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GENERIC ESSENCE, INDIVIDUALITY AND INTERSUBJECTIVITY IN FICHTE'S JENA WRITINGS[1]

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Abstract

This essay investigates the implications of Fichte's theory of intersubjectivity for how Fichte conceives of our "generic essence" ("*Wesen meiner Gattung*") and the relation between species (*Gattung*) and individuality within humankind. To this purpose, it focuses especially on Fichte's Jena lectures on the scholar's vocation and on Fichte's *Foundations of Natural Right*, by stressing the shift between the two writings. My claim is that in the lectures on the scholar's vocation Fichte deals separately with the problematic of individuation and with the justification of intersubjectivity, by thus proposing an irenic view of society as purposeful cooperation between individuals united by their common struggle against nature. On the contrary, in the *Foundations of Natural Right* Fichte systematically links the issues of intersubjectivity and individuation, by developing a transcendental deduction of intersubjectivity as a necessary condition of the individual's self-consciousness, which involves a new awareness of the contingency and vulnerability of the actuation of our generic essence.

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The following abbreviations are used throughout the essay. Citations of Fichte's work cite first the Gesamtausgabe der Bayerischen Akademie der Wissenschaften – referred to as GA, series, volume and page numbers – and then, when available, an English translation. The Lectures on the scholar's vocation are referred to as *BdG* (German edition) and LSV (English Edition). The Foundations of Natural Right is referred to as GNR (German edition) and FNR (English translation). Fichte's *Grundlage der gesammten Wissenschaftslehre* is referred to as GWL. Fichte's System der *Ethik* is referred to as SL (German edition) and SE (English Translation).

Keywords

Intersubjectivity, individuation, species, humanity.

Resumen

Este ensayo investiga las implicaciones de la teoría de la intersubjetividad de Fichte para la forma en que este concibe nuestra «esencia genérica» ("*Wesen meiner Gattung*") y la relación entre las especies (Gattung) y la individualidad dentro de la humanidad. Para ello, se centra especialmente en las conferencias de Fichte en Jena sobre la vocación del erudito y en sus Fundamentos de los Derechos Naturales, haciendo hincapié en el cambio entre los dos escritos. Mi afirmación es que, en las conferencias sobre la vocación del erudito, Fichte trata por separado la problemática de la individuación y la justificación de la intersubjetividad, y propone así una visión irénica de la sociedad como una cooperación resuelta entre individuos unidos por su lucha común contra la naturaleza. Por el contrario, en los Fundamentos del Derecho Natural, Fichte vincula sistemáticamente las cuestiones de la intersubjetividad y la individuación y desarrolla una deducción trascendental de la intersubjetividad como condición necesaria de la autoconciencia del individuo, lo que implica una nueva conciencia de la contingencia y la vulnerabilidad de la actuación de nuestra esencia genérica.

Palabras clave

Intersubjetividad, individuación, especie, humanidad.

In the history of modern subjectivity, Fichte occupies a central and recognized place for having developed a radical anti-substantialist ontology of subjectivity, conceived of as pure agility and constant self-production, to which being and subsisting cannot be attributed. In addition, however, since the publication of Lauth's 1962 influential essay on the notion of inter-personality (Lauth, 1989) —which radically questioned the long-dominant egoistic interpretation of Fichte's philosophy— Fichte has also gradually gained a reputation for being the initiator of the tradition in German philosophy that considers human subjectivity to be relational and intersubjective.

This essay aims to investigate the implications of Fichte's theory of intersubjectivity for how Fichte conceives of our "generic essence" ("*Wesen meiner Gattung*") and the relation between species (*Gattung*) and individuality within humankind: i.e., two central issues of philosophical "humanism", under which Marx's first writings can also be categorized, the Fichtean roots of which have been identified by various thinkers[2] and scholars.[3]

To this purpose, I will focus especially on Fichte's Jena lectures on the scholar's vocation – generally considered the first published writing in which he deals with the transcendental justification of our assumption of the existence of other rational subjects – and on Fichte's *Foundations of Natural Right*, which contains the most elaborated and well-known version of Fichte's deduction of intersubjectivity. My claim is that there is a remarkable shift between the two writings. They both rest on a view of our generic essence that presents man as a social being and identifies as distinctive features of the human being not only self-consciousness and rationality but also our sensible functions and our physical bodies, conceived of as obscure manifestations and visible expressions of reason and freedom, respectively. Nevertheless, in the lectures on the scholar's vocation, Fichte deals separately with the problematic of individuation and with the justification of intersubjectivity, whereas in the *Foundations of Natural Right* he systematically links the two issues. This essay illustrates both the theoretical considerations that underlie this shift and its implications for Fichte's view of the relation between species, individuals and society by drawing attention to Fichte's increased awareness of the contingency and vulnerability of the actuation of our generic essence, which is involved in the deduction of intersubjectivity as a necessary condition of the individual's self-consciousness.

2. See especially Althusser (2005, p. 35, 158 y 223; 1993).
3. The influence of Fichte's philosophy on the Young Hegelians and Marx has been the subject of an increasing number of studies, among which Rockmore (1980), Fischbach (2001), and Vincenti (2003) are especially worth mentioning.

Human nature, individuality and society

In *Some Lectures Concerning the Scholar's Vocation*, Fichte's point of departure is a determination of the "vocation of man as such, […] considered simply qua man": that is, the identification of those features of the concept of man that pertain exclusively to him and that distinguish him from all nonhuman beings. Significantly, Fichte opens this lecture by clarifying that he does not use the expression "man as such" to refer to the "pure I": that is, the infinite and absolute self-activity of reason, "considered in itself and apart from any relation to anything outside itself" (*BdG*, GA I 3, p. 28; *LSV,* p. 147). According to the theoretical framework of the *Foundations of the Entire* Wissenschaftslehre, the "pure I" constitutes the essence of finite rational beings but cannot be brought to consciousness and is thus "inconceivable" without a limitation and a determination through the action of something outside itself, from which one cannot abstract by investigating the vocation of man qua man. Moving from this premise, Fichte specifies that he uses the expression "man as such" to refer to "man conceived of apart from all relationship to rational beings like himself" (*ibidem*). This precision reveals that he does not yet identify the source of the determination – which he conceives both as the necessary presupposition of every self-consciousness and as a principle of individuation – in the action of other rational beings. Here, he individuates it in "*something* outside of the I", that is, "a Not-I", where this expression refers not to other subjects – as some scholars have argued (Lauth, 1989, p. 187) —but rather to "nature" and to "external things" that affect man's "sensibility":

