

Kant and the fate of freedom: 1788–1800

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*Whence comes this free will for living things all over the earth,
whence, I ask, is it wrested from fate?*

– Lucretius.

1. Introduction

Twenty years ago, Karl Ameriks drew attention to the ‘fate’ of Kant’s theory of autonomy:

Just as modern religious apologists have been understandably accused of inadvertently corrupting, through their sincere but faulty arguments, the very faith that they sought most earnestly to defend, it can be argued that Kant’s all-consuming effort to bring autonomy to the center of philosophy (and life in general) has had, in the long run, the unintended effect of leading to a widespread discrediting of philosophy (in its traditional special role) as such, and to an undermining of the notion of autonomy itself.

(2000: 3)

In what follows I wish to show that Kant’s theory of freedom suffered from an unusual fate of its own.¹ Yet I shall limit my discussion here to a more specific, and comparatively neglected, period in the reception of Kant’s theory: the years 1788 to 1800. From the initial flurry of works published during this time, it is clear Kant’s readers were troubled by the appearance of a dilemma hovering over his notion of freedom. On the one hand, they maintained, if we explain human actions according to laws or rules, then we risk reducing the activity of the will to necessity (the horn of *determinism*). But, on the other hand, if we explain human actions without laws or rules, then we face an equally undesirable outcome: that of reducing the will’s activity to blind chance (the horn of *indeterminism*).

As we shall see, if there was anything like an unintended effect of Kant’s theory during this period, it was not in the undermining of the notion of freedom itself, but in the unprecedented elevation it received in the hands of his two immediate successors,

J. G. Fichte and F. W. J. Schelling. My first aim in this chapter is to trace the history of this early reception, focusing on a number of lesser-known figures along the way. I will then explore the rise of a new approach to the problem of freedom, first with Fichte, who offers a 'genesis' of freedom, and then with Schelling, who offers a 'history' of freedom. Both Fichte and Schelling can be seen as inheriting the determinism/indeterminism dilemma from Kant, and their efforts to overcome it – whether successful or not – constitute a key chapter in the history of post-Kantian thought.

2. Kant and the causality of freedom

While scholars have debated over the issue, it is fair to say that Kant's views on freedom underwent several shifts during his career.² Arguably the most significant of these shifts occurred when he abandoned a Leibnizian view, according to which freedom exists alongside natural necessity, in favour of an incompatibilist view. By the time of the *Critique of Pure Reason* (1781, first edition), all traces of Leibnizian compatibilism have vanished, and in its place we find Kant speaking of a much stronger kind of freedom. This kind of freedom involves a form of spontaneity or what Kant defines as

FREEDOM IN THE TRANSCENDENTAL SENSE:

'an **absolute** causal **spontaneity** beginning **from itself**' (A446/B474)

We find this definition in the section of the first *Critique* devoted to a contradiction, known as the Third Antinomy, which arises between the concepts of freedom (the thesis) and mechanism (the antithesis), both of which Kant says we must posit to understand events in the natural world. In framing this problem, however, Kant does not restrict the category of causality to the antithesis side of the contradiction: he speaks equally of a 'causality in accordance with laws of nature' and a 'causality through freedom' (A445/B473). The rule of mechanism, which explains the connection between natural events, is but a species of causality, of which spontaneity beginning 'from itself' is another kind. For Kant, this means that the threat facing transcendental freedom comes not from the idea of causality, but from the idea of unlimited mechanism. As we shall see, a unique aspect of Kant's position – and a cause for confusion among his early readers – is that the faculty of freedom is still law-governed, although law-governed in a non-mechanistic manner.

To clarify this point, consider how Kant sets up the Third Antinomy. The idea of freedom, he explains, seems to entail a type of liberty, not only from coercion but also 'from the guidance of all rules' (A447/B475). According to the antithesis, then, 'nature and transcendental freedom are as different as lawfulness and lawlessness' (A447/B475). But if that were true, we would have no basis to link the idea of freedom to a spontaneity under non-natural laws. So how shall we proceed? Kant's solution is to appeal to the doctrine of transcendental idealism and distinguish between things as they appear to us (phenomena) and things-in-themselves (noumena). On the basis

of distinction, he argues, we can think of the causality of freedom in terms of its ‘character’, either as it manifests in the phenomenal order of appearances or as it lies at the noumenal ground of such appearances.

To say that every ‘effective cause’ must have a character, then, means only that it must operate according to a law, ‘without which it would not be a cause at all’ (A539/B567). And yet, as Kant points out, that leaves open the question of the law’s status, whether it is mechanistic or not. When I get up from a chair, for example, I initiate an ‘absolutely new series, even though as far as time is concerned this occurrence is only the continuation of a previous series’ (A450/B478). My act of getting up is part of a chain of events extending indefinitely back in time to prior causal factors. Considered at the noumenal level, my decision does not lie ‘within the succession of merely natural effects and is not a mere continuation of them’ (A450/B478). And that is Kant’s point: my decision counts as an ‘absolutely first beginning of a series of appearances’ (A450/B478).

While the doctrine of transcendental idealism serves to reconcile the concepts of freedom and mechanism, it does not serve to reject the sceptic’s assumption that ‘nature and transcendental freedom are as different as lawfulness and lawlessness’ (A447/B475). It is possible at least that absolute causal powers lie at the basis of appearances, but that these causal powers operate independently from all rules, natural and non-natural alike. What this shows is that Kant’s rejection of the idea of lawless freedom comes, not from his distinction between appearances and things-in-themselves, but from his claim that ‘every effective cause must have a character ... without which it would not be a cause at all’ (A539/B567). Indeed, this claim resurfaces at a crucial moment in the *Groundwork for the Metaphysics of Morals* (1785) when Kant connects the concept of freedom to the concept of the ‘will’ (*Wille*). And there he adds that ‘the *will* is a kind of causality of living beings, insofar as they are rational, and *freedom* would be that property of such a causality as it can be effective independent of foreign influences *determining* it’ (G 4:446).

