

Fichte on Conscience

OWEN WARE

Simon Fraser University

There is no question that Fichte's theory of conscience is central to his system of ethics. Yet his descriptions of its role in practical deliberation appear inconsistent, if not contradictory. Many scholars have claimed that for Fichte conscience plays a material role by providing the content of our moral obligations—the Material Function View. Some have denied this, however, claiming that conscience only plays a formal role by testing our moral convictions in any given case—the Formal Function View. My aim in this paper is to offer a new contribution to this debate. I begin by supplying further evidence in support of the view that conscience only plays a formal function in Fichte's ethics. Then I call attention to a deeper problem this view faces, namely, that it invites an infinite regress by making one's conviction a matter of higher-order reflection. The key to overcoming this threat, I argue, lies in Fichte's doctrine of feeling, whereby the criterion of one's conviction lies, not in a cognitive state, but in an affective state. In closing, I discuss the relevance of Fichte's theory for current debates over the nature of moral error and moral deference.

It is an absolute duty not to accept any command or dictum without examining it for oneself, but first to test it through one's own conscience; it is absolutely unconscionable to omit this test.

—Fichte (SL 4:177).

1. Introduction

Fichte leaves us little room to doubt the importance of 'conscience' (*Gewissen*) in his 1798 *System of Ethics* (hereafter, the *Sittenlehre*). After providing a deduction of the principle of morality in Part I, Fichte says that his account remains empty, and that his further task is to secure the 'reality' of the moral principle in Part II. He carries out this task by bringing together two aspects of our nature he had previously separated for the sake of analysis: our 'natural' drive for enjoyment and our 'pure' drive for freedom—or what he calls our 'lower' and 'higher' powers of desire respectively. 'If one considers only the higher power of desire,' Fichte explains, 'then one obtains a mere *metaphysics of morals*, which is formal and empty. The only way to obtain a doctrine of ethics—which must be real—is through the synthetic unification of the higher and lower powers' (SL 4:132). Fichte then calls this unification our 'ethical drive,' and he argues that it reveals a basic principle of moral action: 'Act according to your conscience' (SL 4:157). Without exaggeration, then, we can say that the *Sittenlehre* as a whole depends on Fichte's theory of conscience, for without it we would lack an account of how the principle of morality connects to the actual conditions of human life. Conscience, in other words, is our bridge to real ethics.

Unfortunately, Fichte offers us seemingly inconsistent accounts of how conscience operates in practical deliberation. At times he appears to be assigning a material function to conscience, meaning that it determines the content of our moral obligations (what we might call the *Material Function View*). At other times he appears to be assigning a formal function to conscience, meaning that it only tests our certainty in having judged our moral obligations with due care (what we might call the *Formal Function View*). Worse yet, each account draws us into a larger difficulty. On the one hand, if we endorse the Material Function View, we must then explain how the criterion for determining our obligations does not reduce to arbitrariness. On the other hand, if we endorse the Formal Function View, we must then explain how the criterion for determining our convictions does not trigger an infinite regress. So whichever interpretive option we take, we face a deeper threat—either arbitrariness or regress—and it is not clear whether Fichte has resources in the *Sittenlehre* to solve them. In this light it is not at all surprising that many of Fichte’s readers, both past and present, have judged that there is little to redeem in his moral philosophy. If conscience is our bridge to real ethics, then we might suspect it is a bridge with little or no support.

The inconsistency we find in Fichte’s accounts of conscience has in fact divided scholars into two camps. Many scholars have claimed that for Fichte conscience plays a first-order role by telling us what we should and should not do.¹ Some have denied this, however, claiming that conscience only plays a second-order role by testing our moral convictions in any given case.² My aim here is to offer a new contribution to this debate. I will begin by supplying further evidence in support of the Formal Function View (sections 2–3). Then I will explore in greater detail the problem this view faces, the regress problem, and I will propose a solution based on Fichte’s doctrine of feeling (section 4). After tying up some loose ends (section 5), I will consider two worries readers might have with Fichte’s theory: his claim that an erring conscience is impossible, and his claim that moral deference is always wrong (section 6). Properly understood, I shall argue, these ideas are more compelling than they sound. In the first place, Fichte is only committed to saying that our moral feelings are epistemically trustworthy, even if our moral judgments are incorrect. In the second place, Fichte’s criticism of moral deference is tied to his view of what it means to have a moral vocation: namely, that we must bear the responsibility of freedom.³

¹ There are many representatives of this view in the secondary literature. Breazeale, for example, writes that ‘[w]hereas for Kant, conscience is an internal tribunal that ascertains whether we have really determined our actions according to respect for the moral law, for Fichte it is precisely ‘an inner feeling within our conscience’ that *determines* what is and is not our duty’ (2012: 200; my emphasis). See also Hegel (1807), Copleston (1963), Beck (2008), and Zöller (2013).

² See Frischmann (2008), Moyar (2013), and especially Kosch (2014) and Wood (2016).

³ For the purposes of this paper, I shall treat ‘material’ as equivalent to ‘first-order’ and ‘formal’ as equivalent to ‘second-order.’ But these terms require qualification. In one sense, the function of conscience counts as first-order if it serves to supply us with moral knowledge (i.e., if it serves to determine the content of our duties). In another sense, however, the function of conscience counts as first-order if it factors in the process of deliberation leading the agent to act. I think it is correct to say that Fichte allows conscience to play a first-order function in this further sense, given that he thinks conscience serves to generate our conviction that we should act according to our duty. This sense of ‘first-order’ would then be compatible with the Formal Function View, because it would leave room for our faculty of judgment to decide what we should do. Thanks to Kienhow Goh, Dean Moyar, and Allen Wood for pressing me to clarify this issue.

2. The Material Function View

We may initially characterize the Material Function View as a collection of four claims:

- (i) that practical deliberation consists entirely in consulting our conscience;
- (ii) that conscience determines the content of our first-order moral obligations (i.e., what is and is not our duty) in any given situation;
- (iii) that conformity with the verdicts of our conscience is the sole criterion of the moral correctness of actions; and
- (iv) that an individual's conscientious decision is therefore immune to error.⁴

The first question we must ask is whether this interpretation has a basis in the *Sittenlehre*. At least two passages strongly suggest so. First, in §15, Fichte says that morality 'consists in deciding to do what conscience demands, purely and simply for conscience's sake' (*SL* 4:173). Following this remark he writes that conscience is '*the immediate consciousness of our determinate duty*' (*SL* 4:173). Now if morality consists in following the dictates of conscience, and if these dictates supply our 'determinate duty,' then it appears conscience has a material function after all.⁵ Fichte seems to say as much later on, in §17, when he describes the process of practical deliberation. In every situation we face a manifold of possible actions to choose from, but Fichte claims there is 'absolutely only one (a determinate part of this manifold) that is dutiful,' which he symbolizes as 'X' (*SL* 4:207). He then asks, 'Which of these possible ways of acting is the one that duty demands?' and in reply he directs us back to §15: 'We answered this question by referring to an inner feeling [*inneres Gefühl*] within our conscience. In every case, whatever is confirmed by this inner feeling is a duty; and this inner feeling never errs so long as we simply pay heed to its voice' (*SL* 4:207–208). In light of such remarks it is hard not to find the Material Function View compelling, especially since Fichte appears to endorse claims (i) through (iv) explicitly in the text.

