we must eliminate the appearance that the origin of the categories, in addition to their kind and number, is external to reason. We must show that even these do not exceed reason's power of explanation.

It is crucial to distinguish how far Fichte and Hegel take this insight. Fichte argues that the categories are necessary conditions for realizing the I's self-determining activity, but he does not entirely eradicate contingency from their origin. The categories are supposed to derive from the I as first principle—the sort of principle that Kant's metaphysical deduction lacks. On Fichte's view, I cognize this principle by positing myself as an instance of the I's self-determining activity, that is, by positing myself as free. He is clear, however, that adopting the standpoint of freedom is contingent on one's character. As Fichte says in the *New Presentation*,

the kind of philosophy one chooses . . . depends upon the kind of person one is . . . Someone whose character is naturally slack or who has been enervated and twisted by spiritual servitude, scholarly self-indulgence, and vanity will never be able to raise himself to the level of idealism. (SW I, 434).¹⁴

The standpoint of idealism is the standpoint of freedom, one's adoption of which cannot be coerced¹⁵ and may be impeded by cowardice, sloth, or idleness. One may be invited to affirm one's freedom, but that one takes this turn depends on whether one has "confidence in one's self-sufficiency" (GA IV/2, 17). In positing the I as first principle, Fichte says, "we have reached the limit of all reasons" (GA IV/2, 47). While this stops a regress of reasons, the origin it reveals is contingent on the kind of person one is. As Fichte writes to Reinhold on July 2, 1795, "There is no

reason why the I is I. . . . One enters my philosophy by means of what is absolutely incomprehensible” (1988, 399).

One’s entrance is, nonetheless, comprehensibly incomprehensible. Positing the I cannot be explained by external causes, on pain of dogmatism. It rather consists in a radical commitment to oneself as free—a *practical stand*. But this is all that can fairly be demanded of the origin that Fichte provides for the categories, for, as he explains in the *New Presentation*, there is no *theoretical solution* to the dispute between the *Wissenschaftslehre* and dogmatism:

Neither of these two systems can directly refute the opposing one; for the dispute between them is a dispute concerning the first principle, i.e., concerning a principle that cannot be derived from any higher principle. If the first principle of either system is conceded, then it is able to refute the first principle of the other. Each denies everything included within the opposite system. They do not have a single point in common on the basis of which they might be able to achieve mutual understanding and be united with one another. (SW I, 429)

A dispute between first principles is theoretically insoluble for two reasons. First, by definition, first principles cannot be proven: they are presuppositions on which proof rests. Second, positing a first principle rules out any incompatible system and so has nothing in common with the same, resulting in a dialectical stalemate. Accordingly, the dogmatist must raise herself to “the level of idealism” (SW I, 434), which is to say that she must grasp the explanatory priority of the first-person standpoint from that very standpoint. But taking such a practical stand is no more contingent than emerging from self-incurred minority. Just as, for Kant, enlightenment depends on the resolve to use one’s understanding without external direction, so, too, for Fichte, entering the *Wissenschaftslehre* depends on the resolve to affirm one’s freedom independent of external causes. If the latter is arbitrary, it is virtuously so in that it renounces dogmatism and thereby nihilism. Moreover, the arbitrariness of the *Wissenschaftslehre*’s starting point does not threaten the necessity of its deductive conclusions, for without adopting the standpoint of freedom, those conclusions would lack all significance and the question of their necessity would be senseless.

Hegel pursues to a further extent Fichte’s modal insight that a fully satisfying answer to the question *quid facti* must eliminate the radical contingency of underived presuppositions. Hegel does so by positioning logic from an allegedly presuppositionless starting point, making him a foil for post-Kantians like Schelling, Kierkegaard, and Nietzsche, who challenge the very idea of presuppositionlessness through investigations of will, subjectivity, and perspective. Fichte’s methodologically

innovative notion of a genetic deduction thus stands at a crossroads in post-Kantian thought, one at which philosophy's systematic ambitions confront questions of its modal limitations.

