



The Young Schelling  
A drawing of 1808 or 1809 by Josef Klotz. Courtesy of the  
Münchener Stadtmuseum

# The Unconditional in Human Knowledge

*Four Early Essays*

(1794-1796)

by

F. W. J. Schelling

*Translation and Commentary by*  
Fritz Marti



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tual slavery, or is twisted by erudite luxury and by vanity" (1:434). John Lachs translates somewhat differently (Heath 16).

81. The joy of such a union of free spirits had been experienced by the three friends and fellow students at Tübingen, Hegel, Hölderlin, and Schelling. As a final note I translate four lines of the long poem *Eleusis*, which Hegel wrote for Hölderlin in August 1796. (See Gustav Emil Müller, *Hegel. Denkgeschichte eines Lebendigen*, [Bern and Munich: 1959], p. 72.) Müller's book is a treasure trove of insights into the life and thoughts of Hegel.

Our old agreement found still riper, firmer our old trust.  
No need of oath for our determination  
to live for the free truth alone, and never to make peace  
with feelings and opinions bound by custom, never, never.

... des alten Bundes Treue fester, reifer noch zu finden,  
des Bundes den kein Eid besiegelte,  
der freien Wahrheit nur zu leben, Frieden mit der Satzung,  
die Meinung und Empfindung regelt, nie nie einzugehn.

## Translator's Introduction to *New Deduction of Natural Right*

In his book on *La filosofia politica di Schelling* (Bari: Laterza, 1969, p. 114) Claudio Cesa states that the *New Deduction of Natural Right* was written right after the *Philosophical Letters on Dogmatism and Criticism*. On March 23, 1796, Schelling wrote to Niethammer in Jena that he would stop in and perhaps bring along some aphorisms written while, as their private tutor, he was teaching natural right to the two young barons von Riedesel, who were going to study law at Leipzig. Schelling told Niethammer: "I would like to send [these aphorisms] if I had a clean copy. I would not like it if another published [his own writings on the topic] before me and if people then thought I had followed his steps" (Horst Fuhrmans, ed., *F. W. J. Schelling. Briefe*. [Bonn: Bouvier, 1962], 1: 67,77). Fuhrmans notes that this other author is surely Fichte who, as Schelling knew from Hölderlin, had lectured on natural right for the first time in the winter of 1795/96. Gabler in Jena published the first part of Fichte's lectures at Easter 1796. (The lectures are now in Fichte's works, 3: 1-385.) On May 8, 1796, Schelling sent Niethammer the rest of the manuscript. Niethammer published that completed work in the belated April issue of his *Philosophical Journal*.

The essay looks like a study of Rousseau's distinction between the general will and the will of all, with emphasis on the decisive function of the individual will.

Schelling's convincing logic flows freely, like lucid music, at least in the first half. No introductory explanations seem to be needed. An abridged outline of some of the main points may suffice.

The individual will is restricted by the general will only inasmuch as the restriction by the latter makes the former absolute (§ 44). The general will demands justice. All are to be free. The form of the individual will is autonomous freedom. But that is impossible without the "matter" of the general will, which is the just freedom of all (§ 44).

"Only the matter" of the individual will "(that which is accomplished by it), not its form (the freedom of willing) depends on the general will" (§ 49). What, according to Kant, ought to be accomplished is the establishment of the "realm of God" on earth. But this *pax Dei* is given only *hominibus bonae voluntatis* (Luke 2:14). And it is precisely our duty to bring about this peace through the *freedom* of our will, for it cannot be done in any other way. Therefore "my will submits to the general will in order not to be subject to any other individual will" (§ 50).

The free "individuality of will cannot be commanded at all" (§ 55,59). It is autonomous. Therefore it implies the possibility of unlawful action. I *can* do anything. But the question of right is what I *may* do. Right is what corresponds "to the form of will as such, or (which is the same) to the form of the general will" (§ 67). Therefore, "the matter of the permissible [ my right] is determined by the form of the permissible [freedom], not vice versa" (§ 80).

Since the matter of my action is determined by its form, autonomy, all moral beings who can will this matter, the realm of God, must also will its form, autonomy (§ 154). A man can will his own freedom and disregard the freedom of all, because I cannot prescribe to him *what* he wills.

Since not all potentially moral beings need to will the matter of my moral action, the justice for all (§ 154), those who will not may have become unable and irredeemable, as it would seem, or they may not yet be able, as is a very young child. But their existence does not do away with "the form of *my* action" (§ 154).

In short, "the form of the general will is *freedom*, its content *morality*" (§ 35).

Schelling's definition of ethics is significant. Ethics is "that part of morality which demands a general will [or the universality of will] with regard to its matter" (§ 52).

Since the essay was written only half a dozen years after the definitive establishment of the United States of America, it is interesting to find formulations that could have been penned by a man like Jefferson, for instance § 32 and especially § 15 (see n. 12). How would the entire essay strike an American student of law?

[247, 248]

## 4

# New Deduction of Natural Right (1796)

[247] 1. *Deduction of the science of right as such, and of its supreme principle.*

### § 1

What I cannot bring into reality theoretically, I ought to make real practically. Now, the unconditional toward which reason moves <sup>1</sup> is beyond the reach of theoretical reason, <sup>2</sup> for it can never become an *object* for me. As soon as I try to fix it as object, it falls back into the limits of the conditional. Whatever is *object* for me can manifest itself only phenomenally. As soon as it is more than a phenomenon for me, my freedom is annihilated.<sup>3</sup>

### § 2

If I am to bring the unconditional into reality, it must cease to be an object for me. I must conceive the ultimate, which is the ground of everything that exists, the absolute being that manifests itself in every being as *identical with myself*, with the ultimate, immutable in me.<sup>4</sup>

### § 3

*Be!* in the highest sense of the word; cease to be *yourself* as a phenomenon; endeavor to be a noumenon as such!<sup>5</sup> This is the highest call of all practical philosophy.

### § 4

[248] If you are a being by yourself, [ein Wesen an sich], no contrary

power can change your status, none can limit your freedom. Therefore, in order to become a being by yourself, *to be absolutely free*, endeavor to subject every heteronomous power to *your* own autonomy, endeavor by freedom to extend your freedom to an absolute, illimitable power. [249]

### § 5

This commandment is unconditional, because it demands something unconditional. Therefore the demanded endeavor itself must be *unconditional*, that is, it must depend only on itself and cannot be determined by any foreign law.

### § 6

If my endeavor is not to be determined by any foreign law, then, in reverse, everything *opposed* to my endeavor must simply be determined by *my* endeavor. By proclaiming myself as a free being, I proclaim myself as a being who determines everything resistant, but is not determined by anything.

### § 7

I rule over the world of objects; even in that world nothing reveals itself but *my* causality. I proclaim myself as master of nature, and I demand that it be absolutely determined by the law of my will. My freedom keeps every object in the bounds of a phenomenon (*Erscheinung*) and thus prescribes to it laws it may not break. Autonomy pertains only to the immutable *self*; everything that is not this *self*—everything that can become *object*—is heteronomous, and for me phenomenon. The entire world is my moral property.<sup>6</sup>

### § 8

If I am to rule in the world of phenomena and govern nature in line with moral laws, the causality must *reveal*\*,<sup>7</sup> itself through a *physical* causality. Now [249] *freedom* as such can announce itself only through original autonomy. Therefore this physical autonomy, although it is heteronomous with regard to the *object*, is *autonomous* with regard to its principle, that is, it is not within reach of any natural law.<sup>8</sup> Thus it must unite in itself both autonomy and heteronomy.

### § 9

The name of this causality is *life*. Life is the autonomy in the phenomenon;<sup>9</sup> it is the scheme (Schema)<sup>10</sup> of freedom, insofar as it reveals itself in nature. This is why, of necessity, I become a *living* being.

\*This is the proper expression and properly belongs here! Elsewhere the author will explain its meaning and content. It cannot seem strange to a reader who has understood Jacobi.

### § 10

As far as my *physical* power reaches I give my form to everything in existence, I force my purposes upon it, I use it as means of my boundless will.