But if we assume that this line of interpretation is correct, we face a problem that threatens Fichte's theory at its very core. Once we assign conscience a material role, i.e., the role of determining our duties at a first-order level, we risk reducing the criterion of morality to something merely subjective: our privately felt convictions. Yet a criterion of morality based on privately felt convictions would be arbitrary, and radically so. For how could subjective convictions by themselves determine what we should do, morally speaking? If I judge that I ought to X because I am certain, after having consulted my conscience, that X-ing is my duty, then what makes X-ing morally 'good' is contingent upon what convictions I happen to feel. Hypothetically, had my conscience elicited a different response from me, I would be duty-bound *not* to X (i.e., if my conscience had disapproved of X-ing). So characterized Fichte's theory appears to suffer from a problem often associated with divine command theories: the problem of reducing normative distinctions (good-bad, lawful-unlawful, just-unjust) to the capricious will of God—except in this case we are dealing with the capricious voice of Conscience. Either way we have

⁴ I am borrowing this preliminary formulation from Kosch (2014).

⁵ This is more or less the line of reasoning we find in Copleston (1963). 'Fichte,' he writes, 'defines conscience as 'the immediate consciousness of our determinate duty' [...] It is clear that Fichte wishes to find an absolute criterion of right and wrong' (1963: 65).

a threat of arbitrariness, and my point is simply that this threat is unavoidable if we assign conscience a material role in Fichte's ethics.

Readers of Hegel will not find anything I have just said surprising, since Hegel famously claimed that Fichte's theory of conscience gives morality a merely subjective basis.⁶ On Hegel's narrative, the self of conscience only has to appeal to its innermost convictions to decide what to do. 'As conscience,' he explains, 'it has within its *certainty of itself* the *content* for the formerly empty duty' (1807: §633). In this respect conscience replaces the categorical imperative (an objective criterion) with its own self-certainty (a subjective criterion), effecting a kind of reversal of Kantian ethics. As Hegel puts it: 'The immediate knowledge of the self which is certain of itself *is* law and duty; its intention, as a result of being its own intention, *is* what is right' (1807: §654; my emphasis). However, once the self of conscience decrees what is law and duty through its own convictions, there is nothing to stop it from putting 'whatever content it pleases into its knowing and willing' (1807: §655). Within this dialectic, it is only a matter of time before conscience becomes the 'moral genius' who stands elevated 'above all determinate law' (1807: §655). Without having to answer to a standard beyond itself, the 'arbitrary free choice of the individual as such' (*überhaupt die Willkür des Einzelnen*) soon determines what is good and what is not (1807: §643). (In a revealing turn of phrase, Hegel even likens conscience to a divine power possessed with the 'majesty of absolute *autarky*, to bind and to undo.'⁷)

Still, it is unclear whether this is the only interpretation of Fichte available to us. After hearing Hegel's narrative, one would think that conscience exerts a quasi-metaphysical power, as if its verdicts produced substantive normative truths in deciding what is dutiful and what is not. Yet when we turn to the details of the *Sittenlehre*, talk of conscience 'determining' the content of our obligations is surprisingly absent. Consider again Fichte's remark that conscience is the 'immediate consciousness of our determinate duty.' On closer inspection this does not support Hegel's reading, for it does not say that conscience creates our obligations as if by divine decree. All it says, rather, is that conscience is the consciousness *of* our determinate duties—indicating that their determination *has already taken place*. Fichte says as much in the passage following this quotation, writing: 'Once something determinate has been given, however, the consciousness *that* this determinate something is a duty is an immediate consciousness.

⁶ For an illuminating analysis of this argument, see Breazeale (2012). Breazeale frames it in terms of the charge—voiced recently by Neuhauser (1990)—that Fichte's ethics is '*too subjective and arbitrary*' (2012: 186). See also Pippin (2000) for a discussion of this charge in the context of Fichte's epistemology.

⁷ See Hegel (1807: §646). Hegel repeats this narrative in the *Philosophy of Right* (starting from §136 up to the end of 'The Good and the Conscience'). While Fichte is the general target here, Hegel does qualify his remark about the self-divinization of conscience, writing: 'It cannot in fact be said of Fichte that he made the arbitrary will of the subject into a principle in the practical sphere, but this [principle of the] particular, in the sense of Friedrich von Schlegel's 'particular selfhood,' was itself later elevated to divine status' (1820: §140). What this suggests is that Fichte is a transitional thinker in Hegel's dialectic from duty to what he calls 'irony.' In a later text he makes this explicit: 'In Fichte's case the limitation [to subjectivity] is continually re-appearing, but because the ego feels constrained to break through this barrier, it reacts against it [...] This first form, Irony, has Friedrich von Schlegel as its leading exponent. The subject here knows itself to be within itself the Absolute' (1837: 507). For two excellent studies of Hegel's response to Fichte, see Wood (1990) and Moyer (2011).

With respect to its form, the consciousness of duty is immediate' (SL 4:173).⁸ Remarks like this suggest that the role of conscience is, not material, but formal. To neutralize the threat of arbitrariness, then, all we need to do is reject the textual basis of (ii), the claim that conscience determines the content of our moral obligations. If we now say that conscience has nothing more than a formal role in practical deliberation, it follows that the criterion for determining our duties must lie elsewhere.⁹

3. The Formal Function View

Support for what I am calling the Formal Function View is not difficult to find in the *Sittenlehre*. When Fichte introduces the principle 'Act according to your conscience,' he treats it as a shortened version of the clause, 'always act in accordance with your best conviction [Überzeugung] concerning your duty' (SL 4:156). He is also careful to describe this as a 'formal principle,' meaning that it only concerns how we are to commit to our moral judgments (SL 4:163). Moreover, when we turn to the details of §15, we find Fichte speaking of a criterion of 'conviction' (Überzeugung), not a criterion of 'duty' (Pflicht), and this distinction is essential. Throughout the *Sittenlehre* Fichte is clear that the criterion of duty comes from the final end of our ethical drive, and while he alters his formulations of this end (calling it the 'self-sufficiency of reason as such,' 'absolute freedom,' 'absolute independence from all nature,' and so on¹⁰), he does not confuse it with the faculty of conscience itself.¹¹

To elaborate on this last point, Fichte thinks every situation presents us with a manifold of possible actions to choose from, but that only one part of this manifold is truly dutiful, that is, 'X' (SL 4:207). He is also clear that discovering X will require both practical and theoretical powers. The practical power in question is our ethical drive, whose function is to give us the criterion of morality. The theoretical power is our reflective use of judgment, whose function is to run through the manifold of possible actions before us. For Fichte, we balance the two by using our reflective judgment to discover the action which promotes the end of our ethical drive, the self-sufficiency of reason as such. As he puts it, the ethical drive 'demands some concept X, which is, however, insufficiently determined for the ethical drive; and to this extent the ethical drive formally determines the power of cognition: i.e., it drives the reflecting power of judgment to search for the concept in question' (SL 4:172). Only after the discovery of X 'does the moral law authorize this conviction and make it a duty to stick with it' (SL 4:165). Within this

⁸ See also Fichte's objection to the idea of having a 'material duty of belief' (SL 4:165).

⁹ Note that §15 is titled 'Systematic presentation of the formal conditions for the morality of our actions.' Fichte only begins to theorize about the material content of our duties in §17 and §18, i.e., after his account of conscience.

¹⁰ Clarifying what Fichte means by the 'self-sufficiency of reason as such' is not an easy task. On one reading, defended by Kosch (2015), the normative structure of this 'final end' is actually consequentialist. For a criticism of this view, see Wood (2016: Ch. 6, §1), who in turn defends a non-consequentialist reading. Settling this debate, however, goes beyond the scope of this paper.

