

SPINOZA AND GERMAN IDEALISM

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CHAPTER 6

Fichte on the consciousness of Spinoza's God

Johannes Haag

Fichte criticizes Spinoza's philosophy in the context of his famous introduction of the original *Thathandlung* at the beginning of his *Grundlage der gesamten Wissenschaftslehre* from 1794: in some (all too short) remarks Fichte not only provides us with a convincing reason for the distinctiveness of God's thinking from our own in terms of the distinction between pure and empirical consciousness, but is furthermore able to indicate that this reason points to a decisive shortcoming of the Spinozistic system.

To understand this we have to investigate Fichte's reasoning concerning the conditions of empirical consciousness, and the self-consciousness presupposed in this kind of empirical consciousness. In so doing I will lay the foundation for my later argument that will build on the specific understanding of the *Thathandlung*, i.e., the original positing of a self as itself, as introduced by Fichte in the first section, shortly before the remarks on Spinoza. But it is not only the original *Thathandlung* that will be of great importance for understanding Fichte's criticism of Spinoza; another Fichtean concept, namely the concept of *intellectual intuition*, will prove of considerable consequence: it will play a decisive role in understanding the reasoning that leads Fichte to diagnose shortcomings in Spinoza's philosophy.

The basic idea I want to elaborate on is that while Spinoza's subjects of empirical consciousness are not capable of an intellectual intuition (in Fichte's sense), his God is not capable of proceeding from the original *Thathandlung* of self-positing to the next, likewise essential step of counter-positing. We will see that, as a consequence, God is not capable of an intellectual intuition either, albeit for different reasons. The decisive point in a Fichtean criticism of Spinoza therefore is that *neither* empirical subjects *nor* God can fulfill the conditions Fichte places on an explanation of consciousness.

FICHTE ON SELF-CONSCIOUSNESS AS A PROBLEM

As is well known, the guiding problem for Fichte was: how can self-consciousness be adequately *explained*? His diagnosis of the philosophical state of the art concerning this question is quite sobering: no philosopher before him could have provided a compelling answer, since his predecessors, if they addressed this question at all, would have been liable to the same fallacy. They were all confined to an *analysis* of self-consciousness that prohibited a successful explanation of this phenomenon right from the start. This analysis might be called *reflexive*, as it makes the self an object of its own thought.¹

Why can this reflexive analysis, on Fichte's view, not be an adequate analysis of self-consciousness? Let me give a very brief sketch of Fichte's argument. As soon as we make ourselves an object of our thought we think *about* ourselves *as* ourselves. Yet in this reflexive thought we are again thinking subjects that stand in a relation to an object: we are conscious of an *object* – in this case, ourselves – and we are conscious of that object *as* ourselves. We have, in other words, a *de se* attitude toward ourselves.

Yet this reflexive analysis, Fichte argues, if it were the whole story, would mark the beginning of a regress: in analyzing self-consciousness merely reflexively we only *postpone* the problem. It resurfaces immediately as we take a look at what we did when we made ourselves an object of our own thinking in this particular way. We answered the question of the nature of self-consciousness by analyzing it as a consciousness of a particular object, albeit in a peculiar – i.e., *de se* – mode of representation. Yet, as Fichte puts it: "I can be conscious of any object only on the condition that I am also conscious of myself, that is, of the conscious subject. This proposition is incontrovertible" (FW 1:526f.).

In other words, consciousness of something as something *presupposes* self-consciousness. As soon as we move on and subject this self-consciousness in turn to the reflexive analysis, we make it an object of consciousness – and, of course, are again confronted by the same problem; for every new conscious relation to ourselves as an object we thus have to acknowledge the resurfacing of the original question.

¹ The following reconstruction of Fichte's critique of the reflexive analysis of consciousness was first put forward in detail by Dieter Henrich in "Fichtes ursprüngliche Einsicht," in Henrich and H. Wagner (eds.), *Subjektivität und Metaphysik: Festschrift für Wolfgang Cramer* (Frankfurt am Main: Klostermann, 1966), pp. 188–232 (pp. 193–197).