Within the context of *Groundwork* III, moreover, Kant admits that this definition does not specify the essence of freedom, although he claims that a positive definition ‘flows’ from it:

The explication of freedom stated above is negative and therefore unfruitful for gaining insight into its essence; but there flows from it a positive concept of freedom, which is so much the richer and more fruitful. Since the concept of causality carries with it that of laws according to which, by something that we call a cause, something else, namely the consequence, must be posited: freedom, though it is not a property of the will according to natural laws, is not lawless, but must rather be a causality according to immutable laws, but of a special kind; for otherwise a free will would be a non-entity [*Unding*].

(G 4:446)

In my understanding, Kant’s point is simply that for anything to happen, there must be a cause of its occurrence, and that cause must be explainable with reference to a character, i.e., with reference to a principle, rule or law that governs its activity. In

effect, his claim is that once we characterize the will in terms of its independence from external influences, we must also posit the character of a free will in terms of its spontaneity under non-natural (and hence immutable) laws.³

But then the question becomes: what ‘immutable laws’ *could* govern the will’s spontaneity in a way which is consistent with its independence? Consider what Kant says in reply:

Natural necessity was a heteronomy of efficient causes; for every effect was possible only according to the law that something else determines the efficient cause to causality; what else, then, can freedom of the will be, but autonomy, i.e. the property of the will of being a law to itself? But the proposition: the will is in all actions a law to itself, designates only the principle of acting on no maxim other than that which can also have itself as its object as a universal law. But this is just the formula of the categorical imperative and the principle of morality: *thus a free will and a will under moral laws are one and the same.*

(G 4:446; emphasis added)

In describing natural necessity in these terms, Kant’s point is that the effects of a natural series are possible only according to efficient causes that lie outside of them. The character of natural causality is thus heteronomous or causality that operates ‘from without’. By contrast, the causality of a free will must be autonomous or causality that operates ‘from itself’. And once we reach this point of analysis, the rest of Kant’s argument follows. Since he had already established a connection between autonomy and the principle of morality in *Groundwork* II – for reasons we need not rehearse here – all he has to do now in the context of *Groundwork* III is remind the reader that the rule of autonomy is the highest formula of the moral law. It then follows that the concepts of a free will and a will under moral laws are ‘one and the same’, as Kant says (G 4:446).

3. ‘Necessity everywhere’: Ulrich’s charge

Such is the basic thrust of Kant’s argument in the opening sections of *Groundwork* III. The idea of a lawless will amounts to a ‘non-entity’ (*Unding*), not because such a will is inconceivable, but because such a will would not amount to a causal power at all. In reply to the sceptic of the Third Antinomy, then, we can say that while the idea of causal spontaneity is free from coercion, and hence free from natural necessity, it is *not* thereby free ‘from the guidance of all rules’ (A447/B475).

Yet Kant’s early readers were not so easily convinced, and the idea of lawful freedom would soon attract criticism when Johann August Heinrich Ulrich, professor of philosophy at the University of Jena, published a work titled *Eleutheriology or On Freedom and Necessity* (1788).⁴ One of Ulrich’s counterarguments was that Kant, rather than protecting freedom from the forces of necessity, had merely reintroduced those forces *one level up*, that is, by making the will subject to the causal necessity

of moral laws at the *noumenal* level. As Ulrich writes, Kant is committed to making natural necessity rule without exception over the world of appearances, including the empirical character of our will (1788: 32). Yet the empirical character of our will is, by Kant's own definition, grounded on an intelligible character whose causality must also operate according to laws without exception. We therefore have 'necessity with the immutability of the intelligible character (albeit not natural necessity in the Kantian sense)', the result being that 'necessity reigns here too'. Thus, Ulrich concludes, we have 'necessity everywhere' (*überall Nothwendigkeit*) (1788: 32).

Ulrich's *Eleutheriology* was influential for making the term 'indeterminism' (*Indeterminismus*) popular coinage among late eighteenth-century German writers. As Ulrich clarifies his choice of words, determinism views the operations of the will in terms of necessity, regardless of whether we locate those operations on a phenomenal level, with respect to one's empirical character, or on a noumenal level, with respect to one's intelligible character. By contrast, indeterminism views the will as *liberum arbitrium indifferentiae* (liberty of indifference) according to which the will is the power to choose equally between two courses of action. Curiously, Ulrich goes out of his way to deny that Kant's theory of freedom leads to indeterminism because he wants to argue that Kant's position 'denies' freedom by making the character of one's noumenal will governed by immutable laws (1788: 32).

At the same time, Ulrich's passing remarks about indeterminism proved to have lasting influence, notably his claim that a power to choose otherwise is a power without 'decisive reasons' and thus reduces the will to blind 'chance' (*Zufall*) (1788: 21). Other writers would soon use this distinction to place Kant's theory of will on the horns of a dilemma. As I mentioned earlier, their line of attack was to say that either Kant considers the will to be determined by rules (the horn of determinism), or he considers the will to be independent from such rules (the horn of indeterminism). 'There is no third option,' as one author puts it⁵ – a claim Ulrich himself highlights in §6 of his *Eleutheriology*: 'There is absolutely no middle-way between necessity and chance' (*Es gibt schlechterdings keinen Mittelweg zwischen Nothwendigkeit und Zufall*).