¹¹ As Wood explains: 'The theoretical questions 'Should I do this, or that?' 'Should I have done this, or that?' may be to some extent forever open. Conscience deals with the fact that, despite this theoretical uncertainty and fallibility, I must act, here and now, and I must act in a spirit of moral seriousness or resolute dutifulness. Therefore, there must be a criterion that enables me to do this with the certainty that my action conforms to the demands of morality' (2016: Ch.6, §1). Below we shall see that Fichte's conception of the open-ended nature of moral inquiry lies behind his idea that moral disagreement is always possible, and that rational communication with others is therefore necessary.

account of practical deliberation, then, the role of conscience is not to answer a first-order question, ‘Is X my duty?’; it is, rather, to answer a second-order question, ‘Am I convinced that X is my duty?’

In this respect Fichte’s theory of conscience is not unlike Kant’s, at least on first blush.¹² Kant is also careful to distinguish the question of duty from the question of conviction, and he too identifies the faculty of conscience with the latter. ‘Now it is understanding,’ he writes, ‘not conscience, which judges whether an action is in general right or wrong. And it is not absolutely necessary to know, of all possible actions, whether they are right or wrong’ (R 6:186). Further, Kant argues that ‘with respect to the action that I want to undertake, I must not only judge, and be of the opinion, that it is right; I must also be *certain* that it is’ (R 6:186). This is where my conscience operates. What it does in Kant’s view is not to ‘pass judgment upon *actions* as cases that stand under the law, for this is what reason does so far as it is subjectively practical’ (R 6:186; my emphasis). What it does is judge the faculty of judgment itself, thereby determining ‘whether it has actually undertaken, with all diligence, that examination of actions (whether they are right or wrong), and it calls upon the human being himself to witness *for or against* himself whether this has taken place or not’ (R 6:186). Interestingly, Fichte quotes these remarks with approval in the *Sittenlehre*, writing that conscience provides, not the content of our obligations, but only the certainty that we have judged them properly (SL 4:173).¹³ Thus, even though Kant and Fichte measure our obligations by different criteria, they agree that conscience has a second-order role: not one of judging our duties, but one of judging our judgment of duties.

But there is a problem here, as I hinted at above. To see why, suppose that I have run through a manifold of possible actions before me, and that I discover ‘X,’ the action most conducive to my moral vocation. X, I now conclude, is my true duty in this situation. Before I can proceed to act, however, I must be certain that X really is my duty; I must ask myself whether I have exercised due care in running through the manifold, considering all the options open to me. I must then raise a second-order question, ‘Am I convinced that X is my duty?’ This is where my conscience operates: condemning me if I have not exercised due care, and acquitting me if I have. Yet it is unclear why I should find any peace of mind at this point, even if I am convinced that X is my duty. For it is unclear why I should not get dragged into a third-order question (‘Am I convinced that I am convinced?’), and from there to a fourth-order question (‘Am I convinced that I am convinced that I am convinced?’), *ad infinitum*.¹⁴ The problem is that by characterizing the activity of conscience in terms of higher-order reflection, the Formal Function View invites a threat of infinite regress, because it appears that doubt can infect one’s convictions at any order. How, then, can we stop this ascent to higher and higher levels?

¹² For studies of Kant’s theory of conscience, see Hill (2002), Timmermann (2006), Wood (2008), and my (2009). Later on I will show where Fichte’s theory of conscience differs from Kant’s.

¹³ ‘In other words,’ Fichte writes, ‘conscience, the power of feeling described above, does not provide the material, which is provided only by the power of judgment, and conscience is not a power of judgment; conscience does, however, provide the evidential certainty, and this kind of evidential certainty occurs solely in the consciousness of duty’ (SL 4:173).

¹⁴ As we shall see, Fichte acknowledges this problem at SL 4:169. Surprisingly, unlike the threat of arbitrariness—which Hegel and his followers made notorious—this problem has gone largely unnoticed by contemporary scholars. One exception is Crowe (2013), although Crowe’s focus is more on Fichte’s philosophy of religion.

4. Stopping the Regress

4.1. Fichte's Doctrine of Feeling

To understand Fichte's solution, I believe we must turn to an important but often overlooked doctrine in the *Sittenlehre*: the doctrine of 'feeling' (*Gefühl*). Fichte introduces this doctrine in §11 with an account of 'pleasure' (*Lust*) and 'displeasure' (*Unlust*), describing them as a 'feeling of harmony or disharmony' between 'what is actual' and 'what is demanded' by our drives (*SL* 4:144; cf., 4:43). As mentioned, Fichte believes that we have two basic drives as embodied rational agents, a 'natural' drive for enjoyment and a 'pure' drive for freedom. Yet he also draws a further distinction between their unified source in an 'original drive' (*Urtrieb*) and their reciprocal interaction in an 'ethical drive' (*sittliche Trieb*). To avoid confusion, we should bear in mind that Fichte thinks our drives for enjoyment and freedom are 'absolutely simple' from a transcendental perspective, meaning that they express one and the same power (*SL* 4:133).¹⁵ It is only when we take up an empirical perspective, he explains, that we see this original drive manifesting itself differently over the course of an agent's history (*SL* 4:133). I emphasize this because when Fichte subsequently speaks of 'original' and 'ethical' drives, he is not multiplying the number of our faculties, beyond their lower and higher expressions.¹⁶ Rather, he is addressing the unity of our faculties from different points of view, where we see either their original source or their reciprocal interaction. All of this, I believe, plays an important role in his doctrine of feeling.

To get a better grasp of this doctrine, consider the natural drive first. This drive aims at enjoyment for the sake of enjoyment. When I act upon it, one of two things can happen: either I fulfill its demand or I fail to do so. In the first case there is a relation of fit between what the drive demands and my present state of affairs; in the second case there is a lack of fit—and these relations, for Fichte, make up the class of 'lower' feelings. For example, I would be in harmony with my natural drive if I consumed food and drink suitable to my constitution, for my actual state would now align with my needs as an embodied being. 'What satisfies the drive and produces the pleasure is the harmony of what is actual with what was demanded by the drive' (*SL* 4:144). (The reverse would be true if I consumed food and drink unsuitable to my constitution, for in that case there would be a lack of fit between my natural drive and my actual state.) To complete this sketch, consider the ethical drive next. It aims at the self-sufficiency of reason as such, what Fichte calls the 'final end' of our moral vocation. As before, we can distinguish a positive and negative outcome: If I act in ways that promote the self-sufficiency of reason as such, I will experience pleasure ('respect' for myself); and if I act in ways that fail to promote this end, I will experience displeasure ('contempt' for myself). These relations, for Fichte, make up the 'higher' class: they are feelings of harmony or disharmony with our moral vocation (*SL* 4:147).

¹⁵ 'Are my drive as a natural being and my tendency as a pure spirit two different drives?' Fichte asks. 'No, from the transcendental point of view the two are one and the same original drive [*Urtrieb*], which constitutes my being, simply viewed from two different sides' (*SL* 4:130). Fichte repeats this point a few pages later: 'From the transcendental point of view, we by no means have anything twofold, containing two elements independent of each other [i.e., a natural drive and a pure drive], but rather something that is absolutely simple' (*SL* 4:133). For similar remarks, see *SL* 4:41 and 4:144.

¹⁶ For more on this distinction, see Binkelman (2007) and Wood (2014).