This is the root of the regress: we have to postulate "another consciousness, one that takes the former as its object, and so on, forever. In this way, therefore, we will never arrive at a point where we will be able to assume the existence of any *actual* [*wirkliches*] consciousness" (FW 1:526; my emphasis).²

Such an *actual* or *real* consciousness for Fichte is apparently a consciousness that does *not* turn the subject of the thought into an object in the way described. For otherwise the subject of thought loses exactly the property that *makes* it a subject of thought in the first place, i.e., its being a *subject* of thought and not a mere *object*.

The resulting structure is that of a *dilemma*: we seem only able either to turn ourselves into an object – and thereby lose the property we are conscious of in self-consciousness; or not to turn ourselves into an object – in which case we would not have a consciousness of our self at all.

The culprit, for Fichte, is of course the restriction to the reflexive analysis of self-consciousness. His diagnosis of the fundamental flaw of this analysis reads as follows: "In every consciousness, therefore, the subject and the object were separated from each other and each was treated as distinct. This is why it proved impossible for us to comprehend consciousness in the above manner ... Hence, what was just claimed must be false, and this means that the opposite of this claim is true" (FW 1:527).

The opposite, or negation of this claim is, as Fichte carefully points out, not that *no* consciousness, or even no self-consciousness, can separate subject and object; the negation that must be true, as Fichte postulates, is the claim that there is *some* consciousness in which subject and object are not separated.

In other words, Fichte does not need to reject the reflexive analysis of self-consciousness altogether – in fact, he doesn't. He ultimately, as I understand him, accepts the reflexive analysis as an analysis of *empirical* self-consciousness, understood as consciousness of us as ourselves. This analysis, however, cannot provide itself an *explanation* of the fact of empirical self-consciousness. If one takes it to do just that, it leads into a regress that we can characterize now as an *explanatory regress*. Consequently we still need an explanation of empirical consciousness.

² Fichte here and elsewhere does not sufficiently distinguish between self-consciousness and consciousness. He nowhere discusses seriously the possibility of a purely objective consciousness as, for instance, John Perry has recently defended in a number of papers (see, e.g., J. Perry, *Identity, Personal Identity, and the Self* [Indianapolis: Hackett, 2002]). I take it that this is a lesson from Kant he took for granted. Since I do so as well, I will not make this an issue in the argument that follows.

And in essence this explanation can only be provided for by an analysis of *pure* self-consciousness in which subject and object are not separated in the way they are according to reflexive analysis.³

But what does Fichte's explanatory alternative look like? It is important for my argument that any potential alternative has to fulfill *two* conditions. It has to show, first and obviously, that "there is a type of consciousness in which what is subjective and what is objective cannot be separated from each other at all, but are absolutely one and the same" (FW 1:527). And second, and somewhat less obviously, it must show that there is a way we can *access* this absolute conscious unity of subject and object – not necessarily conceptually, but still consciously.⁴ This second condition, in other words, guarantees that this consciousness is a consciousness *for us*.⁵

Why introduce this second condition? The reason is not the otherwise hypothetical or postulational character of the unitary self-consciousness that might seem *unfounded* – for it could still be founded through transcendental reasoning concerning the conditions of the possibility of consciousness.⁶ The *crucial reason* is that, unless this second condition is fulfilled, the postulation of such a consciousness cannot do justice to the factual givenness of real self-consciousness in empirical consciousness of objects (or even reflexive consciousness of ourselves). The postulated consciousness would therefore be yet *another* consciousness, not the consciousness of subjectivity we are after in the analysis of the self-consciousness present in any of our conscious states. Though a

³ This is, however, not meant to exclude the possibility that pure self-consciousness can, in a sense to be specified, become a part or an ingredient of empirical self-consciousness. Fichte in his *Second Introduction* makes clear that this is indeed the right way to look at it; see FW 1:464–465.

⁴ The *conceptual* access is gained not by every empirical subject, but only by the philosopher who theoretically reconstructs the whole process of self-positing, counter-positing, and limitation, and thereby becomes aware of himself being subject of this process. The non-conceptual access, necessarily available to every empirical subject is, of course, founded in intellectual intuition and, hence, *intuitive* access. Only the philosopher, however, is able through the conceptual isolation of the intellectually intuitive element in empirical consciousness to achieve something like a pure intuitive access; see FW 1:465.