> One is what one is because *something else exists in addition to oneself.* (…) empirical self-consciousness, that is, the consciousness of any specific determination within ourselves at all, is impossible apart from the presupposition of a Not-I. This Not-I must affect man's receiving faculty, which we call sensibility. Thus, to the extent that man is something he is a sensuous being. (*BdG,* GA I 3, p. 29; *LSV,* p. 148)

According to the thesis expressed in these passages, man's sensibility and relation to the external world is the principle of individuation, which ground the distinctiveness of every individual by determining and distinguishing him from others. Nevertheless, this doesn't mean that Fichte identifies our generic essence exclusively in pure rationality. On the contrary, according to Fichte the characteristic feature that distinguishes human individuals from non-human ones, by grounding their belonging to mankind, lies not

only in their rationality but also in the distinctive constitution of sensibility in rational beings as Fichte conceives of it, distancing himself significantly from Kant. For Fichte, in fact, sensibility is not the opposite of the spontaneity of reason in so far as it is not a completely passive faculty through which the subject is affected by external things. In the third part of Fichte's *Foundations of the Entire Wissenschaftslehre*, all of man's practical-sensible functions (such as feeling, desire, needs and impulses) are instead deduced as the first but obscure manifestations of reason's "striving" (*Streben)* to encompass and rationalize the "totality of all reality": a striving which, for Fichte, is the only form through which the infinite and absolute self-activity of reason, which represents the essence of man, can present itself in a finite subject.

Within this transcendental anthropology, the "sensible-practical" functions of the subject play an active and fundamental role in the constitution and knowledge of objects and in their possible transformation through praxis (Cesa, 1990). They are in fact the functions through which the I – at the same time that it is subject to necessary limitation and determination through the actions of the Non-I – posits itself, that is reflects on itself: by so doing, it also posits what limits it and makes it finite, that is, the Not-I (*GWL,* GA I 2, p. 387). It is precisely this account of sensibility as an expression of an original reciprocal action between the I and the Not-I that allows Fichte to explain how the finite subject can act freely in a world by which it feels itself to be necessarily conditioned and determined: moving from the assumption that the ontological primary core of rational beings lies in the absolute self-activity of reason —which, considered in itself, is pure identity and unity, encompassing every reality— Fichte can argue that such an activity cannot be stopped by the limitation produced by the activity of the Non-I. On the contrary, the limitation provoked by the activity of the Non-I appears as the necessary condition through which the absolute self-activity of reason can affirm its original direction toward pure unity and identity – by continually overcoming the limitations it encounters – and can be brought to consciousness in the form of practical reason's "demand" (*Forderung*) that all reality harmonize with the I (*GWL,* GA I 2, p. 396).

Fichte presents this argumentative line as a deduction of Kant's categorical imperative from the "absolute being" of the I, whereby such a deduction implies a significant shift away from Kant: in so far as it is grounded in the absolute self-activity of reason, practical reason, for Fichte, does not only demand inner self-determination and the harmony of the will; by demanding that every human being strive for absolute unity and identity with herself, practical reason on Fichte's account also requires the modification of the external world and things, "in order to bring them in harmony with the pure

form of the I", that is, "in accordance with the necessary concepts of how they should be" (*BdG*, GA I 3, p. 31; *LSV,* pp. 149-150). Moving from these premises, in his Jena lectures on the scholar's vocation, Fichte identifies "man's vocation *qua* man" —in so far "as he is a rational but finite, a sensuous but free being"— with "*endless approximation*" toward the unobtainable ultimate moral goal of subordinating "to himself all that is irrational": that is, with the "constant expansion of our limits to infinity" (*GWL*, GA I 2, p. 410), which Fichte equates with the "constant advancement" of civilization, involving the equal and continuous development of all of man's forces. In the light of these considerations concerning Fichte's valorization of the active core and role of human sensibility, in both the knowledge and the transformation of the external world, one can understand why Althusser viewed Fichte's humanism and idealism as a fundamental inspiration for Marx's *Theses on Feuerbach*, referring especially to the first and fifth theses (Althusser, 1993): that is, the thesis in which Marx criticizes Feuerbach's materialism for not having conceived of "sensuousness" as "practical, human sensuous activity" and more generally contrasts all hitherto existing materialisms with idealism, which he recognizes as having the merit of having developed, although abstractly, the active side of sensuousness, and thus of reality.

In the first lecture on the scholar's vocation, Fichte does not seem to conceive of the process of civilization as a social process in so far as this lecture focuses on the vocation of "man as such", in the qualified sense of man thought of as isolated from other rational beings. Nevertheless, in the following lectures Fichte establishes a constitutive nexus between the vocation of man as such and the vocation of man in society, through different argumentative steps.

First, Fichte derives from the vocation of man as such —and from its underlying drive, that is, the drive toward absolute identity with oneself and toward the harmony of all external things with our necessary concepts of them— a drive (*Bedürfnis*) to discover other rational beings beyond ourselves: in so far as man has within himself the concepts of reason and of rational action and thought, Fichte argues, "he necessarily wills (…) to see them realized outside of him", according to the tendency of reason toward self-identity (GA I 3, pp. 35-36; *LSV,* p. 155). Fichte appeals to this fundamental "social drive" to justify our assumption of the existence of other rational beings, by identifying a feature (albeit a merely negative one) through which we can recognize and distinguish them from non-rational beings: that is, lack of consciousness of a natural cause of the alteration of a substance in the sensible world, which authorizes us to infer, through a negative analogy with our own free efficacy, a rational and free cause of this alteration.

This first attempt to justify inter-personality underlies Fichte's deduction of the duty to live in "society" —in the sense of free "interaction governed by concepts"— as a constitutive part of the vocation of man as such: as Fichte puts it, man's fundamental drive for self-unity, encompassing the drive "to be permitted to assume that rational beings like himself exist outside himself", can express itself only "on the condition that he enters into society with these beings" (GA I 3, p. 37; *LSV,* p. 156).

Moving from these premises, Fichte presents society as the "origin" and necessary condition of the "improvement of the species" (*Gattung)*, conceived of as an endless approximation to the ideal of man: that is, to the ideal of absolute self-identity and self-harmony expressed by the pure I and demanded by practical reason. Significantly, this valorization of the fundamental role of society in the improvement of the species is grounded in Fichte's view of individuality and its relationship to the human species, careful examination of which reveals a certain ambivalence.