Now we must ask: If higher and lower feelings exhibit the same general structure, how can we tell the two apart? All Fichte says initially is that if one satisfies the demand of one's higher drive, 'the subject of the drive and the one who actually acts will be in harmony, and then there will arise a feeling of approval—things are right, what happened was what was supposed to happen.' 'The approval in question,' he goes on to say, 'is therefore necessarily connected with pleasure' (SL 4:145–146). For this reason feelings of respect and contempt depend entirely on our agency: whether we fulfill the demand of our moral vocation is up to us, not up to anything outside of us. If I have made a sincere effort to act in ways that promote my self-sufficiency (or the self-sufficiency of reason as such), then I am, *by virtue of that very effort*, aligned with my ethical drive. The higher pleasure that ensues is not a matter of luck, for in a sense *I created* the harmony in question by my doings. In contrast, Fichte wants to say that lower feelings of pleasure are only ever the result of a fortuitous connection between my body and the external world. However much I try to satisfy my natural drive, I am in a sense hostage to chance and circumstance. Returning to my former example: Though I could guess, based on my previous experiences, that I would find the food and drink enjoyable, I could not predict this with any certainty. Harmony with our natural drive is strictly speaking not up to us (SL 4:146).

4.2. *The Feeling of Certainty*

The relevance of these points becomes clear at the end of §11 when Fichte writes that the 'name of the power of feeling we have just described, which could well be called the *higher* power of feeling, is 'conscience' [*Gewissen*]' (SL 4:147). It is only in §15, though, that the doctrine of feeling enters explicitly into Fichte's solution to the regress problem. As we soon discover, the central topic of §15 is whether we can find an 'absolute criterion' for the correctness of our moral convictions, that is, a criterion that would be immune to all possible doubt. After re-stating the formal principle of morality ('act in accordance with your best conviction concerning your duty'), Fichte raises the following question:

But what if my conviction is mistaken? In this case, then what I have done is not my duty, but is what goes against my duty. How then can I be satisfied with this? (SL 4:163)

As a first reply, Fichte answers that we must have a broader point of reference to test our convictions. I must not 'simply hold up to my action the concept of my present conviction'; I must also 'hold up to my present conviction the concept of my possible conviction as a whole' (SL 4:164). Fichte is aware that this answer will not work, however. 'The entire system of my convictions,' he points out, 'cannot itself be given to me in any way other than by means of my present conviction concerning this system' (SL 4:164). Consequently, my possible conviction as a whole is just as susceptible to doubt as my present conviction:

Just as I can err in my judgment of an individual case, so can I also err in my judgment concerning my overall judgment as such: that is, in my conviction concerning my convictions as a whole. (SL 4: 164)

But if this is how things stand, it means we cannot possibly hope to satisfy the formal principle of morality. For either we must take a leap of faith and act anyway, or we must enter into a state of perpetual indecision, ‘constantly swaying back and forth between pro and con’ (SL 4:164). The only solution, Fichte now affirms, is to find an ‘absolute criterion for the correctness of our conviction concerning duty’ (*absolute Kriterium der Richtigkeit unserer Überzeugung von Pflicht*) (SL 4:167).

In preparation for his answer, Fichte writes that if I discover X, the action most conducive to my moral vocation, ‘the original I and the actual I will now be in harmony, and from this there will arise a feeling—as there always does in such cases, *according to the proof provided earlier*’ (SL 4:166–167; my emphasis).¹⁷ He then asks, ‘what kind of feeling might this be, and what distinguishes it from other feelings?’, and in reply he refers us back to §11, emphasizing once more that what makes this feeling of harmony different from the ‘lower’ sort is that it is knowable *a priori*. A lower feeling, he explains, always involves an ‘unforeseen pleasure that surprises us’ because it depends on how our bodies line up with the external world (SL 4:166). As I noted earlier, we cannot foresee what objects or activities will satisfy the natural drive, since we cannot know *a priori* what objects or activities will be enjoyable. We can, on the other hand, foresee whether our moral strivings will satisfy the ethical drive, since the satisfaction of this drive rests entirely on our will. This means a higher feeling of respect must by necessity accompany the discovery of X, *for that discovery exhibits a harmony between our actual I and our original I*. ‘As soon as the power of judgment finds what was demanded,’ Fichte writes, ‘the fact that this is indeed what was demanded reveals itself through a feeling of harmony.’ ‘This feeling,’ he concludes, ‘provides cognition with *immediate certainty*’ (SL 4:167–168).¹⁸

In a rather striking move, then, we find Fichte deriving a criterion of moral certainty, not from a cognitive state, but from an *affective* state, from the feeling of harmony just described (SL 4:167). To see how this derivation works, consider again why we have a regress problem in the first place. It all stems from the fact that I must be certain that my conviction concerning X is correct. But how, we must ask, is such conviction possible? If I use a diligence test, asking myself whether I was thorough in considering all of my options, a new doubt could still enter my mind: ‘Was I thorough just now in performing this test?’ Perhaps I was haphazard or lazy or self-deceiving in some way. The problem is that if I cannot be certain about my own test, then I cannot be certain about my own conviction concerning X. In the *Sittenlehre* Fichte characterizes the problem slightly

¹⁷ Wood offers a good summary of this point, writing: ‘Just as doubt is felt, so it is also resolved through feeling—a feeling of self-harmony with respect to the proposed action [...] In the case of dutiful action, it is this certainty that permits us to act seriously and resolutely. It is practical decisiveness, and the feelings associated with it, that is the business of conscience and conviction. Fichte observes that it is not through argumentation that I know whether I am in doubt or certain, but only through an immediate feeling’ (2016: Ch.5, §6). For similar remarks, see Kosch (2014: 10) and Merle (2015: 117).

¹⁸ Fichte is sensitive to the fact that speaking of ‘feeling’ in this context may seem odd. ‘In order to prevent the word feeling from occasioning dangerous misunderstandings,’ he says, ‘I also wish to stress the following: a theoretical proposition is not felt and cannot be felt; what is felt is the certainty and secure conviction that unites itself with the act of thinking this theoretical proposition’ (SL 4:174). Fichte also claims that ‘[t]hinking should rigorously pursue its own course, independently of conscience,’ adding: ‘The allegedly ‘objective’ instructions of feeling are unregulated products of the power of imagination, which cannot stand up to an examination by theoretical reason’ (SL 4:174–175). This latter remark is further proof that Fichte does not assign a material function to the operations of conscience.

differently, speaking in terms of argumentation, but the basic point is the same. Argumentation could not establish moral certainty, he explains, ‘for this would require a new proof to establish the correctness of my first argument, and this new proof would require in turn yet another proof, and so on *ad infinitum*’ (SL 4:169). My criterion for moral certainty must therefore come from something that does not invite an interminable ascent to higher and higher levels—and only a feeling of harmony, for Fichte, is fit for this role. I cannot doubt such a feeling, unlike my test of diligence, because it expresses an actual relation of fit. I stand in harmony with my ethical drive, and I know this (without the possibility of error) *because I feel it*.¹⁹

5. Ordinary and Philosophical Standpoints

Having shown that the Formal Function View is not exposed to a regress problem, we are in a better position to see why Fichte’s theory of conscience is often misunderstood. Recall that when Fichte asks in §17 how it is possible to determine our duties in any given situation, he points the reader back to §15: ‘We answered this question by referring to an inner feeling within our conscience. In every case, whatever is confirmed by this inner feeling is a duty; and this inner feeling never errs so long as we simply pay heed to its voice’ (SL 4:208). This offers *prima facie* support for the Material Function View, since it appears to confirm (i) the claim that practical deliberation consists entirely in consulting our conscience, and (ii) the claim that conscience determines the content of our first-order moral obligations. But we get a different picture of what Fichte is saying when we read the remainder of this passage. He writes that adhering to the feelings of conscience

would suffice for actual acting, and nothing more would be required in order to make possible such acting. The educator of the people [*Volkslehrer*], for example, can leave it at that and can conclude his instruction in morals at this point.