⁵ I take this to be the meaning of Fichte's frequent insistence in the first paragraph of the *Grundlage* that we are "for the self" (*ibid.* 1:98). If correct, this would seem to imply that the alleged revision that we are "for the self" as presented in the *Grundlage* (1794) to the *Wissenschaftslehre nova methodo* of 1797 of the position as diagnosed by Henrich (see Henrich, "Fichtes ursprüngliche Einsicht," p. 202) relating to the change from 'positing of oneself' to 'positing of oneself as positing' would be better understood as a clarification of an important element already present in the earlier work.

⁶ On the other hand, Fichte repeatedly expressed skepticism concerning some forms of transcendental reasoning – especially concerning arguments that Paul Franks calls "regressive transcendental arguments" (P. Franks, *All or Nothing: Systematicity, Transcendental Arguments, and Skepticism in German Idealism* [Cambridge, MA: Harvard University Press, 2005], p. 315). Fichte seems to have had doubts concerning arguments of this form as early as 1793. See *ibid.*, pp. 251–257.

consciousness of subject and object in the required sense, it could not achieve what it is postulated for: that is, to explain the conscious subjectivity in our intentional relation to objects, i.e., the *de se* attitude we seek to explain.⁷

To explain self-consciousness adequately we consequently have to determine a mental act (a consciousness, in Fichte's terminology),

(1) in which subject and object are not separated,

and

(2) that is accessible for us as an act in which this separation is not yet carried out.

I will refer to the first condition as *condition of unity*, while the second condition is a *condition of accessibility*.

As I hope to make plausible, the first condition is fulfilled by the original *Thathandlung* Fichte introduces at the beginning of the *Grundlage*, while the second condition requires (and motivates) the introduction of the concept of an *intellectual intuition*. Only taken together can the two concepts give us a truly adequate concept of self-consciousness.⁸

THATHANDLUNG AND INTELLECTUAL INTUITION

So, how can we uncover a consciousness that does not separate subject and object? In the *Grundlage* of 1794 Fichte presents us with a method to reveal this *real* or, as he puts it in this earlier text, *pure* consciousness in a systematic manner by reflectively abstracting⁹ from a given fact of empirical consciousness. In this way he hopes to establish an original act of consciousness that he calls a *Thathandlung* and that itself is not one of the facts of *empirical* consciousness but "rather lies at the basis of all [empirical] consciousness and alone makes it possible." This *Thathandlung*,

⁷ For a similar line of reasoning cf. Henrich, "Fichtes ursprüngliche Einsicht," p. 203. Again, I do not think that this consideration is an addition to the later *Wissenschaftslehre nova methodo* from 1797.

⁸ It should be clear from this exposition that I do not believe the concept of intellectual intuition to be restricted to the later *Wissenschaftslehre nova methodo*, but understand both versions to be in fundamental agreement concerning the task, if not the method, of the *Wissenschaftslehre*. I will come back to this below.

⁹ Reflection and abstraction as understood in the *Grundlage* convey the method of first descriptively reflecting about what ordinarily may be thought to belong to the concept under investigation (*reflection*), and afterwards abstracting "from everything that does not really belong to it" (FW 1:91; *abstraction*).

consequently, has to be an act of consciousness that does not separate subject and object.

The fact of empirical consciousness that Fichte takes as the point of departure for his analysis is the indisputable proposition of identity, $A = A$. By carefully detaching from this 'fact of empirical consciousness' one *empirical* feature after another, he ultimately arrives at something *pure* that "can no longer be abstracted from, and from which nothing further can be detached" (FW 1:92).

The details of this process need not detain us; they are of no importance to the present argument. Suffice to say that, in a number of intermediate steps,¹⁰ he first gets from the proposition " $A = A$ " to the proposition " $I = I$ " or " I am I ." Both propositions express *facts* of *empirical* consciousness, as can be easily verified by recognizing the explicit distinction between subject and object in the proposition " I am I ." Hence the proposition " I am I " cannot be taken to express a consciousness in which this separation is not yet carried out. As Fichte pointedly says, a fact (*Thatsache*) cannot be an act (*Thathandlung*) – this goes even for a fact as interesting as the fact " I am I ."