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NOTES

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2. In a letter fragment from March–April 1795, Fichte tells Reinhold, “[Kant] showed that one must begin with an investigation of the subject; you showed that the investigation must proceed from a single first principle” (1988, 384). In a subsequent letter, 28 April 1795, Fichte complains that Kant leaves the faculties of knowledge, feeling, and desire “merely coordinated,” and should have “subordinated” them “to a higher principle.” While Fichte acknowledges Reinhold's attempt to secure the “*foundation of all philosophy*” in the principle of consciousness, he takes the latter merely to ground reason's “theoretical faculty” (1988, 389). See his letter to Reinhold, March 1, 1794: “I am unable to grant that your Principle of Consciousness possesses those distinctive features which, as we both entirely agree, characterize any first principle” (1988, 376). Franks shows that, for Fichte, two distinctive features of a first principle are that it must be heterogeneous with, yet immanent in, what it conditions (2005, 225–28).

3. Compare Fichte's claim in *Foundations of Natural Right* (2000) that our insight into the I is “the exclusive condition of all philosophizing,” following which our task is to give a “deduction” of the necessary conditions of self-consciousness (SW III, 2, 9). A similar methodological division characterizes the *Foundations of the Entire Wissenschaftslehre*, which proceeds from an analysis of three basic principles through a derivation of theoretical and practical categories, although Fichte regarded this presentation of his system as “imperfect and defective” (SW I, 87). Indicating that his two-part method serves a unified strategy for reinterpreting transcendental idealism, Fichte declares in *The System of Ethics* (2005b) that the moral law must be “derived from the highest and absolute principle, that of I-hood,” a “deduction” that accordingly proceeds from the “foundation of the entire *Wissenschaftslehre*” (SW IV, 14–15). See also the 1804 Berlin lectures' division of the *Wissenschaftslehre* into a doctrine of being, which

yields insight into the absolute, and a doctrine of appearances, which deduces the structural disjunctions among phenomena. These doctrines, Fichte claims, are reciprocally necessary: “since, like all philosophy, the *Wissenschaftslehre* has the task of *tracing* all multiplicity *back* to absolute oneness (and, correlatively, to *deduce* all multiplicity *from* oneness), it is clear that it itself stands neither in oneness nor in multiplicity, but rather stays persistently between both” (GA II/8, 84).

4. Martin (1997) argues that, while Fichte opposes idealism to dogmatism, he does not oppose idealism to realism, for he can deny that the thing-in-itself is the explanatory ground of experience while maintaining that we can know mind-independent reality (30–54). Beiser (2002) warns against conflating Kant’s distinction between transcendental idealism and transcendental realism with Fichte’s distinction between the *Wissenschaftslehre* and dogmatism: while transcendental idealism distinguishes appearances from things in themselves, Fichte rejects the latter as unthinkable; moreover, his monistic concern to ground experience on a first principle exceeds Kant’s concern with the possibility of synthetic *a priori* judgments (see his letter to Reinhold, July 2, 1795: “The question ‘How are synthetic *a priori* propositions possible?’ is only a part of [the] principal question” (1988, 399). Fichte thus redefines dogmatism as the theoretically consistent, personally optional, systematically mechanistic denial of freedom as illusory (262–72).

5. Compare “the presentation [of the I] cannot exist for itself alone: it is something only when conjoined with something else” (SW I, 432).

6. Martin (1997) merely suggests that Fichte “does not think of philosophical enquiry as being concerned primarily with the *quid juris*” (151n12). Rockmore (2001, 64) refers to Kant’s distinction in passing, but cites an inaccurate formulation of it.

7. Such a deduction is as much concerned with the origin as with the precise kind and number of the categories, for it aims both to “systematically generat[e]” them from the “faculty for judging” and to secure their “completeness” (A80–81/B106–7). To know which concepts (unlike “usurped” concepts like fate and fortune (A84/B117)) comprise the categories is to know their metaphysical origin. A “physiological derivation” cannot identify their origin since it merely traces “the first endeavors of our power of cognition to ascend from individual perceptions to general concepts” (A86/B118–19), which Proops interprets as “an account of which sense impressions first provoke the exercise of a particular concept” but which “does not address the deeper question of *how* this concept comes to be present in the mind in the first place” (2003, 217–18).