Ulrich's denial of a middle way between necessity and chance would acquire near axiomatic status in the subsequent free-will debate that his work contributed to stimulating. In 1790, for instance, Carl Christian Erhard Schmid, one of Ulrich's younger colleagues in Jena, published a work titled *Attempt at a Moral Philosophy*, which he later reissued (in an expanded edition) in 1792. In this work Schmid uses the term 'intelligible fatalism' (*Intelligibler Fatalism*) to describe what he considers an unavoidable consequence of following Kant's definition of lawful freedom. Schmid takes a different route to Ulrich's conclusion, however, laying emphasis on the relationship between one's empirical actions and their intelligible grounds.

Still, Schmid's main line of argument is that while we cannot perceive those grounds, we can nevertheless think them, and thus the grounds of our actions 'are subject to rational laws of thinking, since like noumena these determining grounds are not subject to laws of sensibility' (1792: 357–8). Consequently, he argues, we are in no way permitted to ascribe the supersensible grounds of our actions to 'reasonless chance' or what amounts to the same, 'lawlessness' (*Gesetzlosigkeit*) or 'non-necessity' (*Nichtnothwendigkeit*) (1792: 357–8). Echoing Ulrich's axiom, he

goes on to claim that ‘there is absolutely no middle-way between the two’, adding that the entire sphere of what is thinkable is ‘limited to the concepts of necessity and chance’ (1792: 358).

Ulrich and Schmid were a formidable pair, and their reactions to Kant would soon recruit a third member to their side, Christoph Andreas Leonhard Creuzer. To add to this growing tension, one of Kant’s most influential advocates, Karl Leonard Reinhold, had already spilled much ink defending what he took to be a friendly amendment to Kant’s theory of freedom. In his *Attempt at a New Theory of the Human Power of Representation* (1789), Reinhold distanced himself from the idea of self-determination according to immutable laws. And in its place he defined freedom as the ability to act without being constrained by the laws of reason or by the demands of sensibility, adding that someone displays free choice either by deciding to ‘determine himself’ by reason or to ‘let himself be determined’ by objects of sensibility (1789: 90).

Reinhold would reiterate this point in the second volume of his *Letters on Kantian Philosophy* (1792), writing that the will is ‘the capacity of a person to determine itself to the satisfaction or nonsatisfaction of a desire, either according to the practical law or against it’ (1792: 271–2). The implication is that freedom consists not merely in the ‘independence of the will from the coercion of instinct’ but also in ‘the independence of a person from the necessitation of practical reason itself’. Correctly understood, Reinhold maintains, freedom *is* liberty of indifference: it is the capacity of ‘choice’ (*Willkür*) to act either ‘for or against the practical law’ (1792: 272). In saying this, however, Reinhold viewed himself as Kant’s *defender*, although his modified account unwittingly brought Kant’s theory of freedom once again under heavy fire.

4. The ‘non-entity’ of freedom: Creuzer’s complaint

When Creuzer sat down to write his *Skeptical Reflections on the Freedom of the Will* (1793), the advantage of time was on his side, having both the written work of Kant’s critics and sympathizers at his disposal. In addition to raising further objections against Kant, building upon the work of Schmid (who wrote the Preface to his book) and Ulrich before him, Creuzer criticized what he took to be Reinhold’s ‘transcendental indifferentism’. Reinhold was motivated to a liberty of indifference theory, as he makes clear in the second edition of his *Letters*, because he wanted to avert the pitfalls of subjecting the will to necessity at the noumenal level.

However, by characterizing the will in terms of the capacity to choose either ‘for or against the practical law’, Reinhold found himself saddled with all the problems Ulrich and Schmid had uncovered with indifferentism in general. In 1793, Creuzer was well positioned to bring these same problems to bear upon Reinhold’s theory, arguing that the idea of a choice between reason and sensibility reduces to mere chance. It presents us with the concept of a will subject to two ruling forces, at one time reason, at another time sensibility, without any determining ground to explain what compels the will to choose one or the other (1793: 128n). In this context, too, Creuzer cites Letter 15 from Friedrich Jacobi’s 1785 book on Spinoza, according to which a capacity that is completely lacking in determining grounds amounts to a ‘non-entity’.

Creuzer's book also served to raise the stakes of the debate by entangling Kant's latest account of freedom in the horns of the determinism/indeterminism dilemma. Only one year prior, in 1792, Kant had published his essay 'On the Radical Evil of Human Nature' in the *Berliner Monatsschrift*, which became Part One of his *Religion within the Boundaries of Mere Reason* (1793). It is not evident whether Kant was responding to the rise of deterministic theories of freedom or whether he was reacting to Reinhold's liberty of indifference view. Yet it is clear that Kant's essay on evil marked a new phase in the presentation of his theory of freedom, since his essay contains an important distinction between the concepts of 'will' (*Wille*) and 'power of choice' (*Willkür*), which Kant had used interchangeably and even inconsistently in previous work.⁶

To the surprise of his critics, Kant now argued that the basic 'disposition' (*Gesinnung*) from which an agent selects her maxims is itself freely adopted. Clarifying his use of the term 'nature', he writes:

By the 'nature of a human being' we only mean here the subjective ground for the use of his freedom as such (under objective moral laws), which lies antecedent to every deed that falls within the scope of the senses, the ground of which lies where it will. But this subjective ground must, in turn, itself always be a deed of freedom [*Actus der Freiheit*] (for otherwise the use or abuse of the human being's power of choice [*Willkür*] with respect to the moral law could not be imputed to him, nor could the good or evil in him be called 'moral').