This, however, is not sufficient for the purposes of science [*Wissenschaft*]. We must either be able to determine *a priori* what conscience will approve of in general, or else we must concede that ethics, as a real, applicable science, is impossible. (SL 4: 208)

From the standpoint of ordinary human understanding, adhering to the feelings of conscience will suffice for guiding practical deliberation, and nothing more is required for us to become effective agents striving to fulfill our moral vocation. But this framework of explanation will not suffice for grounding a ‘doctrine of ethics’ (*Sittenlehre*). To do that, Fichte urges, we must take up the standpoint of philosophical reflection and investigate the ‘law’ of conscience. Only when we discover this law, he claims, shall we have

¹⁹ There are, I think, weaker and stronger versions of the thesis that we cannot doubt our feelings. A weaker version is that we cannot doubt our feelings because they belong to the class of non-representational states (in Humean terms, they are ‘original existences’). Fichte is making a stronger claim, however, since I believe he would agree with Kant that feelings have an intentional structure, even though they fall short of objective cognition. In Kant’s terms, feelings are representations of agreeableness-to-oneself or disagreeableness-to-oneself (and they are ‘pathological’ or ‘practical’ depending on whether the representation concerns an object of desire or an object of pure practical reason) (see *KpV* 5:9n). In this light Fichte is saying that we cannot doubt our moral feelings, not because they infallibly represent an object outside of us, but because they infallibly self-represent our own moral strivings. For further discussion of Kant’s notion of feeling, see my (2014).

‘an answer *a priori* (that is, prior to any immediate decision on the part of conscience) to the question, What is our duty?’ (SL 4:208).

Fichte repeats this distinction in the final part of his summary. Referring again to §15, he writes that ‘we were quite unable to see how we could determine *a priori* what our duty is [...] beyond the approval or disapproval of our conscience *following* the deed’ (SL 4:208). This analysis was a necessary step for fulfilling the task of Part II, i.e., for securing the ‘reality’ of the moral principle, but the result was still of limited value. While the feelings of conscience are adequate ‘for the purposes of acting in the course of life,’ they are not adequate ‘for the purposes of science’ (SL 4:209). Thus the investigation Fichte wants to advance for the remainder of Part II concerns whether ‘there is an even higher principle—if not within consciousness, then at least within philosophy—a unitary ground of these feelings themselves’ (SL 4:210).²⁰ As readers we were prepared for this transition when Fichte told us, in the very first paragraphs of Part I, that we can relate to our moral nature in a ‘twofold manner’ (SL 4:13). In one manner, we can accept our consciousness of obligation at face value, and this will produce ‘ordinary cognition [*gemeine Erkenntnis*] both of our overall moral nature and of our specific duties, so long as, in the particular circumstances of our life, we carefully pay attention to the dictates of our conscience’ (SL 4:14; modified). In another manner, we can seek to go beyond our consciousness of obligation to its underlying ground, and this will produce ‘learned cognition’ (*gelehrte Erkenntnis*) of our moral nature (SL 4:14). To achieve this, though, Fichte says quite clearly that we must go beyond our everyday moral phenomenology: we must take the more difficult path of a philosophical ‘deduction.’

This distinction between ordinary and philosophical standpoints is helpful, I think, for two reasons. First, it lets us appreciate the novelty of Fichte’s theory of conscience, which may otherwise appear Kantian in both letter and spirit. Earlier we saw that Kant and Fichte assign a second-order role to conscience, but I would not want to overstate the similarities between the two. Fichte himself is guilty of masking the originality of his position, though he does leave us a clue as to where he departs from Kant. After completing his argument in §15, he writes that Kant maintains ‘quite splendidly’ that my ‘consciousness that an action I am about to undertake is right is an unconditional duty’ (SL 4:168). But then he adopts a more critical tone: ‘is such consciousness even possible,’ he asks, ‘and how do I recognize it?’ (SL 4:168). What Fichte goes on to say is revealing. ‘Kant,’ he writes, ‘seems to leave this up to each person’s *feeling*, which is indeed that upon which such consciousness must be based. Transcendental philosophy, however, is obliged to indicate the *ground of the possibility* of such a feeling of certainty, which is what we have just done’ (SL 4:168; my emphasis). By Fichte’s lights, then, the difference between his theory of conscience and Kant’s is a matter of completion. In the *Sittenlehre* he provides a philosophical ‘deduction’ of our consciousness of conviction, something he claims Kant failed to do, leaving such consciousness up to what each person happens to feel.²¹

²⁰ Fichte’s further investigation in Part II—which I will not be exploring in this paper—yields three principles for actualizing our self-sufficiency in the material world, with respect to (a) our bodies, (b) our minds, and (c) our relations with others.

²¹ With the exception of Merle (2015), this point of contrast between Kant and Fichte has gone overlooked by commentators.

A further advantage of this distinction is that it gives us a framework for reading Fichte's later discussions of conscience, which may appear to conflict with the *Sittenlehre*.²² In the *Vocation of Humankind* (1800), for example, Fichte writes that conscience is the 'origin' of all truth (*BM* 1:72). Later he says that the 'voice of my conscience, tells me, in each particular situation in my life, what I definitely have to do or avoid in this situation. It accompanies me, if only I listen attentively, through all the events of my life, and it never denies me its advice when I have to act' (*BM* 1:75). On first glance such remarks invite the claim that conscience provides the content of our duties, contrary to the Formal Function View I have defended. Yet on my interpretation we can underline the continuity of Fichte's position by distinguishing the level of explanation he employs in each text. The *Sittenlehre* is primarily a philosophical treatise, and Fichte is self-consciously adopting the role of a scholar: one who investigates the grounds of moral phenomena through a method of deduction. The *Vocation of Humankind* is by contrast a popular work designed for an audience of non-specialists, and Fichte is self-consciously adopting the role of an educator: one who enlivens an interest in morality we already have.²³ There is no tension here, in other words, because Fichte treats these two perspectives as entirely compatible.²⁴

6. Moral Error and Moral Deference

Even if the interpretation I have proposed in this paper is well-supported, one might wonder: Is Fichte's theory of conscience at all plausible? At least two implications of his theory will, I suspect, strike contemporary readers as controversial. They are (a) the claim that an erring conscience is impossible, and (b) the claim that moral deference is always wrong.²⁵ Before concluding my discussion, I would like to examine these claims more closely.

6.1. The Possibility of an Erring Conscience

Perhaps the most obvious worry readers might have with Fichte's theory concerns his claim that the verdicts of conscience are infallible. 'The preceding deduction,' he writes,

²² A separate question, however, is whether Fichte's ethical theory changes in his post-Jena period. James (2011) has argued that his *Addresses to the German Nation* indicates such a change. This is an interesting topic, but one that goes beyond the scope of this paper.

²³ As Fichte writes elsewhere: 'Everyone bears his own conscience within himself, and each person's conscience is entirely his own. Yet the manner in which the law of reason commands everyone can certainly be established *in abstracto*. Such an inquiry is conducted from a higher standpoint, where individuality vanishes from view and one attends only to what is universal or general' (*FTP* 4 2:263). For a superb account of this distinction in Fichte's philosophy at large, see Breazale (2013). See also Oesterreich and Traub (2006).