### § 11

Where my physical power does *not* reach, there is only a physical resistance: in nature there can be no *moral* resistance to me. Whatever is physically impossible, is still morally real, and whatever is morally real may still be impossible physically; nevertheless I have accomplished what I ought to do in the moral world.<sup>11</sup>

### § 12

Where my *physical* power finds resistance, there is *nature*. I acknowledge the superiority of nature over my physical strength; as a being of sense I bow to it; I *cannot* do more.

### § 13

Where my *moral* power finds resistance, there can no longer be *nature*. I shudder and stop. I hear the warning: Here is *humanity*! I may not do more.

### § 14

In its boundlessness my freedom can be conceived only as a power which does away with every resistant causality. Therefore, wherever my freedom ceases to be boundless, it must be confronted with some other unconditional causality.

### § 15

[250] When I feel that my freedom is limited, I recognize that I am not alone in the moral world, and the manifold experiences of limited freedom teach me that I am in a realm of moral beings,\* all of whom have the same unlimited freedom.

### § 16

This causality is unlimited because it is nowhere confronted by a [specific] goal, because its goal is nowhere specified *objectively*.<sup>13</sup> The causality is concerned with unconditionality, yet does not *presuppose* it but merely endeavors to realize it by a nonfinite act.

\*That a being similar to myself in outward appearance can be modified by my purposive intention is no proof that it is human; it could be a teachable animal. This is confirmed by the observation that those whose demands never meet the resistance of another human will eventually lose respect for the docile human species, and finally for human dignity itself. Only when I address the *will* of another and when he rejects my demands with his categorical "*I will not!*" or else when he is willing to give up his freedom for the price of mine, do I recognize that behind his face there dwells humanity, and in his breast freedom.<sup>12</sup>

## § 17

Its ultimate goal is not objective and therefore not *empirical*. But because the free causality strives for it only in an infinite sequence of *time*, its striving is empirical.

## § 18

Although the ultimate goal of all moral beings is intellectual<sup>14</sup> and therefore *identical*, their striving, as an empirical striving (§17), is *not identical*.

## § 19

If all moral beings had attained the highest goal, their causality would be one and the same, and there would be no antagonism but absolute concord.

## § 20

Since it is in *time* alone that they can strive for a goal, their causality is as manifold (not identical) as the objects in the empirical world.

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## § 21

Therefore the unconditional causality of moral beings becomes antagonistic in the *empirical* striving, and I begin to *oppose my freedom to the freedom of all others*.

## § 22

Now, as I conceive of my freedom as being in opposition to the causality of others who are like me, it becomes *my* causality, that is, a causality which is not the causality of moral beings as such (the causality of the entire moral world). I become a moral *individual*.

## § 23

I *cannot* cease to assert my freedom as long as the challenge "Strive for unconditionality!" is not fulfilled. Yet I cannot assert my freedom without at the same time flatly opposing it to the freedom of others, insofar as theirs is in opposition to mine, in our empirical striving. Therefore *the individuality of my will itself is sanctioned by the highest demand of practical reason*.

## § 24

However, this very demand is addressed to *all* beings. Every moral being—not *ought* but *must*—remain an individual, as long as he still ought to fulfil that demand.

## § 25

Still, it is impossible that every moral being maintain his freedom as long as the unconditional freedom of moral beings is antagonistic when manifest in their *empirical* striving.

## § 26

To be sure, if conceived *purely*, absolute causality can never be in antagonism to itself. But an absolute *empirical* causality does away with all empirical causality in the other man. Empirically unlimited activity in one imposes empirically unlimited passivity upon the other.

## § 27

Nevertheless, every moral being must assert his freedom *as such*. And that is possible only insofar [252] as every moral being renounces unlimited *empirical* freedom. For unlimited *empirical* freedom leads to endless antagonism in the moral world (§26).

## § 28

Therefore, every moral being must yield his unlimited *empirical* freedom in order to save his freedom *as such*. Inasmuch as his striving is empirical, he must cease to assert himself as an individual in order to maintain himself through his striving *as such*.

## § 29

We must think that all moral beings are striving to maintain their individuality. Therefore this universal striving of moral beings for individuality *as such* must restrict the striving of each for *empirical* individuality in such a way that the empirical striving of all others can coexist with the striving of each.

## § 30

Since we must think that all moral beings as such have a will, this generic *will of all* must limit the *empirical* will of each individual in such a way that the will of all others can coexist with the will of each.

## § 31

Here we step over from the domain of morality into that of *ethics*. Morality as such lays down a law addressed only to the individual, a law that demands nothing but the absolute selfhood of the individual. Ethics sets up a commandment which presupposes a realm of moral beings and which safeguards the selfhood of *all* individuals by means of the demand addressed to the individual.

## § 32

Therefore the commandment of ethics must express not the will of the individual but the general will.

## § 33

Still, this commandment of ethics (§ 32) depends on the higher commandment of morality (§ 3). Ethics sets up [253] the *general* will as a law only in order to safeguard the individual will by means of the general. I do not lay claim to individuality because I submit to the general will, but only because I claim individuality do I submit to the general will. *The general will is conditioned by the individual, not the individual by the general.*<sup>15</sup>

## § 34

What determines the general will is the form of the individual will as such (freedom), setting aside all content of willing. *Therefore the content of the general will is determined by the form of the individual will, not vice versa.*

## § 35

The form of the general will is *freedom*, its content *morality*. Therefore *freedom does not depend on morality but morality on freedom. I am not free because I am moral, nor insofar as I am moral, but because and insofar as I want to be free, I ought to be moral.*

## § 36

Consequently, the problem of all ethics is to maintain the freedom of the individual by means of the general freedom, to safeguard the individual will by means of the general, or—(since the will of the individual can oppose the will of all others only insofar as it becomes empirical, that is, material)—to harmonize the empirical will of all with the empirical will of the individual.

## § 37

When I conceive of the individual as being in opposition to all other individuals, the question arises whether the empirical will of all others is to become identical with *my* will, or else *my* will with the will of all others.

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## § 38

If the will of all others were to become identical with my own as such, I should be doing away with the will of all others as individuals, that is, the general will would *not* be conditioned by the individual's (§ 33). This assumption would be contradictory.

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## § 39

Vice versa, if *my will*, inasmuch as it is *individual* will, were to be determined by the will of all others, then the individual will would be conditioned by the general will, and that in turn is impossible (§ 33).

## § 40

Therefore, either none of the two cases can take place, or else they must *both* come to pass together. Yet they can come to pass together only if the will of the individual and the will of all are equivalent concepts, that is, if the will of all is at the same time the will of the individual and the will of the individual is at the same time the will of all.<sup>16</sup>

## § 41

Only if the individual will and the will of all are equivalent concepts is the condition fulfilled under which alone an ethical commandment can come to pass (§ 33). I ought not to act as all the others;<sup>17</sup> but all the others ought to act as *I* act. Yet, in order that all the others may act the way I do, I ought to act the way all others *can* act.<sup>18</sup> Only through the adherence of the will of *all* others to my will can my will become the will of *all*, and only by *my* adherence to the will of all others does their will become the will of every individual, just as the apposition of plurality to unity and the apposition of unity to plurality produce totality.<sup>19</sup>

## § 42

Only by conceiving of all will as *absolute*<sup>20</sup> can I conceive of the will of all others as being restricted by mine, and mine as restricted by the will of all others. Therefore even the restriction of [255] the individual will by the general presupposes the original unrestrictedness of the will.

## § 43

Only by restricting my will within the limits of the will of all others, and the will of all others within the limits of mine, can I think the will itself as absolute. And the problem of the absolute will, as established by morality, is resolved in ethics *through the universal concordance of the wills of all individuals.*

## § 44

*Therefore the individual will is restricted by the general will only inasmuch as it becomes absolute owing to this very restriction, and the individual will is absolute only inasmuch as it is restricted by the condition of the general will.*

## § 45

The highest commandment of all ethics is: *act in such a way that your*

*will be absolute will*; act so that the entire moral world could will your action (in its matter and in its form); act so that your action (according to its content and its form) does not treat any rational being as a mere *object* but as a cooperating *subject*.<sup>21</sup>

#### § 46

By acting in line with this law, I renounce my individuality, that is, I cease to oppose *my* freedom to the freedom of other moral beings. However, I cease to oppose my freedom to the freedom of other moral beings only in order that *they* in turn cease to oppose their freedom to mine.