(R 6:21)

Highlighting this passage, Creuzer argued that Kant's 1792 essay contradicts his previous notion of lawful freedom, citing as evidence Kant's claim from *Groundwork* III that freedom 'though it is not a property of the will according to natural laws, is not lawless, but must rather be a causality according to immutable laws' (1793: 149). Having posited a form of indifferent choice at the noumenal level – where one freely adopts the subjective ground of one's maxims (whether good or evil) – Creuzer believes Kant saved his theory from the horn of determinism, only to get it caught – 'just like Reinhold' – in the horn of indifferentism, thereby reducing his concept of freedom to a 'non-entity' (1793: 147).

5. A 'higher legislation': Fichte to the rescue

With the publication of Creuzer's book, anyone following the free-will debate at the time would have seen Kant's opponents gaining an upper hand. Yet a sea change was looming on the horizon, the signs of which can be found in a review of Creuzer's book that Fichte wrote in 1793 for the *Allgemeine Literatur-Zeitung*.⁷ What is evident upon reading this review is that Fichte, while sympathetic to the Kantian cause, was already expressing reservations towards Reinhold's theory of will. Beyond this, it is far from clear what Fichte's alternative amounts to. In one passage, for instance, Fichte speaks to the question of how an agent qua phenomenon can be in harmony with itself qua noumenon:

For *determinate being*, as an appearance, some actual real ground in a preceding appearance must be assumed, in accordance with the law of natural causality. However, insofar as the determinate being produced through the causality of nature is supposed to *be in harmony with* the act of free determination (a harmony that, for the sake of a *moral world order*, also must be assumed), then the ground of such harmony can be assumed to lie neither in nature, which exercises no causality over freedom, nor in freedom, which has no causality within nature, but only in a higher law, which subsumes and unifies both freedom and nature.

(CR 16: 414–15)

What is striking is that Fichte claims that the ground of the harmony between an agent's intelligible freedom and phenomenal nature lies 'as it were in a pre-determined harmony [*vorherbestimmten Harmonie*] of determinations through freedom with determinations through the laws of nature' (CR 16: 415).⁸ And he even returns to this Leibnizian idea in the context of addressing Creuzer's complaint that Kant has left the connection between phenomenal effects and their noumenal grounds incomprehensible. 'What *is* incomprehensible', he replies,

is how both of these objects [*viz.*, thing in itself and appearance], which are completely independent of each other, could nevertheless be in harmony with each other. We can, however, comprehend why we cannot comprehend this harmony: namely, because we have no insight into the law that joins together freedom and nature. – Incidentally, it seems to this reviewer that this is also Kant's true opinion of the matter, and that the assertion, which is found in many passages in his writings, that freedom must possess causality within the sensible world is put forward only in a preliminary manner, pending closer determination of the proposition in question.

(CR 16: 415)

Clearly nothing in this passage works to alleviate Creuzer's complaint, and Fichte's appeal to a predetermined harmony is more mystifying than clarifying.⁹ Yet what is illuminating with respect to tracing the early reception of Kant's theory of freedom is that Fichte aligns the spirit of the Leibnizian doctrine with 'Kant's true opinion', referring to his recent essay on evil which entitles us to assume that 'our appearing, empirical character will harmonize with our intelligible character' by virtue of a 'higher legislation' (CR 16: 415). Beyond this Fichte says nothing to shed light on the higher legislation that serves to unite freedom and nature, though it would soon become the driving force behind his paradigm-shifting idea of a science of knowledge grounded in the concept of 'the I'.

6. The 'real issue' of freedom: Schelling in 1795

We do not find Fichte presenting a fully worked-out theory of freedom until his *System of Ethics* of 1798. Yet another, much younger sympathizer of Fichte's doctrine of science would attempt to fill in and develop some of the suggestions laid bare in the

‘Creuzer Review’. Schelling, who had written his master’s thesis on the biblical account of evil at the University of Tübingen, turned to the topic of freedom in one of his first major publications, *Of the I as the Principle of Philosophy* (1795). And what Schelling claims in this short but powerful essay is that the problem of transcendental freedom ‘has continually suffered the sad fate of always being misunderstood’ and that ‘even after the *Critique of Pure Reason* has shed so much light on it, the real point in dispute does not yet seem to be fixed sharply enough’ (SW I/1: 235; IP 122). In Schelling’s view,

The real issue never was absolute but only *transcendental* freedom, that is, the freedom of an empirical I conditioned by objects. What is incomprehensible is not how the absolute I should have freedom, but rather how the empirical I should have freedom; the question is not how an intellectual I could be intellectual, that is, could be absolutely free, but rather how it is possible that an *empirical* I could at the same time be *intellectual*, that is, could have causality through freedom.

(SW I/1: 235; IP 122 – 3)

Schelling then argues that what we call the freedom of the empirical I is how the absolute I expresses itself under the conditions of finitude (a point we shall see Schelling develop in later work). Yet in ‘Of the I’ he admits right away that it is unclear how the empirical I’s freedom could agree with the natural causality to which its actions are subject qua phenomenon. How, in other words, ‘can the transcendental causality of the empirical I (as determined by absolute causality) agree with the natural causality of the same I?’ (SW I/1: 237; IP 125).