²⁴ See Martin (2013) for further discussion of conscience in the *Vocation of Humankind*.

²⁵ Another worry I suspect readers might have is that Fichte appears committed to denying the reality of moral complexity, as when he writes that there is 'only one' action among the manifold we face that is truly dutiful (*SL* 4:207). Such remarks suggest that Fichte is a moral 'absolutist'—a view many have argued recently fails to appreciate the reality of moral uncertainty. See Lockhart (2001) and Sepielli (2013) for further discussion. In reply, I only want to point out that Fichte's claim regarding the specificity of duty belongs to his theory of practical deliberation in general, not to his theory of conscience in particular. So while this topic deserves further analysis, it goes beyond the bounds of our discussion here.

'has forever removed and annihilated [...] the possibility of an *erring conscience*' (*SL* 4:173). Continuing in this vein, he says:

Conscience never errs and cannot err, for it is the immediate consciousness of our pure, original I, over and above which there is no other kind of consciousness; it cannot be examined nor corrected by any other kind of consciousness. Conscience is itself the judge of all convictions and acknowledges no higher judge above itself. (*SL* 4: 173)

I suppose readers will find this claim questionable if they read it through a Hegelian lens. For then Fichte would indeed be claiming something counterintuitive: namely, that our privately felt convictions can never be mistaken about the content of our first-order moral obligations.²⁶ But we get a different verdict, I think, when we read this claim through the lens of the Formal Function View. For then Fichte would only be claiming that our moral feelings are *epistemically trustworthy*. According to his previous argument, we cannot be mistaken about feelings of self-approval ('respect') and self-disapproval ('contempt'), because these feelings arise only when we stand in harmony or disharmony with our ethical drive. Notice, too, that in the above-cited passage Fichte says conscience never errs because 'it is the immediate consciousness of our pure, original I, over and above which there is no other kind of consciousness' (*SL* 4:173). Our conscience is infallible—I take him to be saying—because its feelings reveal the actual harmony or disharmony of our present state (what we are doing to fulfill the ethical drive) and our 'original I' (what the ethical drive demands of us). This would also explain why the cited passage appears in the 'Corollaries' to §15. The thesis that conscience 'cannot err' and the thesis that conscience is the 'absolute criterion' of moral conviction amount to the same thing.²⁷

A related worry readers might have with Fichte's theory is that if we grant his thesis of infallibility, we make it very difficult to explain how conflicting consciences (between two or more persons) is even possible. If I sincerely believe that my duty is to X, and you sincerely believe that your duty is not to X, then we have what seems to be a genuine conflict—especially if we have access to the same information and have reflected on the issue for the same amount of time. In reply, I think it is worth repeating that for Fichte our conscience is not responsible for determining our duties (that is the domain of judgment in its reflective capacity). So even if the infallibility thesis is true, and my conscience is not prone to error, I might still be mistaken about my judgment concerning X.²⁸ What is

²⁶ Fichte himself is sensitive to the fact that people may appeal to the 'feelings' of their conscience only to justify what is ultimately nothing more than moral fanaticism (see *SL* 4:168). It is important to keep in mind, however, that this phenomenon only casts doubt on our ability to distinguish genuine from spurious appeals to conscience, and to that extent it is an epistemological problem. It would therefore be a mistake to draw a general conclusion from this, namely, that *every* appeal to conscience is spurious.

²⁷ One might worry that if such feelings reveal the harmony of our present state and our 'original I,' the faculty of conscience would give us moral knowledge after all. Yet here we must bear in mind that the feelings of conscience only reveal our general motivational orientation (whether or not we are striving to fulfil our ethical drive). We still require an exercise of judgment to determine what we should do in any given case.

²⁸ For example, he states clearly that if someone's conscience 'subsequently confirms what follows from those premises [concerning his judgment of duty], then it thereby also confirms indirectly the *practical validity* of the premises in question, though this does not confirm their theoretical validity; for the moral element [*Zusatz*] in these premises, which reveals itself only in the result and which is approved by conscience, can be right, even while the theoretical element is entirely false' (*SL* 4:176). Conscience and judgment come apart, in other words, and Fichte's thesis of infallibility only applies to the former.

more, Fichte is sensitive to the phenomenon of moral disagreement in the *Sittenlehre*. 'If the other person claims to have acted according to his best conviction,' he writes, 'and if I act differently in the same situation, then according to his conviction I am acting immorally, just as he is acting immorally according to mine. Whose conviction is supposed to guide that of the other?' (SL 4:233). Fichte's answer is that neither conviction should play a guiding role here. And the larger point he goes on to make is that, whenever we face disagreement with others, we have a duty to reflect critically on our own purported convictions as well as a duty to seek agreement (if possible) through open dialogue and communication (SL 4:233).²⁹

6.2. Moral Deference and Moral Expertise

Readers might also have concerns with Fichte's claim that 'anyone who acts on authority necessarily acts unconscionably; for, according to the proof just provided, such a person is uncertain' (SL 4:175). In contemporary terms, this means that moral deference (i.e., relying upon the moral testimony of others) is always wrong. Some might find this conclusion too extreme, however. If we experience uncertainty about important ethical decisions, is not deferring to someone whose judgment is more reliable than our own (a 'moral expert') our best option? To sharpen this question, consider an example from the current literature:

The Incompetent Judge—Claire has just been appointed as a judge and is very anxious to sentence people justly. But she finds it exceptionally difficult to work out the just punishment for various offences, though she listens to the evidence presented carefully and tries her best to get the right answer. Luckily she has a mentor, a more experienced judge, Judith, who has excellent judgment. Claire always consults with Judith and gives her decision in accordance with Judith's guidelines, offering Judith's explanation of why the sentence is just to the defendants.³⁰

Those optimistic about moral deference will react by saying that Claire is permitted to defer to Judith's testimony, given the uncertainty she faces in making her decisions.³¹ Some will go so far as to say that she is required to act on the authority of her more experienced colleague, since the stakes of her decisions are quite high: no matter what verdict she draws, someone is going to be harmed. The only way she can minimize the chance of error—of harming the wrong person—is to trust the expertise of Judith's

²⁹ Fichte argues that the goal of open dialogue and communication is to produce what he calls 'shared practical convictions.' This is, he says, what 'serves to unite human beings; everyone wants only to convince the other of his opinion, and yet, in the course of this conflict of minds, he is perhaps himself convinced of the other's opinion. Everyone must be ready to engage in this reciprocal interaction' (SL 4:235). Fichte continues that someone 'who flees from such interaction, perhaps in order to avoid any disturbance of his own belief, thereby betrays a lack of conviction on his own part, which simply ought not to be the case. From this it follows that such a person has an even greater duty to seek such engagement in order to acquire conviction for himself' (SL 4:235–236).

³⁰ This example comes from Hills (2009: 110). It is worth noting that the majority of examples in the secondary literature have this structure. Claire knows that the guilty should be punished, and that it would be wrong to harm the innocent. Her quandary concerns how to identify the right cases to apply this principle. (The primary examples offered by Jones (1999) and Enoch (2014) have this set-up as well.) This is revealing, I think, since it shows that moral uncertainty haunts us more when it comes to applying moral principles, not when it comes to identifying those principles themselves.