#### § 47

For since the general will is conditioned by the individual will (§ 33) and not vice versa,<sup>22</sup> the general will can determine the matter of my action only insofar as it is conditioned by the individual will, that is, *I can submit to the general [256] will only inasmuch as, through it, I assert my individual will*.

#### § 48

Since I can think of myself as an individual only insofar as another freedom is opposed to my freedom (§ 22), I can also assert *my* will as will only in opposition to another will.

#### § 49

In particular, I assert *my will*:

(a) against the *general* will, though not with regard to the matter of it, yet in regard to the form:

*I determine the matter of my will through the general will, in order that the will of all others be conditioned by the form of my will.*

*For only the matter of my action (that which is accomplished by it), not its form (the freedom of willing), depends on the general will.*

And vice versa: *Though it is not the matter, yet it is the form of my will (freedom) that conditions the matter of the general will (§ 45).*

#### § 50

I assert the individuality of my will

(b) against the *individual* will:

*My will submits to the general will in order not to be subject to any individual will.*

Or: *I impose upon myself the general will as a law, in order that my will may be a law for every other will.*

#### § 51

Thereby I assert the individuality of my will  
(c) against the *will as such*.<sup>23</sup>

*My will submits to the general will in order that no other endeavor be opposed to my endeavor, [257] no other will to my will as will, that is, in order that my will may become absolute unlimited power (§ 45).*

#### § 52

Therefore ethics cannot absolutely *do away* with the individuality of my will with regard to its *matter*, without at the same time *affirming* it absolutely with regard to the *form*. And ethics, being that part of morality which demands a *general will* [Allgemeinheit des Willens] with regard to its *matter*, must be confronted with another science, one that *asserts* the *individuality* of will with regard to its *form*.

#### § 53

This problematically assumed science must be determined only in strict contrast with ethics, and all its problems must be derived from this antithesis.

#### § 54

What ethics *demands* is that the individual will be identical with the general. But the individual will can be different from the general will only insofar as it is determined *materially* (§26). Therefore the identity of the individual with the general will cannot be demanded unless the matter of the individual will *as* individual will be removed, that is, unless I ought to act *contrary* to the individual will with regard to its *matter*. But an action *contrary* to my individual will must be commanded: it must be asked of me *imperatively*, through an ought.

#### § 55

In contrast, it cannot be *commanded* that I act *in line* with the *form* of individual will. For, that I *am* at all, and that I am the one *who* I am is the unconditional [self-]assertion which forms the basis of all categorical assertions.

#### § 56

Therefore the proposition which *asserts* the individuality of will would be a theoretical<sup>24</sup> and absolutely categorical axiom<sup>25</sup> if, [258] in ethics, it were not faced by a commandment that *removes* (§ 54) the individual will with regard to its matter.



## §57

Therefore this proposition cannot *absolutely* assert the individuality of the will with regard to its form without, at the same time, asserting it as mere *possibility*, with regard to that commandment [§ 56]. Otherwise, again with regard to that commandment, it would have to assert it either as an actuality or else as an impossibility, and neither of the two can be the case.

## §58

For if it were to assert it as *actually* posited by that commandment it would assert it as *commanded*. But the individuality of will cannot be commanded at all (§ 55).

## §59

If, on the other hand, it were to assert it as *impossible* in regard to that commandment, it would assert it as absolutely *removed* by that commandment. And that, in turn, is unthinkable (§ 52).

## § 60

Therefore the proposition which asserts the individuality of will is *by and for itself* a categorical-theoretical proposition (I am I!). Yet, inasmuch as the same proposition asserts the individuality of will with regard to the commandment which removes the individuality of will as to its matter [or content], it is a problematically practical proposition that merely allows the individuality of will as to its form.

## §61

Now the problematically assumed science which asserts the individuality of will (§ 52) is to be actually established (§ 52) only in contrast to the science which removes the individuality of will. Therefore, in that assumed science also, the individuality of will as to its form can be asserted only as a *practical possibility*.

## § 62

*Possible* is that which, though it *is* not absolutely, yet on that very account is not *under any specific condition*. [259] *Actual* is that which, though it *is*, is yet on that account *under a specific condition*. Whatever the possible loses of existence it gains of unconditionality, and whatever the actual gains of existence it loses of unconditionality.

## § 63

Therefore *possibility*, conceived *practically* (with regard to ethics), is that which, though it *is* not absolutely (*practically*), is yet, on that very ac-

count, not *under the specific condition* of a commandment. *Actuality*, likewise conceived *practically*, is that which, though it *is*, is only *under the specific condition of a commandment* (it *is* only because it ought to be).

## § 64

I *ought* to do what is practically actual, and what I ought to do is obligatory; it is in line with *duty*. Duty is that which simply *is* because it ought to be.

## § 65

Whatever is theoretically possible I *can* do; whatever is practically possible I *may* do. In current linguistic usage, whatever I *may* do is called *right*, in general, and the practical possibility itself, owing to which something becomes right, is called *the right*.<sup>26</sup> Right is that which, though it is not necessarily practically *actual*, is yet on that account not under the specific condition of a commandment [eines Gebotes].

## §66

Therefore I *ought* to do everything that is duty, or commandment (§ 64). The proposition which alone can express a commandment is a proposition that annuls my will as to its matter (§ 54). As to its matter, my will is annulled by the general will. Therefore *everything is duty that is in line with the matter of the general will*.

## §67

I may do everything that is practically possible (§ 65). The proposition which alone can express a practical possibility is a proposition that asserts individuality of the will as to its form, in contrast [260] to the nonindividuality of the will as to its matter (§ 57). Therefore *everything is practically possible* that asserts the *individuality of my will as to its form*. Or, since the individuality of the will is the *form of will as such*, everything is practically possible, that is, is *right*, which is *in line with the form of will as such*, or (which is the same) in line with *the form of general will*.

## §68

Above [§ 52] we problematically assumed a science that would teach us to assert the individuality of will. It could be nothing but the science of *right*, and the supreme principle (Grundsatz) of all philosophy of right would be this:

*I have a right to everything by means of which I assert the individuality of my will as to its form; or:*

*I have a right to everything that is in line with the form of will as such* (everything without which the will would cease to be will).



## § 69

The science of right (which for a long time was not separated at all from morality, and whose relations to morality was till now left entirely undetermined) can take its place only *in contrast* to the science of duty.

## § 70

For will as will can become *individual* only in contrast to the *general* will, just as the general will is *general* only in contrast to *individual* will. Without this contrast there would be only one absolute will, which could be called neither individual nor general.<sup>27</sup>

## § 71

The problem of all moral philosophy is an *absolute will*. In a moral world, such a will can be attained only by unifying the highest individuality with the highest generality of will. [261] *One* will of *all* [men] would contain simultaneously the most unlimited freedom and the highest cogency [Gesetzmässigkeit].

## § 72

*Ethics* solves the problem of the absolute will by identifying the individual will with the general [§45], the *science of right* by identifying the general will with the individual. If both had completely solved their task, they would cease to be contrasting sciences.

## § 73

Since the problematically affirmative principles of right can be determined only *in contrast* to the general will (duty), they can be formulated in the doctrine of duty only as *categorically negative* principles. Whatever the doctrine of right *admits as possible* can be found in the doctrine of duty only in the form of its opposite, which the doctrine of duty (proceeding categorically) must *imperatively* deny. Possibility can be affirmed only *problematically*; *categorically* it can only be denied.

## § 74

In ethics, therefore, the highest principle of right can be expressed only *negatively*:

You may not do anything at all by which the individuality of will would be negated as to its form; or

You may not do anything at all by which the will *as such* would be negated (as to its *form*).