The question at this point of Fichte's analysis is: how can we get from the *Thatsache* that I am I , to a *Thathandlung* that can serve as the 'basis' for this fact? We have to start by considering what makes the fact *that I am* special. As in every categorical proposition something is presupposed or, as Fichte has it, *posited absolutely*, in the proposition that expresses this fact: namely what the subject-term refers to.¹¹ In the case at hand we find that the proposition " I am I " presupposes the proposition " I am." In the

¹⁰ In fact, there are five intermediate steps that the abstractive reflection has given us so far:

- (1) In making judgments like " $A = A$," we are interested not in the *reference*, but in the *relation*, which is immediately certain owing to its *form* (abstraction from content).
- (2) This relation is posited, i.e., claimed, unconditionally in the judgment in question. The asserted relation consequently is an absolute one (characterization of form).
- (3) Something has to be posited by somebody as the subject of a judgment and the relation has to be chosen.
- (4) The judging subject is responsible for the positing of the subject of the judgment and the choosing of the relation – and hence for the asserted relation being an absolute one, since the conditionally posited subject of the judgment unconditionally or absolutely determines the predicate.
- (5) The relation in question can also be expressed as " $I = I$ " (condition of the possibility of the form).

The problematic transition from step 4 to step 5 is *justified* by the fact that " $I = I$ " obviously is of the form " $A = A$ " (and we are only interested in form, not in content or reference). It is, furthermore, *required*, since " $I = I$ " asserts the self-identity of the judging subject, and therefore at the same time asserts the unity that makes the judgment possible in the first place.

¹¹ What the object-term refers to is, in comparison, posited only *conditionally*, since it presupposes what the subject-term refers to.

proposition "I am I" the fact *that I am* is therefore posited unconditionally or absolutely.

The same would at first glance seem to apply to every other fact that is expressed by propositions starting with "I am." It is not in the same way presupposed in every other expression of empirical fact: as soon as we posit anything (as we do in every categorical claim such as "A = A") we posit it *in ourselves* – and therefore we posit ourselves in the form of the empirical claim "I am I." No other claim of the form "I am X" is fundamental in this way. In fact, it is at this point of the argument that – by way of reflective abstraction – we have arrived at the special *de se* character of facts of empirical self-consciousness that Fichte aims to explain!¹²

This particular fact of empirical consciousness therefore is a presupposition of every other fact of this kind. Fichte concludes: "Hence it is a ground of explanation of all the facts of empirical consciousness, that prior to all positing in the self, the self itself is posited" (FW 1:95).

The transition from this particular fact of empirical consciousness to the *Thathandlung* is now surprisingly simple: Fichte introduces this decisive step in his argument by pointing to the (likewise empirical) fact that *judging* is an "activity of the human mind" (FW 1:95). This activity, as we have seen, is in turn founded on something posited absolutely, i.e., the fact that I am – a fact that is thus presupposed in every act of judgment. Since we have to abstract from all *empirical* features in our analysis we have to concentrate on the 'pure character of activity' (see FW 1:96). Consequently, this pure character of activity can be nothing but the pure activity of positing oneself that underlies the proposition "I am."

The self's own positing of itself is thus its own pure activity. The self *posits itself*, and by virtue of this mere self-positing it *is*; and conversely, the self *is* and *posits* its own existence by virtue of merely existing. It is at once the agent and the product of action; the active, and what the activity brings about; action and deed are one and the same, and hence the "I am" expresses an Act [*Thathandlung*], and the only one possible, as will inevitably appear from the *Wissenschaftslehre* as a whole. (FW 1:96)

¹² Accordingly, the first steps in the consideration the *Grundlage* starts with can be understood to serve a similar purpose to the 'guidance through an entrance' of the first chapter of the later *Wissenschaftslehre* from 1797 (see FW 1:526f.); both the reflexive abstraction of the *Grundlage* and the *reductio*-argument of the later text are intended to exhibit in all necessary clarity the explanatory end of the theory of self-positing.