Schelling’s answer echoes Fichte’s ‘Creuzer Review’ by framing the question in terms of a ‘ground’ that would join the pure I and the empirical I and bring the two into ‘harmony’ (SW I/1: 239; IP 125). And, like Fichte, he even characterizes this ground in Leibnizian terms, writing that our search brings us to ‘a principle of preestablished harmony’ (*prästablierter Harmonie*) which, he adds, is ‘merely immanent and determined only in the absolute I’ (SW I/1: 239; IP 126):

Because a causality of the empirical I is possible only within the causality of the absolute I, and because the objects likewise receive their reality only through the absolute reality of the I, the absolute I is the common center in which lies the principle of their harmony. The causality of objects harmonizes with the causality of the empirical I for the single reason that they exist only in and with the empirical I. But that they exist only in and with the empirical I stems from the one fact that both the objects and the empirical I owe their reality solely to the nonfinite reality of the absolute I.

(SW I/1: 239; IP 126)

For Schelling, the absolute I secures a *pre-established* harmony between the freedom of the empirical I and its subjection to natural causality because both ‘owe their reality’ to this more fundamental ground. His reason for calling it an ‘immanent’ harmony is due to the fact that the noumenal and phenomenal aspects of the I are not opposed, as two distinct substances would be but are rather different expressions of an original activity: the unlimited I itself.

Granted, this adds a few more brush strokes to the outline Fichte presents in the ‘Creuzer Review’, but in the end Schelling’s essay raises more questions than it answers. In particular, his claim that the empirical freedom of the I is an identical yet limited (and hence finite) version of the I’s infinite freedom does not directly address the dilemma of determinism and indeterminism. If anything, the outline before us demonstrates that Schelling wanted to find a reconciliation between the two. Yet on closer inspection it is not clear how he was able to avoid the charge of intelligible fatalism – where we have ‘necessity everywhere’ – given that his pre-established harmony assigns a primary role to the causality of the absolute I. If everything owes its reality to this absolute I, what room is left for any kind of choice at the empirical level?

7. The ‘genesis’ of freedom: Fichte in 1798

Among the many aims of the *System of Ethics*, it becomes clear that Fichte wants to redeem some version of the concept of *Willkür* or indifferent choice, if only to capture what he thinks is the element of truth in Reinhold’s position. Interestingly, at one point Fichte calls attention to Kant’s definition of freedom as the power to initiate a new state, saying that this is an ‘excellent nominal explanation’ but of limited value, ‘since the concepts still in circulation regarding freedom are almost entirely false’ (GA I/5: 52; SL 4: 37). In his view, a ‘still higher question remains to be answered, namely: how can a state begin absolutely, or how can the absolute beginning of a state be thought?’ (GA I/5: 52; SL 4: 37).

Not finding an answer in Kant or Reinhold, Fichte goes on to defend a ‘genetic’ model of how our consciousness of freedom unfolds from an initial state of ‘indeterminacy’, where we hover between a manifold of possible actions, to a state of ‘determinacy’, where we select one of these options and act accordingly. Along the lines of a genetic theory of freedom, we see that Fichte wants to preserve the idea of indifferent choice, but now qualified as a mere *stage* in the emergence of freedom. ‘The will is a capacity to choose,’ he explains, ‘just as Reinhold correctly described it,’ adding: ‘There is no will [*Wille*] without the power of choice [*Willkür*]. One calls the will a power of choice when one attends to the above-mentioned mark, namely, that it necessarily arrives at a choice among several, equally possible actions’ (GA I/5: 148 – 9; SL 4: 159).

As I have explained in more detail elsewhere,¹⁰ Fichte’s theory of freedom is novel by framing indifferent choice, or ‘wavering’ between a manifold of actions, as a state to be *overcome* through subsequent acts of reflection and resolution. Consider Fichte’s distinction between our initial state of indeterminacy, what he calls ‘*formal freedom*’, and the determination of our will through higher acts of reflection, what he calls ‘*material freedom*’ (GA I/5: 132; SL 4: 139). On the basis of this distinction, Fichte speaks of formal freedom as the precondition for our power to choose between different actions, and he argues that we are always ‘free’ by not being determined by anything outside of us. Formal freedom so understood is similar to what Kant calls negative freedom in *Groundwork* III, the will’s independence from external forces. To the extent that Reinhold characterized the will as enjoying this kind of indeterminacy, Fichte thinks his account is correct.

But when we step back to consider all the details of Fichte's alternative in the *System of Ethics*, it is clear that Reinhold's position does not reveal the whole truth about freedom. After all, Fichte maintains, overcoming a state of wavering between options is what advances the will's development, first in the form of determinate rational agency and then in the form of determinate moral autonomy, two higher stages of 'material' freedom. To achieve these higher stages, Fichte argues, an agent must 'tear loose' from her natural drive by projecting an *end* for its satisfaction and then (in yet another act of reflection) by projecting the idea of her own *freedom* as an end.¹¹

At this point we must ask: to what extent has Fichte's genetic account succeeded in avoiding the dilemma of determinism and indeterminism? Compared to Schelling's 'Of the I', which traces the freedom of the empirical I back to the freedom of the absolute I, Fichte's theory seems to have the advantage of doing justice to real indifference of 'choice' (*Willkür*). On the other hand, his model seems to postpone, rather than pre-empt, the problem of intelligible fatalism, since it yields an account of the will's development into higher stages of *material* freedom, whereby the will ultimately determines itself according to the necessary laws of morality.