## § 75

These negative imperatives cannot occur at all in the doctrine of right,

because no *commandments* [Gebote] at all can occur in that doctrine, be they affirmative or negative (§55).

2. *Analysis of the highest principle and deduction of original rights.*

## § 76

Just as theoretical philosophy ascends through a series of syntheses to the highest possible synthesis, so in turn does [262] *practical* philosophy descend through a series of *analyses* to the absolute *thesis*, and just as the procedure of theoretical philosophy is synthetic, so the procedure of practical philosophy is analytic.

## § 77

All original rights must be deduced *analytically* from the concept of *right* as such. For *right* as such, as to its sheer *form*, is identical with right as to its *matter*, because the matter of right is determined by the form of right, not vice versa [§68].

## § 78

To *act* is mine; to choose a *specific* action is mine. Therefore one can distinguish between the matter and the form of what I may do.

## § 79

The *form* of the permissible is *practical possibility*. [cf. §61] But practical possibility is nothing other than independence of the individual will of the general (because something can be determined as practical *possibility* only in contrast to the *general* will and, vice versa, something can be determined as practical *impossibility* only in opposition to the *individual* will). And this very independence of the general will is the matter of all right. For, as to matter, *right* is nothing other than that which takes place through the sheer *form* of individual will, independent of and even in opposition to the general will.

## § 80

Therefore *the matter of the permissible is determined by the form of the permissible*, not vice versa; and the highest principle of right could also be expressed as follows:

Practically possible is everything that asserts practical possibility as such (individuality of will as to form); or:

I may do everything by which I assert the permissible as such (as to its form).

## [263] § 81

If the matter of the permissible were not determined by its form, it would not be determined by the individual will (§ 79) but instead by the general will, and that would be contradictory, since the permissible is conceivable only in contrast to the general will (§ 79).

## § 82

If the matter of the permissible is determined by the form of the permissible, I cannot assert the form of the permissible without at the same time asserting its matter.

## § 83

Since I have an *immediate* right to the form of my will, by necessity I have also a *mediate* right to its matter.

## § 84

In asserting the matter of my will I also assert its form, and vice versa; and if the matter of my will is negated as matter, its form is also negated.

## § 85

The form of my will as willing is *freedom*. And freedom pertains to the will absolutely, inasmuch as it is always the *subject*, never the *object* of any determination, that is, inasmuch as the will is not determined by the *matter* (the object) of its willing, but the matter by the will itself.\*

[264]

## § 86

Inasmuch as freedom, considered strictly as what it is, cannot be an *object* in any sense, it can never be the *object* of any act that could do away with it. However, the matter (the object) of my freedom can become the object of an opposing freedom, that is, it can be negated as the matter of my will.

## § 87

Therefore the freedom of my will can be negated only insofar as its matter is negated, and the matter of my will cannot be negated except by the simultaneous negation of its form.

\*I leave it to the judgment of my readers to figure out the corollaries of this proposition with regard to the theory of contracts. I remark only what follows. Since the *matter* of my will can never determine the will itself, and since the *will* endlessly escapes from every objective determination, therefore, in order to ensure a contract one would have to assume an *endless* series of *contracts* among which each would confirm the antecedent one, but would in turn be in need of confirmation. However, to demand in this endless series of contracts that I remain consistent, is merely a demand of morality. Now, as long as morality—the striving for consistency—does not hallow contracts, the question my readers may answer asks whether the *self-interest* of men (to which one so readily appeals as soon as one finds it profitable) furnishes a more certain warranty of our contracts than that endless series of *free* decisions.

## § 88

Since it is the problem of the entire philosophy of right to assert the form of individual will, and since this form can be asserted only through its matter, the most immediate principle of all right, which follows from what has been said above, is this:

*You may do anything by which you assert the matter of your will insofar as it is determined by the form of the will.*

## § 89

Therefore the right to matter is valid only insofar as it is conditioned by the right to form; *I may assert the matter of my will only insofar as by that assertion I simultaneously assert the form of will.*

## § 90

The form of will asserts itself only in contrast to the matter of will, that is, only insofar as this matter is absolutely [265] *determined by the form* and therefore, *with regard to the form*, is absolutely *undetermined* (that is, absolutely determinable).

## § 91

All problems of the philosophy of right concern the possibility of asserting the form of will. *Therefore all would have to be developed from this contrast between form and matter of will.*\*

## § 92

If the matter of my will is absolutely undetermined with regard to the form of the will, that is, must be conceived as absolutely determinable, then as matter of my will it must be determined or determinable by nothing else than this will.

## § 93

Therefore all problems of the philosophy of right can be derived from the opposition of my will to every other determining causality.

## § 94

The matter of my will, as matter, can be determined at all only by the *will* as such, and specifically only either by the *general* or by the *individual* will.

## § 95

Therefore all problems of the philosophy of law can be derived from the opposition to will as such, to the individual and to the general will.

## B.

AA. Right, in contrast to the *general* will

## § 96

I subject the matter of my will to the general will only insofar as the *matter* of the general will is determined by the *form* of my will. Therefore I would have a right [266] *against* the general will only if the matter of the general will were opposed to the form of my will.

## § 97

However, the matter of the general will can never be opposed to the form of my will. For what determines the matter of the general will is only and simply the form of the individual will. Therefore no collision seems possible between the matter of the general and the form of the individual will. (No doubt this difficulty is the reason why, hitherto, the teachers of natural right did not dare to speak of a right *against* the general will.)

## § 98

On the other hand, the form of my will can be opposed to the matter of the *general* will. For, although the general will, as to its matter, is invariably *determined* by the form of my will, yet this form (the form of my will) is absolutely *indetermined*, and is not at all determinable by any matter and, therefore, also not determinable by the matter of the general will. For this form consists of nothing other than the absolute *undeterminateness* with regard to all matter of willing, that is, it consists of this, that the matter of will is conditioned alone *by* the will, not vice versa, the will conditioned by the matter. In short, I *act* as I *will*; I do not *will* as I *act*.

## § 99

Suppose that I act as I will and not as the general will wills, and suppose that the matter of my will is determined by its form (freedom) *in opposition* to the general will, then the question arises *whether my act will be negated by the will of the moral world, or the will of the moral world negated by my act*.

## § 100

In opposition to the general will I have a right only to the *form* of my will. Therefore, just as, in opposition to the matter [267] of the general will I have a right to the *form* of my will, so in turn has the general will, in opposition to the form of my will, a right to the matter of my will. The question is whether it can validate that right.

## § 101

The matter of my will is conditioned by its form, and the matter cannot be removed without, at the same time, removing the form (§ 87). Therefore the general will cannot assert its right to the matter of the individual will without, at the same time, asserting a right to the form of will, that is, without removing *my* right to that matter.

## § 102

However, the matter of the general will is determined by the form of the individual will (§ 34). Therefore the general will, as such, cannot will that the form of my will be negated nor, on that account, that the matter of my will be removed, inasmuch as it is conditioned by the form of my will. Therefore the right of the general will to interfere with the individual will is an *imperfect* right, because the general will cannot exercise it without negating the will as such, and therefore negating itself.

## § 103

If the will of the moral world is negated by my will, it is negated only as to its *matter*, for that will could not determine the *form* of my will (§ 49). Therefore my action, insofar as it is opposed only to the *matter* of the general will, cannot negate any action that pertains to the general will as to its form.

## § 104

Therefore, since I have a right to anything that is not opposed to the *form* of the general will (§ 67), I am entitled to negate the general will as to its matter. *However*, I am so entitled only insofar as the matter of my action is conditioned by the form of the individual will, that is, insofar as this matter itself is not opposed to the form of the [268] individual or, which is the same, of the general will.

## § 105

Therefore the principle:

'In opposition to the general will I have a right to the form of my will,'

can be expressed as follows:

I. *In opposition to the general will I have a right to the selfhood of will even as to its matter, insofar as I thereby assert my right to the form of the selfhood of will.*

## § 106

Yet I can never find a case in which I could assert the individuality of my will as to its *form*, in *opposition* to the *general* will. For if the general will endeavored to negate any will in matter as well as in form, it would thereby cease to be general will. For it is general will only inasmuch as it is conditioned by the individual will [§ 33].