On the one hand, in the second lecture Fichte begins with the assumption that "every individual has his own particular ideal of man", which differs from those of other rational individuals not in its content but only "in degree", according to the different levels of moral development (GA I 3, p. 38; *LSV,* p. 157). Such an assumption expresses a view of individuality as moral imperfection. Human individuals differ from each other in so far as they are finite rational beings whose sensuous nature prevents them from achieving perfection, conceived of as the complete self-identity of reason; in the endless approximation to the unachievable goal of moral perfection, everybody is successful to different degrees, which distinguishes "all of the individuals who belong to the human race (*Menschengeschlecht*) among themselves". On the contrary, if they could achieve their highest and final goal —that is, moral perfection— "they would be totally equal to each other" and "would constitute but one single subject" (GA I 3, p. 40; *LSV,* p. 159). Within this argumentative framework, Fichte describes free interaction in society as a merely "spiritual" mutual exchange the prominent orientation of which is vertical: that is, a mutual give and take, where the better and higher man – owing to the fundamental human drive to self-identity – tries to raise those whom he recognizes as other rational and free beings to his own ideal. In so far as society is considered from this moral point view —that is, as a merely spiritual exchange— individual differences do not figure as deserving safeguarding: on the contrary, Fichte presents as the highest (although unachievable) goal of social spiritual interaction the "complete unity and unanimity" of all members of society; consequently, he identifies man's vocation within society as an endless approximation to this unreachable ultimate goal, that is, in the "unification"

of human individuals through a "process of communal perfection (*gemeinschaftliche Vervolkommnung*)".

On the other hand, in the third lecture —which is devoted to a justification of the existence of different classes (*Stände*) within society "on the basis of principles of pure reason"— Fichte does not present the particular ideals of man, corresponding to the different degrees of moral perfection, as that element which distinguishes human individuals from each other. In line with the first lecture, he recalls and clarifies the role of nature as a *principium individuationis*, that is, as a source of the physical inequalities that distinguish every human individual from others. In opposition to the absolute self-unity of reason, nature is "something manifold", and none of its parts is "totally identical to any other part". This is why it "affects the human mind in a variety of very different ways", which determines the "particular empirical individual nature" of individuals (*BdG,* GA I 3, p. 43; *LSV,* p. 162). For Fichte, in fact, the sensible-practical functions of the mind "are all equal in themselves" in so far as they have their "foundation entirely within pure reason" (*BdG,* GA I 3, p. 44, *LSV,* p. 163); nevertheless, their development is different in every individual in so far as it depends, at least initially, on the contingent and various ways in which the external world affects us, by one-sidedly awakening and enforcing certain drives and attitudes more than others. On Fichte's account, the point of departure of the process of individuation is therefore not "dependent upon us"; it lies in the influence of nature, which we cannot freely resist and direct prior to having acquired consciousness of our freedom and the capacity "to use it" (*BdG,* GA I 3, p. 43; *LSV,* p. 162).[4] But this "state […] can be attained in no other manner except by the awakening and development of our drives" – in so far as drives are the only form through which the spontaneity and practical laws of our reason can come to consciousness, for Fichte. Such an awakening depends not on us but rather on the causality of the Not-I. The differences engendered by the various ways in which nature affects us —independently of our choices and will— are not mere differences of degree but rather qualitative physical inequalities, which cannot be removed by the exercise of our freedom and which thus ground "different *personal characters*". Only the further development of individuality —following the awakening of the consciousness of freedom— is partially under our control: in so far as drives are the form in which the self-activity of reason comes to consciousness (through the limitation provoked by the action of the external world), every drive "only

4. "(…) I, as an individual, surrender myself to nature for the development of any particular talent which I may have. I do so *because I must*. I do not have any choice in the matter, but involuntarily follow the guidance of nature. I accept all that nature provides, but I cannot accept what she doesn't wish to provide" (*BdG,* GA I 3, p. 46; *LSV,* p. 165).

urges, but doesn't compel" the human being by leaving space for the free choice of the ways in which she wishes to continue her own process of individuation.

Within this argumentative framework, Fichte repeats that the supreme unachievable goal of all society is "the complete equality of all its members", which would result from the equal education and cultivation, to the highest degree of perfection, of all of the talents of all of the various individuals, demanded by the supreme ethical law of self-unity. Nevertheless, Fichte does not present "unification" —through which society endlessly approximates its unreachable final goal— as a process that either reduces or effaces the distinctive physical abilities of the individual. By "unification", here, Fichte means the process by which, through the social drive, reason unifies and "makes common property of the species" the different talents furnished one-sidedly by nature to each individual: more precisely, it is a process of socialization and sharing of both individual deficiencies and abilities, through which reason infinitely reduces the former and multiplies the latter (*BdG,* GA I 3, p. 45; *LSV,* p. 164). Thus conceived, the "unification" of all members of society —and more generally of all human beings throughout the centuries— transfers from the individual to the human species, considered as a whole, the endless approximation to the ultimate goals demanded by the supreme ethical law of the self-unity of reason: that is, the comprehensive and global cultivation of all of the skills of every man, the aim of which, in turn, is the transformation of nature according to the concepts of reason. As Fichte puts it, through the social drive reason "compels nature to cultivate every talent in the species (*Geschlecht*) at least, since it did not wish to do so in the individual" (*BdG,* GA I 3, p. 46; *LSV,* p. 165). For its part, by engendering physical inequality, nature contributes to "strengthen[ing] the bond that unites all men in a single body" precisely in so far as differences in aptitude make human individuals mutually interdependent with regard to the satisfaction of their needs: "the compulsion of our needs and the much sweeter compulsion to satisfy these needs binds men more closely together" by awakening the social drive, which urges them toward an association

> […] in which one cannot work for himself without working at the same time for everyone, nor work for others without working for himself, for the successful progress of any member is the successful progress of them all, and one's personal misfortune is everyone's misfortune. (*BdG*, GA I 3, p. 49; *LSV,* p. 168)

From this point of view —which considers society not merely in terms of spiritual interaction but rather in terms of the mutual interdependence of men in the satisfaction

of their needs— removing the physical differences among individuals turns out to be not only impossible but also undesirable: such a removal would in fact weaken and slow down the constant advancement of the rationalization of nature, required by the ethical law through our drives and needs. In so far as nature is manifold, its rationalization requires the utmost possible development of all of one's abilities, to a degree which no individual can reach even if she were to cultivate all of her talents. Moving from this premise, Fichte deduces the moral legitimacy and the prudential opportunity of *freely* choosing a specialized education —centered on the exclusive cultivation of one or some specific natural skills— and membership in a certain social class. More precisely, in his lectures on the scholar's vocation, Fichte does not present the choice of a class as an unconditional ought, directly required by the ethical law; nevertheless, he justifies it as the only means by which each individual in modern society can fulfill the duty, "according to the best of his knowledge, to bend all of his efforts toward society's final end": that is, the "constant improvement of the human species – liberating it more and more from natural compulsion, and making it more and more independent and autonomous".