So the original act of positing is a *Thathandlung* of the pure consciousness: the consciousness is *pure*, since we abstracted from all its empirical features. It is *not a fact* (*Thatsache*), since facts are posited already. And yet it is *not only an act* (*Handlung*), since the act itself constitutes the existence of the self. Since the *Thathandlung* is unconditioned or absolute, Fichte calls the subject of this positing a *pure* or *absolute* self.

In this absolute *Thathandlung* the separation of subject and object is indeed not yet carried out: it cannot be, since all separation requires determinateness of the things to be separated. Thus the determinate consciousness of a self requires the positing of something that is *not* this self – a positing that is an act of *opposition* or *counter-positing*, i.e., the second part of the complex tripartite original activity required for empirical consciousness.

This determinateness is therefore necessarily absent in the completely undetermined act of original self-positing.¹³ The positing of the self, consequently, qualifies as an act of consciousness that indeed fulfills the *condition of unity*.

But what about our second condition: the *condition of accessibility*? Could the *Thathandlung* in itself do justice to this condition as well? To answer the question of whether this act in itself does fulfill the condition of accessibility, a crucial fact concerning the conception of a *Thathandlung* must be observed: the *Thathandlung* as introduced above (i.e., as introduced at the beginning of the *Grundlage*) is an act that is *abstracted* from a fact of our empirical consciousness and consequently does trivially fulfill the condition of accessibility! We may not yet have determined the nature of the faculty that allowed us to bring about this feat; but we cannot reasonably doubt that the *Thathandlung* is accessible in the required sense since we just *did* access it.

But, arguably, not every *Thathandlung* as an original positing of the unity of subject and object has to be of that kind: not every positing in this sense has to be a positing that leads to empirical consciousness of the self thus posited. It seems to be at least conceptually possible that there should be an act of self-positing that is not accessible in an act of

¹³ Not every self-positing can be original, since we as conscious subjects are engaged in it constantly. The original self-positing Fichte arrived at in the *Grundlage*, however, is an indispensable ingredient in a genetic story of the possibility of acquiring determined self-consciousness in the first place. (There is, even for the transcendental philosopher, no way back to the original act of self-positing: facts are already posited. This is the reason for Fichte to insist that the intellectual intuition for him never can be *Thathandlung*, but only *Thatsache*. See FW 1:465.)

consciousness of whatever nature. In a slightly perverted sense of the concept of *consciousness*, such an act could still be considered an act of *pure consciousness*, where the purity would never be taken any further and thus the self-positing in this act would never be conscious of itself at all, since the consciousness in question would remain permanently undetermined. As Fichte has it: "The absolute self ... is not *something* (it has, and can have no predicate)" (FW 1:109).

What *distinguishes* an absolute self, restricted to the original *Thathandlung*, from beings like ourselves that possess empirical consciousness, is the fact that *for us* the act of self-positing can be reconstructed just as a *first* step in the complex activity presupposed in empirical, and hence determinate, consciousness. As Fichte famously elucidates in the paragraphs following the introduction of the act of self-positing, the way to consciousness comprises two more steps.¹⁴

I already pointed to the *act of opposition* or *counter-positing*. This act is abstracted from the proposition "A = non-A," another fact of empirical consciousness. It is likewise an *absolute* or *unconditioned* act, since the act of positing in no way allows the inference of an act of opposition: "The form of counter-positing is so far from being contained in that of positing, that in fact it is flatly opposed to it" (FW 1:102). This act of counter-positing gives us a "mere contrary [*Gegentheil*] in general" (FW 1:103), a *not-self*, and therefore is, as I said above, crucial for the determination that in turn is necessary for empirical consciousness.¹⁵

Counter-positing, though a condition of the possibility of determination, cannot itself be an act of determination. With positing and counter-positing we just have two acts of absolute positing related to each other in a way as yet *undetermined*: we already know that the self of the *Thathandlung* is completely undetermined, *and* we can conclude that the not-self has to be likewise undetermined in the act of its own (counter-)positing. For the not-self would only be determined through a *determinate* self. In this case it would be everything the determinate self is *not*.¹⁶

¹⁴ The following outline of Fichte's argument owes much to E. Förster, *The Twenty-Five Years of Philosophy* (Cambridge, MA: Harvard University Press, 2012), Chapter 8.