To complicate matters, Fichte seems to side with Kant in characterizing morality in terms of a 'constant and unchangeable – in other words, a lawful and necessary – thinking', the content of which he says expresses the following norm: 'that the intellect has to give itself the *unbreakable law* of absolute self-activity' (GA I/5: 61; SL 4: 48; emphasis added). Insofar as the genetic model leads to what Kant calls positive freedom in *Groundwork* III, where a free will and a will under the 'immutable' laws of morality are the same, one might worry that Fichte's position ends up in the snare of determinism. Nor does it help Fichte's case when he claims that it is 'absolutely impossible and contradictory that anyone with a clear consciousness of his duty at the moment he acts could, in good consciousness, *decide not to do his duty*' (GA I/5: 176; SL 4: 191). Does this not entail that our consciousness of duty leaves us *no choice* to act otherwise?

As it happens, Fichte is aware of this problem and he even addresses it in the following passage from the *System of Ethics*:

The situation is thus as follows: if one constantly reflects upon the demand of the law, if this demand always remains before one's eyes, then it is impossible not to act in accordance with this demand or to resist it. If the law disappears from our attention, however, then it is impossible for us to act in accordance with it. *Hence necessity reigns in both cases*, and we seem to have become caught up in some kind of intelligible fatalism, though of a somewhat lower degree of the usual kind.

(GA I/5: 177; SL 4: 191; emphasis added)

What Fichte calls intelligible fatalism of the 'usual kind' – referring to Schmid and Ulrich – is one in which an agent is determined to act by the moral law with the force of causal necessity at the noumenal level. Fichte thinks this kind of fatalism is 'averted by means of the important insight that the moral law is by no means the sort of thing that could ever be present within us without any assistance from us, but is instead something that we ourselves first make' (GA I/5: 177; SL 4: 191). As Fichte

had explained earlier, 'all types of fatalism' share the same shortcoming of treating the law of mechanism as a supreme principle of thinking, thereby imposing mechanism onto the concept of the will (GA I/5: 150; SL 4: 161).¹² In the passage under discussion, however, the worry is that 'either one remains continually conscious of the moral law, in which case a moral action necessarily ensues, or else such consciousness disappears, in which case it is impossible to act morally' (GA I/5: 177; SL 4: 191).

This much, I think, is now clear. Even if we accept Fichte's point that the moral law is something we freely sustain in our minds, such that it does not bind our will with causal necessity, the puzzle remains how immoral action is possible. After all, Fichte is emphatic that it is *impossible* to act contrary to one's duty with *clear consciousness* of it. What is possible, he believes, is that one 'renders obscure within oneself the clear consciousness of what duty demands' (GA I/5: 177; SL 4: 191). That is to say, because our consciousness of duty is a product of self-activity, it follows that this consciousness 'endures only through the continuation of this same act of freedom' (GA I/5: 177; SL 4: 191). Rather than lose our awareness of duty against our will, Fichte's claim is just the reverse: that we *freely* render this awareness *obscure*, creating just enough distortion in our minds to rationalize acting contrary to morality. 'The appearance of fatalism disappears,' he concludes, 'as soon as one notices that it is *up to our freedom* whether such consciousness continues or becomes obscured' (GA I/5: 177; SL 4: 191; emphasis added).

This is no doubt helpful, but the question stands: how does Fichte's theory of freedom in the *System of Ethics* fulfil the promise of the 'Creuzer Review', namely, to articulate the harmony between one's empirical and intelligible character? At one point we find Fichte speaking to the problem of how nature and freedom can agree in a single subject, writing that 'the hypothesis of pre-established harmony, as it is usually understood, does not commit itself on this issue but leaves our question just as unanswered as it was before' (GA I/5: 127; SL 4: 133). On inspection, I think, Fichte's caveat is significant: the Leibnizian hypothesis does nothing to illuminate this question as it is 'usually understood'. The thesis guiding Fichte's doctrine of science is that there is nothing essentially dual in the self, no set of heterogenous powers, one natural and the other free, but rather a single ground of activity, the absolute I, and its subsequent self-limitations. From a transcendental standpoint 'we by no means have anything twofold' – and where there is no duality, Fichte remarks, '[T]here can be no talk of harmony nor any question concerning the ground of such harmony' (GA I/5: 127; SL 4: 133).

All this might lead one to think that Fichte has softened, if not released, his attachment to the idea of predetermined harmony. But this impression would be mistaken, I believe, not only because we find Fichte invoke this doctrine later in the *System of Ethics*,¹³ but also because the concept of a 'ground of harmony' is central to his genetic model of freedom just sketched. In fact, Fichte only denies talk of harmony or a ground of harmony from a 'transcendental' perspective, that is, a perspective where we analyse the concept of a rational being in abstraction from all conditions of time, including the stages of development a rational being must undergo to attain full material freedom. From what we might call a 'developmental' perspective, it is necessary to understand how one can transition from a state of indeterminacy (or free choice) to a state of determinacy (or moral autonomy). Without this genetic story of

the will's progressive self-development, Fichte thinks we would confuse a particular stage of the will for the will as a whole; and if we do that, we would produce a spurious theory of *indeterminism*, according to which the will is nothing other than liberty of indifference, or an equally spurious theory of *determinism*, according to which the will is nothing other than moral autonomy. That is why grasping the 'temporal course of the I's reflections' leading to full material freedom requires what Fichte calls a 'history of an empirical rational being' (GA I/5: 165; SL 4: 178).

8. The 'weaving of an unknown hand': Schelling in 1800

As we shall see, Fichte's appeal to the history of an empirical rational being would open the door to new possibilities in the unfolding of post-Kantian thought, the first results of which we find in Schelling's *System of Transcendental Idealism* (1800).