## § 107

Therefore this right to individuality of my will as to its *matter* (§ 106) can never be asserted in opposition to the *general* will. For, if there existed any right to negate any will in both matter and form, such a right could pertain only to an *individual* will.

## § 108

Consequently, the problem formulated above (§ 99) is transformed as follows:

*May an individual will be executor of the right which pertains to the general will regarding the matter of my will?*

## § 109

But this problem brings us to the more general problem:  
[269] *Does an individual will have any right at all in opposition to another individual will?*

BB. Right, in opposition to *individual* will

## § 110

My will submits to the general will in order not to be subject to any individual will (§ 50), that is, I assert my individuality *absolutely*, in opposition to every other individuality.

## § 111

The general will alone, not the individual will, ought to determine the matter of my will. Hence the firmly established principle:

II. *I have a right to the matter of my will in opposition to every individual will.*

## § 112

In *opposition* to any individual will (§ 109), therefore, I can have any right only insofar as that will endeavors to negate *my* will. And the general formal principle which asserts a right in opposition to any individual will is the following: *An individual will which endeavors to negate another will, and insofar as it so endeavors, is absolutely negated by that other will.*

## § 113

Therefore if I assert my will by means of negating the will of another, the presupposition is that this other endeavored to negate mine. Now, the law of the general will demands that we will whatever all moral beings can will (§ 45). Therefore two wills in opposition cannot *both* be lawful, but either both or at least one of them must necessarily be *unlawful*.

1. First Case: *both* are unlawful as to their matter.

## § 114

From the principle established above, that the *matter* of the general will is conditioned by the *form* of the individual will (§ 34), there follow immediately the following principles:

[270]

a. I can act *against* the matter of the general will (*morality*) without also acting against the *form of individual will* (freedom); I can negate the general will as to *matter*, without negating the will *as such* as to form.

b. I cannot act *against* the *form* of the general will (individual freedom) without at the same time acting *against* the *matter* of general will (*morality*).

c. I cannot act *in line* with the general will as to its *matter* without at the same time acting *in line* with its form (the freedom of will as such).

d. I can act *in line* with the form of general will (freedom) without at the same time acting *in line* with the *matter* of general will (*morality*).

## § 115

Therefore, in the case of a collision of unlawful wills two cases in turn are possible:

a. Both are unlawful also as to *form*, that is, both endeavor to annul each other mutually.

## § 116

I have the right to negate absolutely every individual will insofar as it endeavors to negate mine. Therefore opposite wills that endeavor to annul each other *mutually* have also the *right* to annul each other, that is, neither of them has the right to assert itself *absolutely* against the other.

## § 117

Therefore this principle results:

α. *Formally unlawful actions, insofar as they collide, have mutually a right against each other.* There, [271] where their conflicting wills meet in

the empirical endeavor, in the world of phenomena, they annul each other mutually if they are as equal in what they *can* do as they are in what they *may* do.

b. *One of the two is unlawful also in form*, yet endeavors to annul the other.

### § 118

A will that is unlawful in form is on that account also unlawful in matter (§ 114,b). If it were annulled because it was unlawful in *matter*, then the *form* of its willing would be conditioned by the matter of willing, which is impossible (§ 90).

### § 119

A will, therefore, that is unlawful in *form* is absolutely negated, however, without any regard to its *material unlawfulness*, but only because it endeavored to annul the will of another.

### § 120

It is absolutely negated by the will of the other, not because this other will is *unlawful* in *matter*, but because it is simply will, without any regard to the matter of its willing.

### § 121

Therefore the question raised above (§ 108) must be answered simply in the negative. An individual lawful will can never annul a materially unlawful will, because it can never annul it without becoming itself unlawful in *form* and therefore also in matter. Therefore *an individual will can never execute<sup>28</sup> the general will's right to the matter of the individual will*.

### § 122

From this follows the principle:

β. *I have a right to my materially unlawful will in opposition to every other formally unlawful[272]will*; or: I have a right in opposition to every unlawful will, insofar as thereby I (formally) assert my unlawful will.

2. Second case: Only one of the two is unlawful in its matter.

### § 123

No will can be lawful in its matter without, at the same time, being lawful in its form (§ 114). Therefore the lawful will can never endeavor to annul the materially unlawful will.

### § 124

Thus, if there is an antagonism between an unlawful and a lawful will, the ground of it can never lie in the latter. Only an unlawful will can endeavor to annul the will of the other.

### § 125

Therefore, according to § 112, the unlawful will, owing to its opposition to the lawful, will be absolutely negated, though not because it is materially unlawful (being opposed to the general will) but because it is formally unlawful (as opposed to the individual will).

### § 126

On the other hand, the lawful will can assert itself in opposition to the unlawful, though not because it is lawful materially but only because it is *formally* lawful. Therefore, with regard to the antagonism of these two, I inquire into the material lawfulness of the one only in order to prove the *formal unlawfulness* of the other.

### § 127

Consequently, another principle results:

3. *I have a right to my (materially) lawful will, against every (formally) unlawful will*.

### § 128

There can be a *right* to a lawful will only in opposition to an individual will. For *in opposition to the general will* there can be only a (formal) right to *unlawful* will, and *in relation to the general will* only a *duty* to will lawfully.

[273] CC. Right, in opposition to will as such

### § 129

In opposition to both the individual and the general will, I have a right only to *formally lawful* actions. However, where there is no longer any will at all, there is no longer any lawful or unlawful manner of acting; my will becomes an absolute unlimited *power*.

### § 130

In the domain of nature, all *willing* ceases.<sup>29</sup> The domain of nature is the domain of heteronomy. Consequently, here no other will can oppose mine, and my right to nature must be a right which I assert *in contrast to any will as such*.

## § 131

I declare my freedom by ruling over everything heteronomous [§ 6]. Now, I have a right to everything by means of which I assert my freedom. This yields the principle:

III. *In opposition to every will, I have a right to assert my will by unlimited mastery over nature.*<sup>30</sup>

## § 132

For autonomy ought to dominate heteronomy absolutely. Everything that is *object* ought to be absolutely *passive* when confronted with the self-action of a moral *subject*.

## § 133

If every object is to be absolutely passive when confronted by autonomy, then the object, insofar as it is determined by [my] autonomy, must not be determinable at all by an *opposite* autonomy. Therefore my dominion over the objects must assert itself absolutely, against every other will.

## § 134

Otherwise, one would presuppose that the object is not absolutely passive relative to an autonomy by which it is already determined. [274] If it is absolutely passive relative to my will, it thereby becomes like zero in relation to every other will. It ceases to be object for every other moral being.<sup>31</sup>

## § 135

If objects were not absolutely *passive* when confronted by the freedom of will, there could be no antagonism of freedom with regard to them. For if they were not *absolutely* determined by the freedom of a moral being, no free act could withdraw them as objects from every foreign will. Yet they would still remain determinable heteronomously. But there can be no collision between autonomy and heteronomy.

## § 136

Only because the free will determines the objects absolutely<sup>32</sup> is the autonomy in its relation to an autonomously determined object no longer confronted by the heteronomy of the object but by the autonomy of the determining subject. But autonomy in antagonism to autonomy either annuls itself or is mutually limited by the conditions under which the freedom of all moral beings can exist.

## § 137

Therefore unlimited autonomy occurs only where there is *sheer* nature, that is, where no action of free will has yet determined nature. Only in the

*physical* world as such can there be no resistance to me as moral being (§ 11ff.)

## § 138

My freedom differs from freedom *as such* only because of limitation. Therefore, where *my* freedom is unlimited it is identical with freedom as such, that is, it ceases to be *individual* freedom. Therefore, with regard to the autonomous determination of objects, my freedom ceases to be individual freedom.

[275]

## § 139

If my freedom is identical with freedom as such, every manifestation of my autonomy annuls every foreign autonomy. As *I* act, and inasmuch as *I* act, every other individual must *not act*, that is, it must be passive. *My* will, inasmuch as it is *mine*, must be sacred for the entire moral world.