Fichte wishes to justify not the existing inequality of the classes but rather the division of society into classes according to reason, which he conceives of as a means of reaching a "new equality, that is the equal advancement of culture in every individual". This argument was notoriously critiqued by Fichte's contemporaries, such as Schiller, who attacked Fichte by arguing that the specialization of skills and of classes brought benefits only for society and humankind —considered as a whole— but was a blight and a misfortune for individuals, preventing them from reaching genuine perfection and freedom: that is, the harmonious development of all of their forces and abilities. Furthermore, Fichte's justification of the division of society into classes in the lectures on the scholar's vocation implies a certain crystallization of the process of individuation. Although Fichte emphasizes freedom of choice as a necessary condition for entering a certain class, it is evident that —by choosing to devote himself to the exclusive cultivation of a skill— each individual in fact drastically and irreversibly limits the already limited field of chances within which he can further develop his own individuality. Such an account implies that the process of individuation remains open, in so far as every subject must constantly freely determine himself, in infinite and reciprocal action with nature. Nevertheless, it develops itself along a route that is increasingly narrow and tied to the determined position that everyone occupies both within society and in the "great chain which began at the moment which man first became fully conscious of his own existence and stretches into eternity", within the framework of an irenic view of the

social interaction of human individuals, thought of as teleologically united in the restless struggle of reason against nature.

Intersubjectivity and individuation

As we have seen, intersubjectivity does not play a role in the foundation of individuality in the lectures on the scholar's vocation, although Fichte here already argues that "a man who lives in isolation is not a complete man" and "contradicts his own self: that is, his social drive, grounded in the striving of reason to self-unity which constitutes the essence of rational finite beings. Coherently with the theoretical framework of the *Foundations of the Entire Wissenschaftslehre,* in these lectures Fichte identifies as a condition of self-consciousness and a *principium individuationis* only the manifold activity of nature upon human sensibility: he thus conceives of society in terms of free, purposeful interaction which *presupposes* individual characters as already being constituted at their roots, although they are open to further determination through freedom. Moving from these premises, Fichte presents society as a "purposeful" cooperation for perfecting individuality – which from a moral point of view appears as an imperfection – and for integrating and strengthening it, in order to promote the "constant improvement of the human species", that is the constant advancement of the rationalization of nature demanded by the supreme ethical law of the self-unity of reason.

Only in the *Foundations of Natural Right According to the Principles of the Wissenschaftslehre* does the purpose of constructing a theory of right as a "real philosophical science" —separate from the doctrine of morality—lead Fichte to deepen the issue of individuation and link it systematically to the justification of intersubjectivity, by attributing to the other rational being an active role in the constitution of individuality. In order to properly understand this shift, one must therefore first clarify what Fichte means by "real philosophical science". By using this expression, Fichte refers to a transcendental and genetic inquiry into the possibility and actuality of self-consciousness, grounded in the following fundamental assumptions: first, the assumption that every object emerges only through a certain action of the self-positing I, which Fichte calls a concept, by thus developing a procedure in which "the concept and its object are never separated" (*GNR,* GA I 3, p. 315; *FNR,* p. 6); second, the thesis according to which real objects are only those objects that emerge through a necessary action of the I, that is, through a determined action, which is a necessary condition of self-consciousness. According to these

premises, a theory of right as a "real philosophical science" must deduce and determine the concept of right —conceived of as "the concept of the necessary relation of free beings to one another" — by proving that it corresponds to a determined action on the part of the I, which is a necessary condition for self-consciousness.

Significantly, the determined action of the I in which the concept of right consists — and which Fichte's deduction presents as a necessary condition of self-consciousness— is not generically the act of self-position of a rational being as such, which Fichte had investigated in the *Foundations of the Entire Wissenschaftslehre*, where his aim was only that of presenting the general and formal structure of every particular subject. A real science instead presupposes a real and determined subject. Consequently, Fichte describes the action of the I corresponding to the concept of right as the act through which a rational being posits itself "as an individual, as one among several rational beings that it assumes to exist outside itself, just as it takes itself to exist": that is, as the "same undivided action" that posits self-consciousness both "as *an individual self-consciousness* and as a *plurality* set in a web of mutual relations, which the further development of the deduction will bring back to the concept of right" (Nuzzo, 2016). Moving from this presupposition, Fichte systematically associates two questions that he had discussed separately in the popular lectures on the scholar's vocation: the problem of the transition from the absolute I to the individual I, and that of the justification of our assumption and recognition of other rational beings outside ourselves. This shift allows him to develop his elaborate and well-known transcendental deduction of intersubjectivity as a necessary condition of self-consciousness, which appears in the third paragraph of *Foundations of Natural Right* and which represents the core of the deduction of the concept of right.

This deduction of intersubjectivity rests on the description of the "circle" between the practical and the theoretical activity of the I developed in the *Foundations of the Entire Wissenschaftslehre*, which Fichte summarizes and reformulates, using new terminology, in the first two paragraphs of the *Foundations of Natural Right.* The crucial assumption from which he proceeds is that "the I of original self-consciousness" —and the "genuine and essential character of reason"— is the "practical I", which he here calls "willing", referring to the capacity of human beings to spontaneously project and choose ends and to transform the sensible world according to them (*GNR,* GA I 3, p. 332, *FNR,* p. 21). In line with this assumption, Fichte argues that *a rational being as such* cannot posit itself without ascribing to itself a "free efficacy"; in turn, the latter can be posited as such only in opposition to an external sensible world that limits and determines

the I's activity (in so far as it is intuitive and theoretical activity) and is simultaneously determined, through the positing of the free activity of the I, as having certain general characteristics: first the characteristic of "being", which Fichte attributes to all objects of sensible word, in opposition to the I, which "is what it is only in acting" and "exists only in a state of endless becoming".