8. In the Analytic, Kant adopts the biological metaphor of pure reason’s “epigenesis,” by which reason generates the categories from itself, proving that they are not externally necessary—implanted in reason on a god’s whim—but internally necessary—stemming from reason itself (B166–8). While epigenesis partially anticipates Fichte’s notion of a genetic deduction, we will see that it lacks the rigor that Fichte demands, for it raises the question of why reason generates precisely the kind and number of categories that Kant describes. As

Kant himself insists in his 1785 review of Herder's "Ideas for the Philosophy of the History of Humanity," epigenesis develops only the "limitations, not further explicable, of a self-forming faculty, which latter we can just as little explain or make comprehensible" (AA 8, 62–63). In the absence of a first principle from which to derive the categories, this particular aspect of their necessity—their kind and number—remains external to reason. See Genova 1974.

9. In §15 of the *Analytic*, Kant claims that the categories require a unity "someplace higher," namely, in "the ground of the unity of different concepts in judgments, and hence of the possibility of the understanding, even in its logical use" (B131), and proceeds in §16 to discuss the I as the transcendental unity of self-consciousness. However, Kant does not provide a derivation of either the categories or the forms of judgment from the I, but instead compares them to space and time as lacking a further ground in a first principle. Furthermore, Fichte's anti-Spinozistic strategy requires an ontological first principle, whereas Kant holds that, in the thought of the I, "nothing manifold is given" (B135).

10. Compare Fichte's letter to Reinhold, March 1, 1794: "To derive [the categories] from the logical forms of judgment presupposes that logic provides the rules for philosophy, and this I cannot accept" (1988, 376). Compare also Fichte's complaint in his 1812 lectures on transcendental logic that Kant "was not so disinclined as he ought to have been [toward general logic]" and "had not recognized that his own philosophy requires that general logic be destroyed to its very foundation" (SW IX, 111–12). See Martin 2003.

11. While the letter of Kant's philosophy offers the right conclusions without the right premises, its spirit suggests otherwise to Fichte. In the *New Presentation*, he says that, while Kant "by no means actually *constructed* a system," he nonetheless "entertained the *thought* of such a system," of which his actual conclusions are the "results" (SW I, 478). This is the thought of the I, for which Fichte provides the requisite—intellectual—intuition. Hence, Fichte's claim that "the *Critique of Pure Reason* by no means lacks a foundation. Such a foundation is very plainly present; but nothing has been constructed upon it, and the construction materials—though already well prepared—are jumbled together in a most haphazard manner" (SW I, 479n). Contrast Kant's open letter to Fichte: "I regard Fichte's *Wissenschaftslehre* as a totally indefensible system. . . . [T]he system of the *Critique* rests on a fully secured foundation, established forever" (AA 12, 370–71).

12. Fichte is explicit, shortly after, that a genetic deduction's genealogical function satisfies the scientific condition of systematic philosophy: "In this manner, the need for science is satisfied, and we then obtain a cognition that is not merely discursive and pieced together from experience, but systematic, in the sense that it all can be derived from a single point to which everything else is connected" (GA IV/2, 9).

13. Compare the claim that presuppositions must "be given up when we enter into the Science" (Hegel 1991, 124).

14. This is why Fichte says that he "does not expect to make any converts among people who are *already firmly set in their ways*" (SW I, 435). As he tells

Reinhold in a letter, July 4, 1797, the *Wissenschaftslehre* “assumes that every true human being is *naturally* conscious of his freedom (i.e., of his I-hood and independence). Whoever lacks and cannot obtain such consciousness is beyond help” (1988, 421). And yet, Fichte also suggests that experience naturally drives us “back into ourselves, where we discover our own freedom” and that, where dogmatism remains “predominant in a particular person”, they “cannot endure this way of thinking for very long” because it leads “to fatalism” (GA IV/2, 16).

15. See Fichte: “we cannot force anyone to accept [idealism], since the acceptance of this system is something that depends on freedom” (SW I, 499).

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