## § 140

If we enumerate all single rights in line with the above analysis of the supreme principle of right, they are the following:

1. *In contrast to the general will, the right to moral freedom*, that is, the right to full freedom of the individual will with regard to materially lawful as well as to materially unlawful actions.
2. *Right in contrast to individual will, right of formal equality*— the right to assert my individuality in opposition to every other (as to both form and matter).
3. *Right, in contrast to will as such*—the right to the *world of phenomena*, to *things*, to *objects* as such, *natural right* in the narrower sense.

3.

## § 141

Finally, I not only have the right to act at all, [*ich darf überhaupt*] but I may do anything by means of which I assert the individuality of my will; I have a right to every action whereby I save the selfhood of my will.

## § 142

As to *matter* (as to specific actions), my will can be *restricted* only by the general will. However, the matter of the general will itself is conditioned by the [276] form of the individual will (freedom). Therefore, this form cannot be in turn conditioned by that matter.

## §143

But the form of individual will would be conditioned by the matter of the general will if it depended on the latter with regard to its self-assertion.

## §144

Therefore freedom, the original form of individual will, must fall back to its original unrestrictedness as soon as its self-assertion is at stake. It is absolute power that subjects every opposing power. Everything, even the general will, bows to the freedom of the individual if the latter acts to save itself. The general will exists no longer as soon as there is need to save freedom.

## §145

I have a right to every action by which I assert the selfhood of the will, therefore also a right to annul every action that cannot coexist with the selfhood of my will.

## §146

The selfhood of the will is annulled as soon as the form of the will (freedom) is conditioned by the matter of the will (by that which I will), not vice versa.

## §147

To coerce anybody, in the widest sense of the word, means to condition the form of his will by the matter. This declaration comprehends physical, in the narrower (external) sense of the word, as well as psychological (internal) coercion.

## §148

*Moral coercion* is a contradiction. Therefore there can occur only an *endeavor to coerce* someone *morally*. This endeavor is *declared* by physical or by psychological coercion, and the general principle of such coercion is this: *In [277] everyone who coerces you physically you must presuppose an endeavor to coerce you morally.*

## §149

Consequently, *coercion* as such is an endeavor to annul the selfhood of will. Now, I am entitled to every action by which the selfhood of will is asserted, and therefore I am also entitled to oppose a similar endeavor to every endeavor to coerce me. *Every coercion is opposed by coercion.*

## §150

As I assert the selfhood of my will I assert nothing but my right. Therefore, every assertion of my right against an opposing will is at the same time annulment of that will, that is, coercion of it. Therefore, my right in opposing a foreign will necessarily becomes *right of coercion*.

## §151

The *general* will has a right only to the *matter* of my will. Now, the matter of the general will is conditioned by the form of the individual will. Therefore, the right of the general will to the matter of my will cannot be a *right of coercion* (nobody can be coerced to moral actions).

## §152

On the other hand, the individual will has a right to its freedom, even if *opposed to the matter* of the *general* will. Now, all rights are comprehended in the original right to the form of a will, to freedom. Therefore the individual will can have no rights unless it asserts them all, even if *opposed to* the matter of the general will.

## §153

Individual will can be annulled only in *opposition to individual* will (the general will can never will that any will be annulled). If I act only *immorally*, I am acting only against the *general*, not against the [278] *individual* will. *I am still always acting the way every individual as such could act.* Therefore not even my immoral action can be annulled as action—either by the will of another individual, for I am not moving against his will, or by the general will, for *it* never has any right of coercion against any will.

## §154

Since the matter of my action is always conditioned by its form, all moral beings, insofar as they can will the matter of my action, must also will its form, not vice versa. But if the form of my action were annulled because not all moral beings can will the matter of my action, then the matter of my action would be conditioned by the form of it, which is contradictory.<sup>33</sup>

## §155

Only the form of will is everywhere *identical*. Therefore if the form of my will is annulled by the will of some other individual, that one thereby also annuls the form of his will.

## §156

Only by the identity of the form of will does every moral being become identical with me; only through the freedom of his willing can I recognize a being that is like me.

## §157

A moral being becomes an *individual* insofar as he determines the matter of his will through freedom. But for the very reason that he determines the matter of his will by freedom, he must *differ* from me with regard to the *matter*, just as he is identical with me with regard to the form.



## § 158

Therefore if the moral being were to annul the form of the will in himself, he would cease to be *identical* with me. He would become an *object* for me.<sup>34</sup>

[279]

## § 159

Everything that is object for me must be determined by my endeavor. I place it within the bounds of phenomena and determine it heteronomously, through natural laws.

## § 160

Therefore every being, insofar as he annuls the form of will in me, becomes mere object for me; he takes his stand within the bounds of phenomena and becomes a mere natural being.

## § 161

Then every right necessarily becomes *natural right* for me, that is, a right which I claim by sheer *natural laws*. And in its strife against that right, every such being becomes a mere *natural* being for me.

## § 162

Natural right, if consistent (inasmuch as it becomes right of coercion), necessarily destroys itself, that is, it annuls all *right*. For the last resort to which it entrusts the maintenance of right is *physical predominance*.

## § 163

Now, it is the demand of reason that the physical be determined by moral laws,<sup>35</sup> and that every natural power be in alliance with morality. Therefore natural right necessarily leads to a new problem, how to *make the physical power of the individual identical with the moral power of right*, or to the problem of a *condition in which physical power is always on the side of right*. But as we endeavor to solve this problem we step into the domain of a new science.

## Postscript

Skepticism is nowhere more dangerous than where self-interest and selfishness move immediately from principles to [280] their *application*. There, in alliance with the *literalism* of ostensible philosophers, skepticism compels a science to deduce its principles as strictly, cogently and literally as possible, though this might cause the loss of the ingratiating appeal of an easier diction, and the lack of appeal of a casual presentation.<sup>36</sup> On that account, such strict enterprises have merely a *temporary* merit. As soon as the principles have been strictly established, and the [genuine]

philosophers have come to a decision, then—in a quite different form—they ought to be and must be brought before the *people* at large. However, the people should not demand to partake of the inquiries before they are finished and are ripe for public decisions. Only the *mob* could think of attacking the philosophers at work, slandering and insulting them because of their diligent endeavor. Being raw and unintelligent, the mob is irritated by everything it does not understand, even though it should turn out to be for the common best. The very lack of understanding is the first cause of the mob's irritation.

The present aphorisms are not meant to be more than aphorisms. The author reserves his right to a commentary, all the more because the most recent treatises on natural right, which he could not consult<sup>37</sup> for the present work, will give him cause for more mature reflections as well as manifold occasion to develop his principles more completely.

## Translator's Notes

1. In the *Critique of Pure Reason* (382 f., Smith 318) Kant wrote, "reason is directed always solely towards absolute totality in the synthesis of conditions, and never terminates save in what is absolutely, that is, in all relations, unconditioned. For pure reason leaves everything to the understanding which, by itself, applies immediately to the objects of intuition, or rather to their synthesis in the imagination. Reason concerns itself exclusively with absolute totality in the employment of the concepts of the understanding, and endeavors to carry the synthetic unity, which is thought in the category, up to the completely unconditioned."

2. Schelling here follows Kant in the questionable limiting of the theoretical to knowledge of objects. But Kant also defined "theoretical knowledge as knowledge of what *is*, practical knowledge as the representation of what *ought to be*" (*PuR* 661; Smith 526). And the findings of critical philosophy are something that *is* (though nothing objective) and in that sense theoretical.

3. In his treatise *Of the I* (239) Schelling explains that "a system that posits an absolute Not-I antecedent to the I, thereby annihilates the absolute I and can know no absolute freedom of the I."

4. In *Poss.* (106) Schelling wrote, "the principle of the original form is the basic proposition *I am I* which, to be sure, is an identical proposition. Yet the fact that this proposition is identical belongs to its content, not to its form as such. Therefore it is only the form so expressed, the form of being unconditionally posited, that can be the original form given by that basic proposition. Its principle thus furnishes the *axiom of being unconditionally posited*." The reader must remember that "*I am I*" is not a conditional proposition. To say "*if I were I, I'd be I*" is the nonsensical. It presupposes the I that speaks. In *Of I* (223) Schelling said: "Pure being is conceivable only in the I. The I is posited absolutely. . . . *Pure being* is the original form of possible being posited in the I."