¹⁵ The act of counter-positing, while absolute in not being conditioned concerning its *form*, is conditioned concerning its *matter*; it is an act that as *counter-positing* is essentially related to the act of *positing* that it opposes. "Whether such an act is possible at all," Fichte concludes, "depends on another act ... It is only in relation to a positing that it becomes a counter-positing" (FW 1:103).

¹⁶ See FW 1:109–110.

What is needed, therefore, is a *third* step in the reconstructed generation of self-consciousness that somehow reconciles the two acts of positing and counter-positing and thus determines both of them – hence providing us with empirical consciousness.

The task for this third step is set through the first two acts: since the first two positings are *absolute* positings, they threaten the unity of consciousness in each negating the other. The third step, accordingly, consists in finding a way of reconciling positing and counter-positing that is able to conserve this unity. To achieve this, both acts have to be *limited* with respect to each other.¹⁷

In this way the unity of consciousness is saved from the threat of disintegrating. The resulting unity contains both a determinate self and a determinate not-self – and thus can serve as a unity of consciousness in which empirical consciousness is possible as a consciousness of a determinate object – be it a limited not-self or a limited self.

Even more importantly for the topic at hand, this opens the possibility for the original *Thathandlung* to become a conscious counterpart of every act of empirical consciousness – a possibility that sharply distinguishes the *Thathandlung* we identified by the reflective and abstractive process just outlined from the conceptually possible *Thathandlung* that, as a matter of principle, *never* becomes conscious of itself. *We* obviously have this ability, and the self-positing that originally laid the foundation for empirical consciousness is therefore consciously present in each and every act of empirical consciousness.

This consciousness of the act of continuously self-positing, however, cannot be discursive or conceptual consciousness. This would make it a reflexive consciousness of the self as an object again. It has to be a non-discursive form of knowledge or consciousness instead. Non-discursive knowledge does not determine anything conceptually, but amounts to an undetermining awareness of something, i.e., an awareness that cannot be an awareness of something *as* something. This peculiar form of awareness is given to us in the act of an *intellectual intuition*. But this act of awareness may not be distinct from the *Thathandlung* it makes us aware of – for this

¹⁷ Fichte in this third step does not need to start with another fact of empirical consciousness, but can argue by way of formal deduction, since we already have two propositions to work with in the deduction. The proposition expressing the third act therefore can *in large part* be inferred from the propositions expressing the two others. We can deduce from the first two propositions the *task* that the third act has to perform. Consequently the third act is, in Fichte's terminology, conditioned concerning its *form*. It is, however, another absolute act in being unconditioned with respect to the *solution* of this task, i.e., its *matter*. (This solution is supposed to be due to a "decree of reason" [FW 1:106]).

would lead to exactly the regress we wanted to avoid.¹⁸ The intellectual intuition that makes us aware of the *Thathandlung* is itself just the *Thathandlung* as carried out by subjects like us! As Fichte writes in the later *Versuch*: "I am this intuition and nothing else. And this intuition itself is me" (FW 1:529).

This Fichtean intuition, accordingly, is in *one* respect an intellectual intuition in the Kantian sense, i.e., an intuition that, unlike sensible intuition, produces its object. In Fichte's case the object would be the self that is posited by the consciousness of itself. At the same time, putting it this way emphasizes the fundamental difference to the Kantian form of intellectual intuition reserved for God: it might look at first glance as if the self were yet another object of consciousness – and we had God-like abilities. But this could only be correct, if the entity posited were *distinct* from the act of positing – which, as we have seen, for Fichte it clearly was not. It was, after all, the whole point of introducing the concept of a *Thathandlung* that subject and object would *not* be distinguished in this act. This denial of separation accordingly allows for a different, ontologically neutral conception of self-positing as a form of producing; we do *not* by this act produce an object, but a subject-object that *is* consciousness in virtue of the specific kind of *Thathandlung* characteristic for subjects like us: a *Thathandlung* that *proceeds by intellectual intuition* and produces a self that is nothing but pure consciousness.¹⁹

Before we proceed to Fichte's Spinoza-critique, however, a problem must be addressed: if intellectual intuition was so important for Fichte even at the time of the *Wissenschaftslehre* of 1794, why is it that Fichte never so much as mentions this concept in the text of the *Grundlage*?²⁰ I would like to argue that this is due to a difference in focus and method of the earlier and the later *Jenaer Wissenschaftslehre*.