The new and fundamental step, which underlies Fichte's deduction of intersubjectivity, consists in an investigation into the structure that can explain how the real and determined subject can ascribe free efficacy to itself: that is, how the subject can "find itself" as free (*GNR,* GA I 3, p. 343; *FNR,* p. 32). This action achieves what Fichte identifies as "the absolute condition of self-consciousness" (*GNR,* GA I 3, p. 342, *FNR,* p. 31): that is, the synthetic unification of the subject's free efficacy with the object "in one and the same moment", which can take place only when the subject's free efficacy is itself an object "perceived and comprehended". On the one hand, in order *to find* itself as *an object*, the subject must be limited, in so far as "the nature of the object is such that, when it is comprehended, the subject's free activity is posited as constrained" by an external activity (*ibidem*). On the other hand —in so far as the "nature of the subject's efficacy is to be absolutely free and self-determining" — the subject would not and could not have a view of *itself* if the source of this limitation were a sensible external thing, which is posited as "nullifying the I's efficacy" (*GNR,* GA I 3, p. 338, *FNR,* p. 28):, which implies that the position of an external object and the position of the subject's free efficacy cannot be the same, simultaneous act. Moreover, overcoming the limitation —in which the position and the knowledge of the object consist— encompasses its alterity in reason's self-identity by thus effacing every element that could determine the subject. These considerations lead Fichte to deduce as a necessary condition for individual self-consciousness *a kind* and *source* of limitation that is different from the check of the Not-I and is structurally analogous to the subject's free efficacy.

First, Fichte identifies the only *kind* of external limitation that can leave "the subject in full possession of its freedom to be self-determining" in an activity through which the subject is "determined to be self-determining": that is, "a summons to the subject, calling upon it to resolve to exercise its efficacy" (*GNR,* GA I 3, p. 342, *FNR,* p. 31). In its broad sense, by "summons" Fichte means an influence on sensibility the content of which is a representation of a free action, which suggests the possible performance of this action without necessitating it. As has been rightly remarked (Wood, 2016), what is crucial to the notion of a summons —independently of the action it requires, which in the relation of right is the self-limitation of one's freedom— is that it determines action,

but only in such a way that the being to which it is addressed may still choose either to act according to it or not. Moving from this premise, Fichte infers that the only possible *source* of this summons —which he also defines as an "external check" (*Anstoß*) — is another rational being outside of us: in so far as the summons is an influence on a person's sensibility the ultimate end of which is to bring about the free efficacy of the rational being to which it is addressed, its source must in fact "possess necessarily the concept of reason and freedom" and must thus be a being capable of having concepts who is itself rational and free (*GNR,* GA I 3, p. 345, *FNR,* p. 35). Through this inference Fichte can thus conclude his deduction of the thesis of the transcendental necessity of intersubjectivity as a condition for self-consciousness, expressed in the "second theorem" of natural right: that is, the theorem according to which the "finite rational being cannot ascribe to itself a free efficacy in the sensible world without also ascribing such efficacy to others, and thus without also presupposing the existence of other finite rational beings outside of itself" (*GNR,* GA I 3, p. 340; *FNR,* p. 29). This theorem constitutes the basis of Fichte's new account of the constitution of individuality, the fundamental steps of which I will now summarize.

First —as Fichte states more clearly in his later *System of Ethics*— the "root" of our individuality is determined not through our freedom but through our connection with at least another rational being outside us (*SL,* GA I 5, p. 222; *SE,* p. 211;), whose activity conditions the constitution of ourselves not only in "what concerns the form" —in so far as without its summoning to free efficacy we cannot become conscious of ourselves as free and rational individuals— but also with regard to "content": through the summons of the rational being from outside, "a particular sphere is allotted" to each individual subject as "the sphere of its possible activity".

In order to constitute herself, the rational individual must nevertheless distinguish herself from the other rational beings outside of herself, where on Fichte's account this is possible only if the individual exercises her own formal free efficacy. Fichte thus situates the choosing of a particular course of action from among a range of possibilities as the fundamental element that individuates people, allowing them to be aware of themselves as single loci of agency, as numerically discrete units of formally free efficacy.[5] At the same time, he emphasizes that acting on their specific choices gives particular determinacy to the individuals who have made those choices: this makes individuals

5. "Within the sphere [of activity] allotted to it, the subject has freely chosen; it has absolutely given to itself the final determination of its own activity; and the ground of the final determination of its efficacy lies entirely within the subject alone. […] only in this way can it distinguish itself completely from the free being outside it and ascribe its efficacy to itself alone" (FNR, p. 40; GA I 3, p. 349).

qualitatively distinct from others, who have made their own specific choices and acted on them. As Fichte puts it, each "individual is characterized by a determinate expression of freedom belonging exclusively to it" (FNR, p. 40; GA I 3, p. 349).

As has rightly been noted (Neuhouser, 2016), however, for Fichte particularization is not only the result of a person's having made choices, but also a necessary condition of her consciousness of herself as an individuated unit of free efficacy, in so far as each individual can acquire such a consciousness only by *perceiving in the world the qualitatively distinct products of her own choices and actions*. Building on these premises, Fichte views as essential moments in the process of subject individuation —and thus as "conditions of personhood" — both the position and mutual recognition of their respective personal bodies and the appropriation and mutual recognition of their properties. First —as Fichte explicitly argues in the proof of the fourth theorem of the *Foundations of Natural Right* (*GNR,* GA I 3, p. 361; *FNR,* p. 56)— the material body (*materieller Leib*) is the sphere of all possible actions that the rational individual must ascribe exclusively to herself in order to be "the one who she is, this or that person", precisely by virtue of the choices she makes in this sphere: it is thus by means of the body —conceived by Fichte as an exteriorization and expression of freedom in the sensible world— that "the absolute, formal I" becomes a "determinate, material I", which Fichte calls "a person" (*GNR,* GA I 3, p. 362; *FNR,* p. 54). Second, on Fichte's account, the body is not the only expression of the individual's freedom and the unique condition of personhood. In *FNR*, Fichte in fact defends a view of property that some scholars have rightly defined as "expressive", stressing its proximity to that defended by Moses Hess and by Marx in his *Economic and Philosophic Manuscripts of 1844* (Fischbach, 2008). Such a view is centered on two fundamental assumptions: the first is the thesis that the first and highest condition of property is the subjection of something to one's ends, "even if only in thought" (*GNR,* GA I 3, p. 407; *FNR,* p. 106), which is necessarily entailed in Fichte's "concept of the person" as free efficacy;[6] the second assumption is the definition of property, in its broadest sense, as "a person's right to free action in the sensible world in general" (*GNR,* GA I 3, p. 407; *FNR,* p. 106). Moving from these premises, Fichte describes the transition from the mere "possibility to possess something in general as one's own" to "*property*" —i.e., to "something individual"— as a transition embedded in the process of individuation

6. "*That* every person has subjected, and must have subjected, something to his ends is, as we have demonstrated above, entailed by the concept of a person as a free cause in the sensible world. Thus first of all, each person, as soon as he knows that another person exists outside him, must limit what he possesses to a *finite quantum* of the sensible world" (GNR, GA I 3, p. 115; FNR, p. 114).