What is clear when we turn to Schelling's book is that he frames the problem of philosophy in terms of retracing the self-dividing activity of the absolute I into a successive series of conflicts, the resolution of which takes the form of a quest: namely, to understand how both the subjective aspect of the I (as spontaneity) and its objective aspect (as causality) can be intuited at the same time for the subject. In this way, Schelling's book unfolds as a story of the conflicts between nature and freedom whose ground of harmony progressively reveals itself to consciousness. To be sure, one finds this kind of narrative operative in Fichte's *System of Ethics*, to the extent that Fichte's theory of how we achieve full material freedom leads to a social theory of ethical life (involving the state, the church and what Fichte calls the 'learned republic'). And one could argue that a version of this framework is already present in Kant's *Religion* and perhaps even earlier in his essay 'Idea for a Universal History with a Cosmopolitan Aim' (1784). Yet there is no question, in my view, that Schelling was pushing this idea in a new direction.

To begin with, in the course of discussing the topics of choice, fate and history, Schelling raises the now-familiar question of how one's freedom of will can agree with one's actions as they appear under the laws of natural necessity. His reply, echoing earlier work, is that this connection is only possible through a 'pre-established harmony' (*prästabilierte Harmonie*). However, unlike 'Of the I', which identifies this ground in the absolute I, Schelling now tells the reader that 'we have absolutely no means of explaining at present' what this ground may be (SW I/3: 500; STI 193). By way of preparation, he observes that reflection on the nature of conflicts between individual persons eventually leads us to the study of human history. His claim is that conflicts between competing personal ends find their resolution in a legal system, just as conflicts between competing national ends find their resolution in a system of international law. And Schelling's larger point is that this interplay of choice and its limitation or restriction brings us to human history where these national and international conflicts unfold.

Accordingly, Schelling argues that we can find a 'trace' of the ground of harmony between freedom and necessity 'in the lawfulness which runs, like the weaving of an

unknown hand, through the free play of choice in history' (SW I/3: 601; STI 209). That is why he claims in the *System of Transcendental Idealism* that a philosophy of history – not just a history of an empirical rational being – is a necessary step on the path to grasping the ground of a predetermined harmony. As I understand it, his point is that a social-historical perspective puts us in the right position to solve the conflict at hand, alluding to Kant's idea that history 'allows us to hope that if it considers the play of the freedom of the human will *in the large*, it can discover within it a regular course' (IaG 8:17). Why? Because at the personal level, 'choice' (*Willkür*) is nothing more than what Schelling calls the 'ever-recurring revelation' of the absolute I expressed under the constraints of finitude (SW I/3: 578; STI 191). But at a social-historical perspective level, he thinks we can see *how* the absolute I serves as a ground of harmony between freedom and necessity, since the course of history – as the collective body of free human actions – shows a trace of a plan that, if fulfilled, would *perfectly unite the two*.¹⁴

Looking back to the foregoing sections, it is only natural to ask if we have made headway in answering the questions pressed by Kant's early critics, especially with respect to the dilemma of reducing the will either to necessity or to chance. Much more work needs to be done to understand how Schelling's historical turn addresses this problem, and I have only provided a few hints in that direction here. But I hope to have said enough to cast light on Schelling's reasons for reframing the problem of freedom and necessity around a study of the philosophy of history. Schelling's account speaks to the problem of how freedom and necessity can coexist, except that it raises this problem to a global level (a level that would soon be taken up, in what would become another chapter of German idealism, by Hegel). Like Kant, Schelling thinks that the idea of a universal human history gives us a 'guiding thread' to discern a purposive end to the sometimes chaotic, sometimes fateful play of human freedom across the ages. And yet Schelling builds upon Kant's suggestion in a new way by applying it to the determinism/indeterminism dilemma. The task Schelling assigns to his philosophy of history is that of demonstrating how the lawfulness of necessity and the spontaneity of freedom can be harmonized, showing that the 'work of fate' was 'already the beginning of a providence imperfectly revealing itself' (SW I/3: 604; STI 212).

9. Closing remarks

Our discussion in this chapter began by following the steps leading to Kant's claim in *Groundwork* III that a free will and a will under moral laws are 'one and the same'. As we have seen, this statement would invite the first wave of sceptical reactions to Kant's theory of freedom, but it also inspired Reinhold to adopt a theory of indifferent choice. Despite his good intentions, Reinhold's account only served as grist in the mill for Creuzer, who argued (using Kant's words against him) that indifferent choice is not a power at all but a 'non-entity'. There is no question that Creuzer's book had an impact on Fichte, and his 1793 review was unique, among other things, for mentioning a 'ground' of harmony between one's noumenal freedom and one's

empirical character. Yet Fichte did not return to this suggestion until the *System of Ethics* of 1798, and by that time Schelling had already taken steps in ‘Of the I’ under the inspiration of Fichte’s doctrine of science. That Fichte was still committed to the idea of predetermination appears in his genetic model of freedom, according to which indeterminacy of choice and determinacy of will constitute two stages of the will’s path to autonomy. While this was a striking claim at the time, I would not call it an unintended or *fateful* effect of Kant’s theory of freedom. The year Schelling published the *System of Transcendental Idealism* in 1800 was significant for many reasons, not the least of which was that it marked the relocation of freedom in the progressive unfolding of the absolute I, making the history of freedom a novel point of departure for generations of philosophers to come.¹⁵