The basic idea is that the argument of the *Grundlage* establishes the necessity of self-positing, but does not make transparent how this process would actually be possible. In the *Grundlage*, accordingly, Fichte proceeds by way of deduction²¹ and argues that self-positing in an original

¹⁸ Although for us it is a *Thatsache*, for the reasons elucidated in n. 14, above. This, however, does not threaten its essential character of being an activity, but only serves to highlight the fact that the *Thathandlung* cannot be original anymore, since the further steps of counter-positing and mutual limitation cannot be undone.

¹⁹ Paul Franks helpfully puts this contrast in terms of Fichte's intellectual intuition, like Kant's, being *self-actualizing*, but, unlike Kant's intellectual intuition, not *creative*. See Franks, *All or Nothing*, p. 311.

²⁰ Frederick Beiser, Dalia Nassar, and Michael Vater put this question forward in discussion.

²¹ I would like to describe his deductive method in the first paragraphs of the *Grundlage* as a transcendental argument. For an alternative description of the methodological difference between the earlier and the later *Jenaer Wissenschaftslehre*, see Franks, *All or Nothing*, pp. 338–348. Franks,

Thathandlung is the only way to explain empirical self-consciousness. But this leads to the difficulty that I have to think something that at the same time is product and act of production. While I may have formal conceptual access to this original activity, I cannot really understand what this is supposed to mean – though I can reconstruct from this original act everything else. The method of the *Grundlage*, however, has to leave it at that.

Truly to comprehend this original act I have to take one step further and not only conceptually isolate this act of self-positing as it is present in every single conscious act, but elevate myself to the standpoint of intellectual intuition²² and re-enact the *Thathandlung* as far as that is possible for an already conscious being.²³ But this intuitive or constructive method is not available to a purely discursive method like the one employed in the *Grundlage*.²⁴

Let me quickly summarize the important points of this sketchy discussion of the role of *Thathandlung* and intellectual intuition in the analysis of self-consciousness. Not every act of self-positing that meets the condition of unity of subject and object can guarantee *empirical consciousness*. Without empirical consciousness, however, an act of this kind cannot be accessible to our consciousness and hence violates the *condition of accessibility*.

For empirical consciousness to be possible, the first act of self-positing accordingly has to be supplemented by further acts of counter-positing and limitation. Only an act of self-positing that meets *both* conditions by allowing for the supplementation of the two other unconditioned acts could qualify as an act of self-positing that can explain self-consciousness. An act of self-positing that *does* meet both conditions is the *intellectual intuition* by way of which *we* (originally and continually) carry out the *Thathandlung*.²⁵

however, seems to share the estimation that there is an "underlying unity of Fichte's first and second Jena presentations – without, of course, denying the significant differences between them" (Franks, *All or Nothing*, p. 339). In the quoted paragraph Franks presents as much evidence for Fichte's continuing adherence to the concept of intellectual intuition as one could wish for.

²² How this may be done Fichte tries to illustrate, for instance, in the later *Versuch*. See FW 1:531ff.

²³ For the inevitable restrictions, see n. 19.

²⁴ This helps to explain why Fichte, in the Preface to the second edition of the *Grundlage* (written in 1801), still lends his support to the original way of exhibition.

²⁵ Hence, it should not come as a surprise that Fichte sometimes uses the term "intellectual intuition," not just for this act of self-positing but also for the reflexive act of the philosopher who makes this act the object of his reflected philosophical consciousness. For even the philosopher who aims to establish a *Wissenschaftslehre*, after having made the relevant conceptual distinctions and thereby having adequately isolated intellectual intuition, has to re-enact the original

Intellectual intuition and empirical consciousness have thereby been shown to be mutually dependent: we would not have an empirical consciousness without intellectual intuition of our own self-positing that *is* this very self-positing; but, conversely, we would not be able to engage in intellectual intuition without empirical consciousness. For only during acts of empirical consciousness are we at the same time conscious of ourselves in the sense required. Only empirically conscious selves are intuitively aware of themselves and hence of the act of self-positing.