of the subject and thus necessarily marked by its intrinsic relational and intersubjective character.[7]

It is worth noting that, by virtue of the systematic connection that Fichte draws in *FNR* between intersubjectivity, freedom of choice and the ongoing particularization of individualities, individuals' particular characters are no longer depicted as an expression of moral imperfection or as a "mistake" of nature, according to the prevalent orientation of the lectures on the scholar's vocation. This shift rests on the systematic place of the theory of right, in so far as it is separated from morality. In the lectures on the scholar's vocation, in fact, freedom as moral autonomy requires subjects to determine themselves according to what they share with other subjects, that is, according to their essence as rational beings bound by the moral law of the self-identity of reason. On the contrary, formal freedom —which Fichte conceives of as the subject's freedom to realize any spontaneously self-chosen and self-projected end in the sensible world— particularizes the subjects that exercise it: it is precisely the safeguarding of their mutual ongoing capacity for free individual particularization that requires as a necessary condition the relation of right, that is, a relation among free beings in which each is to recognize the free being outside herself as a free being by self-limiting her own freedom through the concept of the possibility of the other's freedom, under the condition that the latter does the same.

Fichte's deduction of the relation of right —that is, of mutual recognition— as a necessary condition of individual self-consciousness nevertheless rests on a further and fundamental feature of Fichte's concept of individuality: Fichte's claim that human individuality involves not only distinguishing oneself from other individuals but also viewing those from whom one distinguishes oneself as similar to oneself. As Fichte puts it in *FNR,* "there can be no opposition unless … the sides that are opposed are also posited as equal, related to, and compared with each other" (*GNR,* GA I 3, p: 350; *FNR*, p. 40). Applied to the issue of the position of individuality, this formal theoretical proposition implies that positing oneself as an individual consists in knowing oneself not only as a numerically and qualitatively distinct agent but also as a being of a certain general type —that is, a rational, free and self-conscious individual— to which the other beings from whom one distinguishes oneself also belong. The subject that Fichte calls a "person" or a

7. "An individual can exist only if it is distinguished from another individual; therefore, something individual can exist only if it is distinguished from another individual thing. I cannot think of myself as an individual without positing another individual in opposition to me: by the same token, I cannot think of anything as my property without at the same time thinking of something as the property of another; and conversely, the same applies to the other. All property is grounded in reciprocal *recognition*" (GNR, GA I 3, p. 418; FNR, p. 117).

"rational individual" shares the capacity for freedom with other individuals and is aware of this commonality, where it is only by virtue of this awareness that he can apply the concept "individual" to himself.

Generic essence, bodilessness and contingence

By developing the above considerations, the last part of this paper will focus on rethinking the relation between human individuality and generic essence that is implied by Fichte's transcendental deduction of intersubjectivity as a necessary and priori condition of self-consciousness. On the basis of this deduction, Fichte's discussion in *FNR* repeats certain *topoi* of the humanistic tradition and an Enlightenment anthropology (*topoi* which he had already articulated in his lectures on the scholar's vocation) by nevertheless conferring new meaning on them.

The first of these *topoi* consists in the well-known sentence in which Fichte affirms that "the human being […] becomes a human being only among human beings". In *FNR*, this sentence is not a mere reformulation of the classical idea of the social nature and drive of human beings but rather expresses Fichte's specific view of the constitutively interpersonal dimension of human subjectivity: that is, the thesis that self-consciousness, reason and freedom —which are the distinctive features of human beings— are potentialities that can be actualized in the subject only when she is summoned to free activity by others. As Fichte calls "upbringing" (*Erziehung*) the mutual summoning by which each rational being becomes a rational being in the first place, he can reformulate the same assumption by arguing that "all individuals must be brought up to be human beings, otherwise they wouldn't be human beings" (*GNR,* GA I 3, p. 347; *FNR,* p. 38).

Indeed —as noted above— Fichte argued in his Jena lectures on the scholar's vocation that "a man who lives in isolation is not a complete man". Nevertheless, the development of Fichte's stance emerges clearly if one considers that the assumption of the transcendental necessity of intersubjectivity leads him in *FNR* to deny the possibility of thinking the "concept of man as such" —that is, as an individual isolated from other rational beings— which was his starting in the lectures on the scholar's vocation. In *FNR*, in fact, Fichte explicitly draws attention to the fact that the full determination of the concept of a human being proceeds "from the thought of an individual human being to the assumption of a second one", whose summons to free efficacy is the a priori necessary condition of the individual's self-consciousness as a free and rational being.

From this premise, Fichte infers that the concept of the human being as an individual ultimately turns out to be a contradictory and thus unthinkable concept: "the concept of the human being is not at all the concept of an individual – for an individual human being is unthinkable"[8] (*GNR,* GA I 3, p. 347; *FNR,* p. 38). In fact, in the *Foundations of Natural Right*, Fichte himself assumes a human being thought of as isolated as a point of departure for his deduction of "original right", but only after having explained and justified how it can be thought: that is, through a speculative abstraction from the necessary conditions of "personhood". In addition, Fichte emphasizes that such an abstraction confers to the thought of an isolated human (and to the related notion of original right) only "ideal possibility" (by making it possible to think them, without contradicting the intrinsically relational character of the concept of human being) "but no real meaning" (*GNR*, GA I 3, pp. 403–404; *FNR*, pp. 101–102).

To the consideration of the concept of a human being as the concept of an individual, Fichte opposes the thesis that it is "rather the concept of a species (*Gattung*)" (*GNR,* GA I 3, p. 347; *FNR,* p. 38). This thesis is open to different readings.

On the one hand, one can read it uniquely as an expression of the above-mentioned claim that consciousness of oneself as an individual goes hand in hand with consciousness of oneself as "one among" others of the same genus, that is, the awareness of sharing with other individuals the capacity for freedom and self-consciousness. This reading is suggested by the passages that immediately precede Fichte's equation of the concept of a human being with the concept of a species. In these passages, in fact, Fichte emphatically presents as a truth that "can be rigorously demonstrated from the concept of human being" the fact that, "if there are to be human beings at all, there must be several (mehrere)" (*GNR,* GA I 3, p. 347; *FNR,* p. 38): that is, the fact that pluri-subjectivity constitutes the necessary condition of the position of a self-conscious, rational and free individual. One can perhaps question whether such a truth can really be rigorously demonstrated by noting, as Fichte himself does in other passages, that the necessary condition of individual self-consciousness is only the existence of another rational being and not that of several such beings (*SL,* GA I 5, p. 222; SE, p. 211-212). Apart from this objection, this truth does not seem to express a devaluation of individuality in any case: the affirmation of the transcendental necessity of the *plurality* of human beings does not in fact involve any reference to an organic view of the species as an organic and higher whole within which only the individual being can constitute, preserve and realize itself; on the