³¹ See Jones (1999) and Sliwa (2012).

judgment.³² However, those pessimistic about moral deference will disagree, claiming that what the above scenario illustrates is a failure on Claire's part, perhaps a failure to understand the relevant reasons of the case.³³

I think Fichte would have three substantive things to say about the case of Incompetent Judge and about the moral deference debate more generally:

- To begin with, he would likely permit Claire to turn to Judith for advice, and he would likely concede that turning to another for advice is appropriate, if not required, in cases where we experience enduring moral uncertainty.³⁴ 'One can, to be sure, guide human beings in their investigations,' he writes; 'one can provide them with the premises for an adjudication that they are supposed to make, and they might accept these premises provisionally, on the bases of authority' (*SL* 4:176). But there are limits to this concession, since Fichte would still insist that Claire remains responsible in the end for making up her mind. 'Before arriving at the point of acting,' he argues, 'everyone is bound by his conscience *to judge for himself* on the basis of those premises he has accepted in good faith' (*SL* 4:176). Taking another's word as a prompt for reflection is compatible with autonomous decision-making; blindly accepting that word and acting upon it is not.³⁵
- Secondly, Fichte believes that provisionally accepting the authority of others is 'more or less the story of all human beings: by means of education they receive, as premises for their own judgments, what the human species has agreed upon up to this point and what has now become a matter of universal human belief' (*SL* 4:176). He elaborates on this claim later in the *Sittenlehre* when he discusses duties that arise in a parent-child relationship, arguing that children have a duty of 'deference' (*Ehrerbietigkeit*) toward their parents. 'Deference,' he writes, 'consists precisely in this: one presupposes that the other person possesses higher wisdom and takes pains to find all his counsels to be wise and good. It betrays a lack of deference to dismiss out of hand what another person says' (*SL* 4:342).³⁶ However, it is clear that a duty of deference does not apply to Claire, since Claire is a mature moral agent, not a child—and even if Judith were her mother, Claire would still be obliged to test her mother's advice against her own conscience.
- This last point brings us, I believe, to the heart of Fichte's objection to moral deference. Fichte thinks we should take as a default position the view that other people are 'fully mature moral agents,' that is, our equals. But this condition does not apply to children. 'I do not,' he writes, have to 'regard my child as a fully

³² See Enoch (2014).

³³ See Nickel (2001), Hopkins (2007), and Hills (2009). Fichte also anticipates Mogensen's (2015) claim that an ideal of 'authenticity' informs our skepticism about moral deference.

³⁴ As Hills explains, in treating moral testimony as advice, 'you are not simply putting your trust in it or deferring to it; you are using your own judgment about the matter at issue' (2009: 123).

³⁵ Fichte would agree, I think, with Wolff's observation that a 'person who issues the 'command' functions merely as the *occasion* for my becoming aware of my duty, and his role might in other instances be filled by an admonishing friend, or even by my own conscience' (1970: 6).

³⁶ This point anticipates Howell's view that 'some moral deference is necessary if one is to become a moral agent' (2014: 411).

cultivated moral being; instead, I regard my child as someone who first has to be cultivated' (*SL* 4:342). In light of these remarks, Fichte would likely see Claire's desire to defer authority to Judith as a symptom of her unwillingness to think and act for herself—i.e., as her unwillingness to take on the burdens of moral adulthood. The reason why Fichte is so opposed to moral deference, then, is that it stands contrary to the on-going cultivation, development, and maturity he thinks is integral to our moral vocation. (Outside the context of education, the fact that we *want* to rely upon the testimony of others only reveals just how deep our desire to remain passive and child-like runs.³⁷)

Aside from these three points, it is not difficult for us to conjecture what Fichte would say about the concept of moral experts. In the *Sittenlehre* he argues that scholars have a duty to advance human cognition in all fields, including the field of ethics. We advance our understanding of moral phenomena, in particular, by uncovering their underlying laws and principles—which is of course what Fichte is attempting to do in his work. At the same time, Fichte is clear that a scholar's insight into the source of moral phenomena remains nothing more than that: theoretical insight. It has no immediate practical force. 'Just as one does not posit objects differently in space and time after one has obtained insight into the grounds of this operation,' he writes, 'so does morality not manifest itself any differently in human beings after its deduction than before' (*SL* 4:15). A 'doctrine of ethics' (*Sittenlehre*) is not a 'doctrine of wisdom' (*Weisheitslehre*), and Fichte reserves the latter to moral educators, those who aim 'to animate and to strengthen' a sense of morality already present in human beings. Thus the class of moral experts in Fichte's system is two-fold, since he would allow us to speak of theoretical experts (the privilege of scholars) and practical experts (the privilege of educators). Yet none of this contradicts his theory of conscience, since scholars only seek to understand the faculty of conscience, and educators only seek to amplify its voice in our everyday lives.

7. Closing Remarks

In this paper my focus has been primarily interpretive, but in the final section I wanted to see what we can still learn from Fichte's theory of conscience today. Contemporary readers might be put off by his claim that an erring conscience is impossible, and by his claim that moral deference is always wrong. But I have argued that these ideas are more compelling than they sound. In the first place, Fichte is only committed to the infallibility of our moral feelings, not to the infallibility of our moral judgments. In the second place, Fichte allows moral testimony to play an active role in our childhood, but he insists that we must strive to think and act for ourselves as we enter into moral adulthood. Moreover, when we experience enduring moral uncertainty, we are permitted to turn to moral

³⁷ Fichte returns to this pathology in §16. 'Cowardice,' he writes, 'is that laziness that prevents us from asserting our *freedom* and *self-sufficiency* in our interaction *with others* [...] This is the only explanation for slavery among human beings, both physical and moral, the only explanation for submissiveness and parroting. I am terrified by the physical exertion required for resistance, and therefore I subjugate my body; I am terrified by the difficulty of thinking for myself that is inflicted upon me by someone who seems to me to be making bold and complicated claims, and therefore I prefer to believe in his authority in order thereby to rid myself of his demands all the more quickly' (*SL* 4:202). The concept of self-imposed 'slavery' (or what we would call 'bad faith,' following Sartre) is also thematized by Kant and Rousseau. See my (2015) for a detailed discussion of this topic.

experts, in Fichte's view, but only for advice. What we decide to do remains up to us. At the same time, when our convictions conflict with others, we have no right to believe our initial judgments were correct. We are obliged to re-evaluate our initial judgments and open up dialogue with those we disagree with. Acting with conviction is not a zero-sum game for Fichte; nor is it a private affair. On the contrary it is an on-going task, and it requires a community of rational beings to be successful. That is why acting without or against one's conscience is such a grave transgression: it is to let oneself act blindly. And beyond the realm of childhood, to let oneself act blindly is to avoid the responsibility of freedom—something 'absolutely unconscionable,' in Fichte's eyes, because it speaks against one's moral nature.³⁸

Abbreviations

Citations to Kant appear in the order of abbreviation, volume number, and page number from the *Akademie Ausgabe, Kants Gesammelte Schriften*, edited by *Königlich-Preußische Akademie der Wissenschaften*. 29 vols. Berlin: de Gruyter, 1900.

KpV Critique of Practical Reason, trans. Mary Gregor, in *Practical Philosophy*, ed. Allen W. Wood. Cambridge: Cambridge University Press, 1999.

R Religion Within the Boundaries of Mere Reason, trans. George Di Giovanni, in *Religion and Rational Theology*, ed. Allen W. Wood. Cambridge: Cambridge University Press, 2001.

Citations to Fichte appear in the order of abbreviation, volume number, and page number from *Fichtes Werke*, edited by I. H. Fichte. 11 vols. Berlin: de Gruyter, 1971.