5. The last sentence of the ninth *Letter on Dogmatism and Criticism* (335) says: "Be! is the highest challenge of Criticism." The awareness of *being I* yields what Talleyrand would call "*joie de vivre*." As teenagers we boys at Berne would say to each other on a free afternoon, "Chumm, mr wei use, e chlei ga sy!" (let's go out [in the country] just to *be* a while!). To deny that I am I, and to claim that I am an object, is dogmatism.

As for "being a noumenon as such," we must remember that Kant used the word *noumenon* in two senses. The first and precritical usage was that of the empiricists. They realized that our sensations are subjective reactions to the quite different objective stimuli which act upon the senses. Empiricism lets these stimuli issue from things in themselves. A certain wave length of light somehow triggers the respective color which we sense. The color is in our mind. The thing in itself need not have any color, nor any other quality known through sensation. Call it matter as such and define it as "the *unknown* occasion, at the presence of which ideas are excited in us by the will of God" (Berkeley, *A Treatise Concerning the Principles of Human Knowledge*, §68). But if this unknown "material" thing is replaced by God,

as Berkeley would have it, what do you know of God? Berkeley says God excites in us ideas, among them sensations. Is causation by a Spirit less unknowable than a material cause? Hume declares that the very notion of cause arises in us only by the experience that our perceptions occur in some kind of regular sequence. The things in themselves remain unknown. Now, if you call a thing in itself a noumenon, Kant points out, then "it is a noumenon in the *negative* sense of the term. But if we understand by it an object of nonsensible intuition, we thereby presuppose a special mode of intuition, namely the intellectual, which is not that which we possess. . . . This would be noumenon in the positive sense of the term" (*PuR* 307; Smith 268). Kant denies intellectual intuition. Yet he truly has it whenever he discovers any intellectual necessity, foremost of which is the necessary identity "*I am I*." In fact he says *PuR* 429: in the awareness "of myself in mere thought I am the *being* itself" and "the assertion 'I exist thinking' determines the subject (which is then at the same time object) in respect to existence." I know that I exist only as I. And Criticism challenges me to know it. Dogmatism replaces the I by an It, an entity called mind or soul, or else by my organism.

6. This, of course, is pure Fichte, in fact early Fichte. The later Fichte made clear that the autonomous self stands under God. Also, of course, this is no solipsistic existentialism, for it does not inhibit the later insight. Kant had raised the question as to "the value of life *for us*," and he answered it, saying: "There remains nothing but the value which we ourselves give our life, through what we cannot only do but do purposively in such independence of nature that the existence of nature itself can only be a purpose under this condition" (*CrJ* 83 n. Cass. 5: 514; Bernard 284-).

7. Friedrich Heinrich Jacobi, *Über die Lehre des Spinoza, in Briefen an Herrn Moses Mendelssohn* (*Werke* 4: 72): "in my opinion it is the greatest merit of the scholar to unveil and reveal what *is*" (*Dasein zu enthüllen und offenbaren*). Cf. Schelling's *Of I* 156.

8. No natural law can explain the reality of obligation or—"therefore" (according to 9)—of life.

9. Kant saw autonomy only in the noumenon. He said, "the *autocracy* of matter, in productions which can only be conceived by our understanding (*Verstand*) as purposes, is a word without meaning" (*CrJ* § 80; Cass. 5:500; Bernard 270). Kant insists on the mechanism of nature. He says that purposiveness is a mere technical concept, to be used "where natural objects are *judged only as if* their possibility rested on art" (*First Introduction to the Critique of Judgment*, trans. James Haden. [Indianapolis: Bobbs-Merrill, 1976] p. 8; Cass. 5:184). In that way, "nature is judged . . . only by analogy with an art and, more particularly, only in a subjective relation to our faculty of knowledge and not in an objective relation to the objects" (*ibid.*). "If the mere mechanism of nature be assumed as the ground of explanation of its purposiveness, we cannot ask: For what do the things in the world exist? . . . What is under discussion is only the physical possibility of things, and to think of things as purposes would be mere verbalization (*Vernünftellei*) without any object" (*CrJ* 84; Cass. 5: 514; cf. Bernard 284). As for the term *purposiveness* (*Zweckmässigkeit*), Cassirer warned the modern reader not to take it in the narrow sense of a conscious purpose but in the wider Eighteenth-Century sense which Leibniz designated by the word *harmony* (Ernst Cassirer, *Kant's Leben und Lehre, in Kants Werke* 11:307).

Is Schelling indulging in mere verbalization when he simply states: "The name of this causality is life"? Kant said (*CrJ* §65, Bernard 221 f.): "We say of nature and its faculty in organized products far too little if we describe it as an *analogon of art*, for this suggests an artificer (a rational being) external to it. . . . We perhaps approach nearer to this inscrutable property if we describe it as an *analogon of life*, but then we must either endow matter, as mere matter, with a property which contradicts its very being (*hylozoism*) or associate therewith an alien principle *standing in communion with it* (a soul). . . . To speak strictly, then the organization of nature has in it nothing analogous to any causality we know. . . . The concept of a thing as in itself a natural purpose is therefore no constitutive concept of

understanding or of reason, but it can serve as a regulative concept for the reflective judgment, to guide our investigation about objects of this kind by a distant analogy with our own causality in line with our own purposes as such, and to guide our thinking about the ultimate ground of such objects." It is significant that Kant entitles his § 80 (Bernard 266) "Of the necessary subordination of the mechanical to the teleological principle in the explanation of a thing as a natural purpose." In that section he says (Cass. 5: 497; Bernard 267): "It is therefore reasonable, even meritorious, to pursue natural mechanism, in respect of the explanation of natural products, so far as can be done with probability; and if we give up the attempt, it is not because it is impossible *in itself* to meet in this path with the purposiveness of nature, but only because it is impossible *for us* as men. For there would be required for that an intuition other than sensuous and a definite knowledge of the intelligible substrate of nature from which a ground could be assigned for the mechanism of phenomena according to particular laws, which quite surpasses our faculties. Hence . . . the naturalist must . . . always lay down as basis an original organization which uses that very mechanism in order to produce fresh organized forms or to develop the existing ones into new shapes (which, however, always result from that purpose and conformably to it)." Schelling, having shown that we do have intellectual intuition of the I as self-positing act, can take issue with Kant, and launch into *Naturphilosophie*. Cf. *Dogm* n.72. Incidentally, in this same spring of 1796 Napoleon performed another thing impossible to man when he took the Apennine passes and conquered Lombardy with his ragtag army.

10. Kant had defined the *schema* as "the representation (Vorstellung) of a universal procedure of imagination in providing an image for a concept" (*PuR* 180; Smith 182).

11. On one of the last pages of the *PrR* (Cass. 5: 171; cf. Beck 163) Kant said, "to put everything else after the holiness of duty and to know that we *can* do it because our own reason acknowledges it as its law and says that we *ought* to do it—is equivalent, as it were, to lifting ourselves altogether out of the world of sense."

12. This could have been written twenty years before 1796 by one of the Fathers of the American Constitution. It is also a pedagogic axiom that some modern educators seem to have forgotten.

13. Kant's categorical imperative is formulated as the abstract rule: "Act only according to that maxim by which you can at the same time will that it should become a universal law" (*Foundations of the Metaphysics of Morals*; Cass. 4: 279; Beck 39). Rules tempt man to follow them unthinkingly and irresponsibly. However, Kant calls his rule a compass (*ibid.* 20) and a compass does not set the goal but merely shows in which direction to reach it. The very abstractness of Kant's rule is a challenge to responsibility which, from case to case, must freely specify the goal. Of course this "nonfinite" freedom of our decision is coupled with the awareness that we are not infallible. The very significant word *Kompass* is Kant's own (Cass. 4:260).