8. "*Der Begriff des Menschen ist sonach gar nicht der Begriff eines Einzelnen*".

contrary, it is perfectly consistent with a horizontal view of the relationship between individuals, whose ground lies not in a higher whole but in those individuals themselves. According to this direction of thought, the condition of individuality is actually only the *Gemeinschaft* as society, as Fichte concludes, building on his emphasis on "the concept of individuality" as a *reciprocal concept*, i.e. as a concept that in a rational being can be posited only as "completed by another rational being" (*GNR,* GA I 3, p. p. 354; *FNR,* p. 45). For Fichte, this feature renders it a "shared concept (*gemeinschaftlicher Begriff*) …within which two consciousness are unified into one", from which the concept that follows it in our consciousness is necessarily determined as "a *community*" (*GNR,* GA I 3, p. 354; *FNR,* p. 45). Within this argumentative framework, rationality and reason are referred to uniquely as the character by which individuals enter into community and as the normative principle that governs such a community: what prevails is thus a humanistic view grounded in the idea of the primacy of the original rights of individuals, although these are not conceived as reciprocally independent atoms.

Fichte's equation of the concept of a human being with that of a species takes on a different meaning if one reads it in light of the definition of "humanity" formulated in the second part of *FNR:* that is, the definition of humanity as "a single organized and organizing whole" through which reason, which "is one", is "exhibited in the sensible world […] as one". Such a definition suggests a relational ontology, the core of which is the idea that Fichte would go on to articulate in the *Nova methodo:* that is, the idea of a trans-individual "mass" or "entire realm" of spirit and reason, conceived of as our "generic essence" (*Wesen meiner Gattung*) and as the "whole" or the "highest determinable", of which each "I as individual" is a "determinate portion" —"a portion that has selected itself therefrom" (Fichte, 1992, p. 350).

As has been noted (Cesa, 1992), in the *Nova Methodo* the full development of this second argumentative route would lead Fichte to remarkably reduce the active role of other rational beings outside ourselves in the constitution of individuality. Where it was once assumed that the mass of reason is what constitutes the individual —by grounding the "original limitation" and determinacy of her will, conceived of as a moral task— the other no longer appears as the condition, but rather as the consequence of the position of the determined subject: each individual is a portion of the total mass of reason and freedom from which she selects herself through an act of self-reflection; in so far as being a portion is a form of "deficiency", this deficiency drives the individual to assume other rational beings outside herself. Furthermore, within such an argumentative framework, the hierarchy of the subject's duties changes: the realization of the

"realm of reason" from which the individual selects herself appears to be her highest telos and vocation. From this point of view, the plan of reason appears to be incommensurably more important than the original right of individuals.

In the *Foundations of Natural Right*, this second direction of thought is not absent, but it is not the prevalent direction and is developed very differently from the elaboration it receives in the *Nova Methodo,* where Fichte's point of departure is no longer the will in the sense of free causal efficacy in the sensible world but rather a purely spiritual will. As pointed out above, in the *Foundations of Natural Right* the theme of the theory of right —whose distinctive field is the individual's external free interaction in the sensible world— leads Fichte to focus instead on individuals conceived as *embodied* subjects, whose relation is mediated by their material articulated body, deduced as the self's "representative in the sensible world" (*GNR,* GA I 3, p. 405; *FNR*, p. 104). In so far as every determination of the human body expresses and makes sensibly visible the will of the self, the human body for Fichte is the necessary medium through which a rational individual can exercise free efficacy (*Wirksamkeit*) in the sensible world and influence (*Einwirkung*) other rational beings. This view of the body as a sensible expression of the self's freedom and as a point of encounter between human beings underlies Fichte's above-mentioned definition, in the second part of the *Foundations of Natural Right*, of humanity as an "exposition (*Darstellung*)" of reason "*in the sensible world*". This shows that, when in the same argumentative framework Fichte presents humanity as "a single organized and organizing whole of reason", he is referring not to the "purely spiritual mass" or whole, which in the *Nova Methodo* he identifies as our "generic essence", but rather to a "completely organized matter" consisting of the bodies of all intelligent beings, each of which is in turn an organized whole.

Not fortuitously, in *FNR* Fichte deals extensively with the discussion of the distinctive feature of the human body with regard to the other organized products of nature (i.e. plants and animals) that, like it, are constituted so that they must necessarily be thought of as a whole whose parts cannot be separated. Fichte claims that, although the human body must certainly be explained as a natural product in so far as it must necessarily be thought of as an organized totality, its specificity cannot be exhausted and comprehended by the organic explanation of its natural organization, articulation and movement. Otherwise, the human body would not differ from that of a plant or of any other animal. In order to grasp this specificity, he first draws attention to the difference between the internal purposiveness of the other natural organisms —in which the whole exists only for maintaining its parts and for completing the eternal circuit

of organization, by reproducing the species— and the human body, whose totality instead refers to an aim that is other than its determined organization and which is not immanent in its parts, as occurs in the "art-product" (*GNR,* GA I 3, p. 378; *FNR,* p. 73). Second, by reformulating a classical *topos*, Fichte identifies the distinctive character of the human body in its infinite and open determinability, which he opposes to the closed determination of the animal body, fixed once and for all in a particular way of existing and in a particular form of movement. Fichte thereby applies to the notion of the human body an argument that is also employed by Kant in his philosophy of history: that is, the thesis that whereas nature completed all other animals, she withdrew her hand when it came to the human being, giving him over to himself. Nevertheless, moving from his deduction of the transcendental necessity of intersubjectivity, Fichte infers from this argument an original view that can be read as an "aesthetic conception" of humanity (Nuzzo, 2018) grounded in two fundamental assumptions.