BM The Vocation of Man, trans. Paul Preuss. Indianapolis: Hackett, 1987.

FTP Foundations of Transcendental Philosophy (Wissenschaftslehre) novo methodo (1796/99), trans. Daniel Breazeale. Ithaca: Cornell University Press, 1992.

SL System of Ethics in Accordance with the Principles of the Wissenschaftslehre, trans. Daniel Breazeale and Günter Zöllner. Cambridge: Cambridge University Press, 2005.

References

- Beck, Gunnar. 2008. *Fichte and Kant on Freedom, Rights, and Law*. Plymouth, UK: Lexington Books.
- Binkelman, Christoph. 2007. *Theorie der praktischen Freiheit: Fichte—Hegel*. Berlin: Walter de Gruyter.
- Breazeale, Daniel. 2012. 'In Defense of Fichte's Account of Ethical Deliberation.' *Archiv für Geschichte der Philosophie* 94: 178–207.
- 2013. 'The Problematic Primacy of the Practical.' In *Thinking Through the Wissenschaftslehre: Themes from Fichte's Early Philosophy*. Oxford: Oxford University Press, pp. 404–439.

³⁸ For helpful feedback on earlier versions of this paper, I am grateful to Benjamin Crowe, Yolanda Estes, Kienhow Goh, Gabriel Gottlieb, Andrew Huddleston, Markus Kohl, Dean Moyar, Nedim Nomer, Lisa Shapiro, Martin Sticker, Irina Schumski, Krista Thomason, Jens Timmermann, Leah Ware, Allen Wood, David Wood, Ariel Zylberman, and audiences at the University of Sussex, Simon Fraser University, and the University of Oslo.

- Copleston, Frederick. 1963. *A History of Philosophy, Volume VII: From the Post-Kantian Idealists to Marx, Kierkegaard, and Nietzsche*. New York: Doubleday.
- Crowe, Benjamin. 2013. 'Fichte on Faith and Autonomy.' *British Journal for the History of Philosophy* 21: 733–753.
- Enoch, David. 2014. 'A Defense of Moral Deference.' *Journal of Philosophy* 111: 229–258.
- Frischmann, Bärbel. 2008. 'The Concept of Conscience in Fichte's Sittenlehre.' *Philosophy Today* 52: 321–326.
- Hegel, G.W.F. 1991 [1820]. *Elements of the Philosophy of Right*, trans. H. B. Nisbet. Oxford: Oxford University Press.
- 1995 [1837]. *Lectures on the History of Philosophy*, 3 vols., trans. Elizabeth Sanderson Haldane. Lincoln: University of Nebraska Press.
- Forthcoming [1807]. *Phenomenology of Spirit*, trans. Terry Pinkard. Cambridge: Cambridge University Press.
- Hill, Thomas. 2002. 'Four Conceptions of Conscience.' In *Human Welfare and Moral Worth: Kantian Perspectives*. Oxford: Clarendon Press, pp. 277–309.
- Hills, Alison. 2009. 'Moral Testimony and Moral Epistemology.' *Ethics* 120: 94–127.
- Hopkins, Robert. 2007. 'What is Wrong with Moral Testimony?' *Philosophy and Phenomenological Research* 74: 611–634.
- Howell, Robert. 2014. 'Google Morals, Virtue, and the Asymmetry of Deference.' *Noûs* 48: 389–415.
- James, David. 2011. *Fichte's Social and Political Philosophy: Property and Virtue*. Cambridge: Cambridge University Press.
- Jones, Karen. 1999. 'Second-Hand Moral Knowledge.' *Journal of Philosophy* 96: 55–78.
- Kosch, Michelle. 2014. 'Practical Deliberation and the Voice of Conscience in Fichte's 1798 System of Ethics.' *Philosophers' Imprint* 14: 1–16.
- 2015. 'Agency and Self-Sufficiency in Fichte's Ethics.' *Philosophy and Phenomenological Research* 91: 348–380.
- Lockhart, Ted. 2001. *Moral Uncertainty and Its Consequences*. Oxford: Oxford University Press.
- Martin, Wayne. 2013. 'The Dialectic of Judgment and *The Vocation of Man*.' In *Fichte's Vocation of Man: New Interpretive and Critical Essays*, eds. Daniel Breazeale and Tom Rockmore. Albany: SUNY Press, pp. 127–144.
- Merle, Jean-Christophe. 2015. 'Die formalen Bedingungen der Moralität (§§14-16).' In *Fichte: System der Sittenlehre: ein Kooperativer Kommentar*, eds. Jean-Christophe Merle and Andreas Schmidt. Klostermann: Frankfurt, pp. 109–128.
- Mogensen, Andreas L. 2015. 'Moral Testimony Pessimism and the Uncertain Value of Authenticity.' *Philosophy and Phenomenological Research*, 95, 261–284.
- Moyar, Dean. 2011. *Hegel's Conscience*. Oxford: Oxford University Press.
- 2013. 'Fichte.' In *The International Encyclopedia of Ethics*, ed. Hugh LaFollette. London: Routledge, pp. 1–9.
- Neuhouser, Frederick. 1990. *Fichte's Theory of Subjectivity*. Cambridge: Cambridge University Press.
- Nickel, Philip. 2001. 'Moral Testimony and its Authority.' *Ethical Theory and Moral Practice* 4: 253–266.

- Oesterreich, Peter and Traub, Hartmut. 2006. *Der Ganze Fichte: Die populäre, wissenschaftliche und metaphilosophische Erschließung der Welt*. Stuttgart: Kohlhammer.
- Pippin, Robert. 2000. 'Fichte's Alleged Subjective, Psychological, One-Sided Idealism.' In *The Reception of Kant's Critical Philosophy: Fichte, Schelling, and Hegel*, ed. Sally Sedgwick. Cambridge: Cambridge University Press, pp. 147–170.
- Sepielli, Andrew. 2013. 'Moral Uncertainty and the Principle of Equity among Moral Theories.' *Philosophy and Phenomenological Research* 86: 580–589.
- Sliwa, Paulina. 2012. 'In Defense of Moral Testimony.' *Philosophical Studies* 158: 175–195.
- Timmermann, Jens. 2006. 'Kant on Conscience, 'Indirect' Duty, and Moral Error.' *International Philosophical Quarterly* 46: 293–308.
- Ware, Owen. 2009. 'The Duty of Self-Knowledge.' *Philosophy and Phenomenological Research* 79: 671–698.
- 2014. 'Kant on Moral Sensibility and Moral Motivation.' *Journal of the History of Philosophy* 52: 727–746.
- 2015. 'Agency and Evil in Fichte's Ethics.' *Philosophers' Imprint* 15: 1–21.
- Wolff, Robert Paul. 1970. *In Defense of Anarchism*. New York: Harper & Row.
- Wood, Allen W. 1990. *Hegel's Ethical Thought*. Cambridge: Cambridge University Press.
- 2008. *Kantian Ethics*. Cambridge: Cambridge University Press.
- 2014. 'Fichte's Absolute Freedom.' In *The Free Development of Each: Studies on Freedom, Right, and Ethics in Classical German Philosophy*. Oxford: Oxford University Press, pp. 164–193.
- 2016. *Fichte's Ethical Thought*. Oxford: Oxford University Press.
- Zöllner, Günter. 2013. 'The Choice of the Philosopher,' comments on Michelle Kosch, 'Agency and Self-Sufficiency in Fichte's Ethics,' refereed symposium session, Pacific APA.