Abbreviations

- A/B: *Kritik der reinen Vernunft (Critique of Pure Reason)*, 1781/87. Translated by Paul Guyer and Allen Wood. Cambridge: Cambridge University Press, 1998.
- CR: ‘Creuzer Recension’ (‘Creuzer Review’), 1793. Translated by Daniel Breazeale. *Philosophical Forum* 32 (4) 2001: 289–96.
- G: *Grundlegung zur Metaphysik der Sitten (Groundwork for the Metaphysics of Morals)*, 1785. Translated by Mary Gregor. Cambridge: Cambridge University Press, 1998.
- GA: *J. G. Fichte-Gesamtausgabe der Bayerischen Akademie der Wissenschaften*. Edited by Erich Fuchs, Hans Gliwitzky, Reinhard Lauth und Peter K. Schneider. Stuttgart-Bad Cannstatt: Frommann, 1962–2012.
- IP: *Vom Ich als Princip der Philosophie oder über das Unbedingte im menschlichen Wissen (Of the I as the Principle of Philosophy or On the Unconditioned in Human Knowledge)*, 1795. In *The Unconditional in Human Knowledge: Four Early Essays, 1794–1796*, translated by Fritz Marti. Lewisburg: Bucknell University Press, 1980.
- R: *Die Religion innerhalb der Grenzen der bloßen Vernunft (Religion within the Boundaries of Mere Reason)*, 1793. Translated by Allen Wood and George di Giovanni. Cambridge: Cambridge University Press, 1999.
- SL: *Das System der Sittenlehre nach den Prinzipien der Wissenschaftslehre (The System of Ethics According to the Principles of the Wissenschaftslehre)*, 1798. Translated by Günter Zöller and Daniel Breazeale. Cambridge: Cambridge University Press, 2005.
- STI: *System des transzendentalen Idealismus (System of Transcendental Idealism)*, 1800. Translated by Peter Heath. Charlottesville: University Press of Virginia, 1978.
- SW: *Friedrich Wilhelm Joseph von Schellings sämtliche Werke*. Edited by Karl Friedrich August Schelling. Stuttgart, Augsburg, J.G. Cotta, 1856–61.

Notes

- 1 While it is true that ‘autonomy’ and ‘freedom’ are related concepts, they track different concerns in the historical context that Ameriks’s work serves to foreground. For instance, ‘autonomy’ as an Enlightenment ideal of self-determination carries ethical, social and political meanings that go past the notion of freedom as either volitional choice or uncaused causality. My concern in this chapter is mainly with the *conceptual* and *metaphysical* puzzles which arise from the idea of such causality.
- 2 For further discussion of Kant’s theory of freedom, see Wood (1984); Allison (1990; 2020); Korsgaard (1996); Timmermann (2003); Watkins (2004); Pereboom (2006); Guyer (2017); McCarty (2009); Hogan (2009a, 2009b); Ameriks (2012); Insole (2013); Stern (2015); Kim (2015); Dunn (2015); Kohl (2015a, 2015b); Papish (2018); McClear (2020); and Schafer (forthcoming).
- 3 Kant had prepared the reader for this claim by defining the will in *Groundwork* II as a ‘capacity ... to determine oneself according to the representation of certain laws’ (G 4:427).
- 4 For discussion of this debate that surrounded Kant’s theory of freedom, see Guyer (2017) and Ware (Forthcoming).
- 5 See Schulze (1788: 413).
- 6 See Allison (1990). I discuss Kant’s theory of freedom at greater length in Ware (Forthcoming).
- 7 For further discussion, see Martin (2018).
- 8 In a parenthetical remark, Fichte directs the reader to an essay Kant published in 1790 where he characterizes transcendental idealism as the ‘true apology’ of Leibniz’s philosophy.
- 9 Commenting on CR 16: 414–15, Wayne Martin speculates that Fichte’s use of the phrase ‘pre-determined’ harmony instead of ‘pre-established’ harmony serves ‘to leave open a possibility that Fichte would seek to exploit, namely that the requisite harmony is *not in fact pre-established*, indeed that it is *not yet established* at all, even if its transcendental shape is pre-delineated, and that it therefore falls to us to produce it’ (2016: 29). While I agree that Fichte wishes to place emphasis on a harmony to-be-achieved, I am not convinced that his use of the phrase ‘pre-determined’ carries the degree of significance Martin ascribes to it. German authors during the late eighteenth century used ‘pre-determined’ and ‘pre-established’ harmony as interchangeable terms – as when Feder writes, for example, that ‘the third hypothesis is the pre-established, or pre-determined, harmony (*harmoniae praestabilitae*)’ (1793: 181).
- 10 See Ch. 2 of Ware (2020).
- 11 For further discussion of these stages, see Ware (2019) and Breazeale (2021).
- 12 While the moral law gives expression to a necessary manner of thinking, and hence counts as ‘unbreakable’, it has no reality outside of the I’s self-activity. The moral law is nothing other than a necessary manner of thinking this self-activity, which is why Fichte says it counts as a genuine law of freedom.
- 13 I am thinking of §18, where Fichte attempts to explain how the free actions of rational beings can coexist (and thus harmonize) in community on the basis of their ‘predetermination’ (*Prädetermination*). Here he writes that ‘all free actions are predestined [*prädestinirt*] through reason for all eternity – i.e., outside of all time – and with regard to perception every free individual is placed in harmony with these actions’ (GA I/5: 207; SL 4: 228).

- 14 On Schelling's new account, history divides into a series of stages, with the last stage, Providence, pointing to a future reconciliation. And he is clear that the road to reconciliation can never be completed, making the revelation of the absolute I an 'infinite process.'
- 15 It gives me pleasure to acknowledge an intellectual debt to Karl Ameriks, whose book *Kant and the Fate of Autonomy* not only inspired the title of this chapter but also helped me work through the intricacies of Kant's concept of freedom and its enduring legacy. For constructive discussion of the ideas in this chapter, I am also grateful to Joe Saunders and to participants in my 2019 Schelling seminar at the University of Toronto.

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