The first assumption is the identification of the "character of humanity" with "formability (*Bildsamkeit*) as such" (*GNR,* GA I 3, p. 379; *FNR,* p. 74), whereby this formulation expresses —at the level of the species— the constitutive nexus between self-determination and being determined, which is the core of Fichte's deduction of intersubjectivity. On the one hand, "formability" refers to the idea, already expressed by Kant, that the human being is originally nothing because it must become through himself what it is to be, that is, a free and rational being. Fichte applies this idea to the formation of the human body itself by interpreting the indeterminacy in which nature leaves it as a sphere of freedom left to the choice of the human being "as species": moving from this premise, he develops a rather disputable "history" of the human body, where he shows how the species has determined its physical organs itself —by choosing its upright position, for instance— in order to make them instruments of freedom and spirit. On the other hand, in Fichte's theory of right, "formability" refers to the fact that no human individual can become what she is supposed to be without being determined to self-determination, in so far as she can rise to self-consciousness, freedom and reason only through being educated by other members of her species. More precisely, "formability" seems to refer to the material and bodily "pre-conditions of education" (Ricken, 2012), that is, to receiving "the freely given assistance of other human beings" (*GNR,* GA I 3, p. 379; *FNR,* p. 76), without which a human being would die shortly after birth. Unlike Kant, Fichte thus emphasizes the "utter helplessness" in which we find ourselves immediately following our birth by virtue of our lack of animal instinct, not only as an expression of our independence from nature, but also and foremost as an expression of mutual

dependence: that is, the dependence that Fichte calls the dependence of the species on the species, by referring to the necessary "caring [for] and raising [of] its helpless offspring" through which the human being maintains itself as a species. For Fichte, this bodily care is encompassed in the way in which "reason produces itself" and constitutes the "only" way in which it can progress toward perfection, by linking the different generations and their achievements to one another (*GNR,* GA I 3, p. 379; *FNR,* p. 76). In light of these considerations, it is not surprising that *FNR* presents as a "character of humanity" both the formability (in the explained sense of material activities of caring, which make intergenerational communication possible) and the "reciprocal interaction by means of concepts and in accordance with concepts" in which mutual summoning and education consists (*GNR,* GA I 3, p. 347; *FNR,* p. 38).

The second assumption and the core of Fichte's aesthetic conception of humanity consists in his emphasis on the "aesthetic" importance of the human form as that element by means of which we come to know that someone is a human being as soon as we see it. On Fichte's account, in fact, by virtue of its constitutive indeterminacy, the human form cannot be apprehended or comprehended through the theoretical activity of understanding, by unifying and subsuming its parts under a given concept: because no concept "is given to him", the rational and external observer is unable to unite the parts of the human body and to think it, unless he attributes to it and projects onto its merely outlined shape "the concept of freedom given to him by his own self-consciousness" (*GNR,* GA I 3, p. 379; *FNR,* p. 74). As Fichte himself underscores, this projection and the related mutual bodily recognition of human beings is not the result of extensive, self-conscious reasoning, but is rather instantaneously connected to the apprehension of the human form, as it is "given to the senses". The impossibility of superimposing upon it any concept other than that of oneself would in fact inwardly compel every human being to regard every other human being as her equal, by making the human figure sacred to the human being everywhere and in all its forms, regardless of whether they are merely outlined —as with children— or more developed (*GNR,* GA I 3, p. 381; *FNR,* p. 76).

In conclusion, it is worth noting that this aesthetic concept of humanity paradigmatically expresses Fichte's awareness of the dangerous "contingence" to which the process of human individuation and realization of ourselves as human beings is subject, by virtue of its constitutively intersubjective dimension. Significantly, Fichte develops his reflections on the aesthetic quality of the "human form" —which makes it immediately recognizable as the body of a rational being— in order to solve the following prob-

lem, which arises from the deduction of the summons of another rational being as a necessary condition of self-consciousness:

> I become a rational being - *actually,* not merely *potentially* - only by being *made* into one; if the other rational being's action did not occur, I would never have become rational. Thus my rationality depends on the free choice, on the good will, of another; it depends on chance, as does all rationality. (…) But the situation cannot be thus; for if it were, (…) I would only be the accidental result of another person, who in turn would be the accidental result of a third person, and so on *ad infinitum*. (*GNR,* GA I 3, p. 375; *FNR,* p. 69)

Fichte's above-presented aesthetic determination of the human form aims to demonstrate that the mutual bodily influence through which each individual is determined to self-determination —and can thus acquire consciousness of herself as a rational and free being— is not originally an arbitrary and thus contingent one. As Fichte puts it, "at the basis of all voluntary chosen reciprocal interaction among free beings" lies an "original and necessary reciprocal interaction among them" (*GNR,* GA I 3, p. 384; *FNR,* p. 79): that is, the interaction by virtue of which everyone with a human countenance —regardless of her age, race, sex and intellectual development— compels inwardly every other free being to recognize her as a person, by her mere presence in the sensible world, that is, by the mere vision of her form.

As it results from the immediately following passages, this conclusion in no way eradicates the contingency that affects our ongoing process of individuation, by virtue of its constitutively intersubjective dimension. Fichte himself in fact stresses that the issue of bodily instantaneous recognition is only a "common cognition", whereas nothing guarantees that the individuals involved in the interaction will act consistently with this cognition and with the concept of the other as a free being: on the contrary, Fichte notes that each has the physical power to treat the body of the other as a thing, that is, as modifiable matter (*ibidem*). Significantly, the body turns out to be at the same time both the expression of our freedom in the world and the fundamental source of our vulnerability, in so far as it exposes us to reciprocal violence. Furthermore, an analogous radical uncertainty and insecurity also affects a property that —as has been shown— constitutes a necessary expression of our freedom as individual agents on Fichte's account. For Fichte, there is in fact no empirical rule and no a priori ground for solving the conflicting claims to the possession of the same sphere of activity, which inevitably

arise from the equal original right held by each human being to all things in the sensible world, by virtue of her rational and free nature. These two sites of uncertainty and vulnerability are furthermore strictly linked; according to Fichte, the "inalienable property of all human beings" consists in fact in the "exclusive use of freedom" through which each individual has to be able to live (*GNR*, GA I 4, pp. 21–22; *FNR*, pp. 184–186): that is, to preserve the survival of the body, with which the person exists and without which it ceases to exist.

This awareness of the radical contingency and insecurity that affects both our body and our property underlies the entire further development of Fichte's theory of right, especially his theory of the state, which is notoriously marked by an obsession with security, which is at the same time an obsession with determinacy. As Fichte explicitly puts it —by asserting the duty of every citizen to enter into a class—, in the state there may never be "any indeterminacy" (*GNR*, GA I 4, p. 23; *FNR*, p. 187). The attempt to escape the contingency and uncertainty that affects human individuality – by virtue of its constitutive link with the concept of community – can thus explain what at a first glance can appear to be a paradox or an inconsistency: the fact that a theory of right grounded in an ontology of subjectivity as pure becoming and in the exaltation of the "indeterminacy" of the human form conceives of the state as the "particular unity" within which only "the human being attains a particular place in the scheme of things, a fixed position within nature; and […] a *particular* place in relation to others" (*GNR*, GA I 4, p. 19; *FNR*, p. 181).

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