14. Not in the Aristotelian sense, in which the ultimate goal is pure insight, but in the Kantian sense, in which intellectual means the practical insight that I am responsible and can be so only through my autonomy, not through any heteronomy. In short, "intellectual" not "theoretical." (See, e.g., *PrR* [Cass. 5: 114; Beck 108]: "certain actions presuppose such an intellectual, sensuously unconditioned, causality.")

15. Schelling's individualism rests on concepts of Rousseau understood by the concepts of Kant. Schelling's emphatic sentence epitomizes the Revolution; it rejects the divine right of the state over the individual.

16. Rousseau distinguished between the general will (*volonté générale*) and the will of all (*volonté de tous*). Here Schelling derives the latter from the former by means of Kant's distinction between autonomy and heteronomy.

17. Such conformity would be heteronomous and therefore immoral (§35).

18. This is a plain and very clear way of expressing Kant's categorical imperative (see n. 13); my maxim *can* become a universal law.

19. Schelling thinks of Kant's three categories of quality (*PuR* 106; Smith 113). Kant observed "that the third category in each class always arises from the combination of the second category with the first" (*PuR* 110; Smith 116). §41 presents the fundamental idea of the American Revolution in a nutshell.

20. That is, as autonomous.

21. Kant said: "Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only" (*Foundations of the Metaphysics of Morals*; Cass. 4: 287; Beck 47; Cf. n. 13).

22. That would be even empirically impossible, since in the empirical world I meet with the general will only in the form of the will of those humans who represent or claim to represent the general will, be they legislators, administrators, judges, or be they dictators or religious prophets. The general will is not an individual. If its individual representatives try to make me submit by heteronomous force, I can resist. I can submit only autonomously, asserting myself "through" the general will (which I then would represent or claim to represent).

23. In place of (c) the original edition of 1856 has (1), as does Schröter's of 1927, but neither has any (2). The logical correction is (a) against the *general* will, (b) against the *individual* will, and (c) against the *will as will*.

24. Not in the narrow Kantian sense in which *theoretical* means *objective*.

25. Schelling's word is *Grundsatz* (basic proposition), as distinguished from a simple proposition (*Satz*).

26. The German word is *das Recht*. It has the same root as *right*. The Latin equivalent is *ius*. Prudence can mean foresight; a student of jurisprudence learns to foresee what, under the law, are a man's rights. In Europe you can make your doctorate *iuris utriusque*, i.e., in "both laws," canonical and secular, hence the double L in our LL.D. We speak of a student of law. The law (*lex*) formulates what is right. In Germany you study rights, *die Rechte*. In English, *commandment* often means religious law.

27. That would be the case in perfect dogmatism which, according to Schelling (*Of I*, 164, 171), is found in Spinoza. In the first part of the *Ethics* (prop. 32) Spinoza says, "the will cannot be called a free but only a necessary cause," and therefore (cor. 1) "God does not work from any freedom of the will." In Schelling's *Presentation of My System* of 1801 he said "that hitherto realism in its most sublime and perfect shape (Spinozism) . . . has been misinterpreted and misunderstood" (4: 110).

28. Schelling uses the now entirely obsolete word *exequiren*. In English an *exequatur* is an official recognition, authorization, or permission. The Latin verb *exequi* or *exsequi* means to perform, to execute.

29. Here Schelling does not question but is in line with Kant's mechanistic view of nature. See n. 9.

30. As soon as the mechanistic conception of nature gives way to a recognition of a life of nature, a respect for natural ecology will limit man's right. Cf. §137.

31. This would substantiate the absolute right to private property, even to a first possession like that of a squatter.

32. Kant's categories "constitute" the objectivity of objects. Therefore they are the "conditions of the possibility of [objective] experience" (*PuR* 161; Smith 171). As Kant defined them; "They are concepts of an object in general" (*PuR* 128; Smith 128). Or as Jakob Sigismund Beck put it in his letter to Kant of November 10, 1792 (Cass. 10: 174), the category "is that concept by means of which the manifold of a sense intuition is represented as a necessary unit [notwendig verbunden] valid for everybody." In 1794 Fichte had written: "if the Science of Knowledge should be asked 'How then indeed are things-in-themselves constituted?' it could offer no answer, save, as we are to make them" (1: 286; Heath 252; f. n. 68 to *Of I*). And in 1795 he stressed that what we ought to make first is our image of the object. "Inasmuch as the I posits this image as a product of its own activity, it necessarily opposes to that image

something that is not its own product; something no longer determinable but fully determined, without the act of the I, determined by itself. And that is the *real thing*, after which the I shapes its image" (1: 375). The image *is* not the thing, but neither is it a mere fantasy or dream. Thus the objectivity of the thing is "absolutely determined" by the free responsibility of thinking objectively, guided by the constitutive categories. This § 136 looks like an approach to *Naturphilosophie* from the side of ethics.

33. This seems to be a misprint (photomechanically repeated in Schröter's edition of 1927). The first sentence of § 154 says categorically, "the matter of my action is always conditioned by its form." That is in line with § 80 and § 88. My conjecture is that Schelling meant to say, "then the form of my action would be conditioned by the matter of it; which is contradictory."

34. If a defendant pleads temporary insanity, the judiciary process stops. He is no longer treated as a responsible will. He becomes the object of psychiatric treatment. According to § 153 the general will can never will that any will be annulled. The plea of insanity must be left to the now no longer insane defendant. No totalitarian government has any *right* to declare him insane. Such a declaration destroys *all* right (§ 162) and replaces the very idea of a just state by sheer physical predominance.

35. In a key passage of the *Critique of Judgment*, Kant wrote: "The concept of freedom ought to actualize in the world of sense the purpose proposed by its moral laws" (Cass. 5: 244; Bernard 12).

36. Schelling uses expressions found in Kant. For instance, in the introduction to the *Prolegomena*, Kant wrote: "Few writers are gifted with the subtlety and, at the same time, with the grace of David Hume, or with the depth, as well as the elegance, of Moses Mendelssohn. Yet I flatter myself that I might have made my own exposition popular had my object been merely to sketch out a plan and leave its completion to others" (Cass. 4:11; Beck 10).

37. Schelling is thinking of Fichte's *Foundation of Natural Right According to Principles of Wissenschaftslehre* which came off the press of Gabler in Jena, Easter 1796. The year 1797 brought Kant's *Metaphysical Principles of the Doctrine of Right*.

## Appendix A

### Kant's Publications after 1780

- 1781 *Kritik der reinen Vernunft*
- 1783 *Prolegomena zu einer jeden künftigen Metaphysik, die als Wissenschaft wird auftreten können*
- 1784 *Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht*  
*Beantwortung der Frage: was ist Aufklärung?*
- 1785 *Rezension von Herders Ideen zur Philosophie der Geschichte der Menschheit*  
*Über die Vulkane im Monde*  
*Von der Unrechtmässigkeit des Büchernachdrucks*  
*Bestimmung des Begriffs einer Menschenrasse*  
*Grundlegung zur Metaphysik der Sitten* (1. Auflage; 2. Auflage 1786)
- 1786 *Mutmasslicher Anfang der Menschengeschichte*  
*Was heisst: sich im Denken orientieren?*  
*Metaphysische Anfangsgründe der Naturwissenschaft*
- 1787 *Kritik der reinen Vernunft* (2. Auflage)
- 1788 *Über den Gebrauch teleologischer Prinzipien in der Philosophie*  
*Kritik der praktischen Vernunft*
- 1789 *Erste Einleitung in die Kritik der Urteilskraft* (published only 1914 by Cassirer 5: 177-231)
- 1790 *Kritik der Urteilskraft*
- 1791 *Über das Misslingen aller philosophischen Versuche in der Theodicee*
- 1793 *Die Religion innerhalb der Grenzen der blossen Vernunft*  
*Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis*
- 1794 *Etwas über den Einfluss des Mondes auf die Witterung*  
*Das Ende aller Dinge*
- 1795 *Zum ewigen Frieden. Ein philosophischer Entwurf*
- 1796 *Von einem neuerdings erhobenen vornehmen Ton in der Philosophie*