FICHTE'S CRITICISM OF SPINOZA IN
THE *GRUNDLAGE* (1794)

Against this background, let me now turn to Fichte's remarks on Spinoza at the end of the first section of the *Grundlage*. Fichte starts by stating that Spinoza has transcended the proposition that encompasses the original *Thathandlung* of self-positing, i.e., the proposition that "*I am absolutely; i.e., I am absolutely because I am; and am absolutely what I am; both for the self*" (FW 1:98).²⁶ While other philosophers, notably Descartes and Reinhold, on Fichte's view did not go far enough, Spinoza overreached.

Fichte does not immediately proceed to criticize Spinoza, but points out features of Spinoza's system that are relevant for his criticism and reformulates them in terms of his own theory. As one might expect, the criticism is related to the latter's conception of ideas as *representations of thinking individuals* as opposed to ideas as *modifications of the one substance*, i.e., God. As Fichte puts it, in a slightly involved way: "On his [Spinoza's] view, the whole series of ideas [*Vorstellungen*] in an empirical subject is related to the one pure subject as a single idea is to a series" (FW 1:100).

The pure subject here is, of course, the one substance. Fichte's characterization suggests, then, not inaccurately, that a series of ideas in the consciousness of an empirical subject is, in relation to the one substance, nothing more than one (tiny) fraction of the series of ideas that are the whole of modifications of this substance under the attribute of thinking. In being just a small part of a much more complex series this relation of a

act of self-positing to become intuitively aware of it as an act of self-positing. It is, consequently, ultimately an act of the very same kind that the philosopher has to re-enact for the purpose of his investigation – and for the ultimate achievement of "transcendental self-consciousness" (Franks, *All or Nothing*, p. 312).

²⁶ The context makes quite clear that it is this formulation of the *Thathandlung* that he has in mind.

finite series to the infinite one that comprises it can be assimilated to the relation of a singular idea of an empirical subject to the whole series of ideas that ultimately constitutes this subject. And Fichte goes on to elucidate: "For him the self (what he calls *his self*, or what I call *mine*) [i.e., the empirical self] does not exist absolutely *because* it exists; but because *something else* [i.e., God] exists" (FW 1:100).

This statement, of course, reflects the ontological dependence of the empirical subjects on the Spinozistic substance. It does so in terms that take up the first part of Fichte's own expression of the *Thathandlung*, the proposition that "*I am absolutely; i.e., I am absolutely because I am*"; Spinoza's empirical selves, on the contrary, do *not* exist absolutely *because* they exist. Spinoza has no place for the self-positing as carried out by the *Thathandlung* – at least not as far as finite subjects are concerned.

Fichte goes on to emphasize that Spinoza's empirical subjects are, nevertheless, supposed to exist *as selves* for themselves, i.e., from their own perspective: "The [empirical] self is certainly a self *for* itself, in his theory" (FW 1:100). The empirical subjects, consequently, are supposed to have empirical (hence, reflexive) self-consciousness. But unfortunately their self is a self *only* for themselves – while in fact it is something else for another self.

Spinoza, however, on Fichte's view, goes astray now²⁷ in *not* asking what the self is for itself and then providing the foundations for *that* question (by turning to the pure consciousness *given* in empirical consciousness as its foundation in Fichte's own manner).

Spinoza asks instead "what it [i.e., the empirical self] would be for something *other* than the self" (FW 1:100; my emphasis), namely God. "Such an 'other,'" he continues, "would equally be a self, of which the posited self (e.g., mine) and all other selves that might be posited [i.e., the empirical selves] would be modifications." Spinoza, therefore, Fichte concludes, separates the two kinds of consciousness that, on Fichte's own account, are bound together inseparably: "He separates *pure* and *empirical* consciousness. The first he attributes to God, who is never conscious of himself, since pure consciousness never attains to consciousness; the second he locates in the specific modifications of the Deity" (FW 1:100f.).

In a moment I will come back to the question that Fichte's criticism, as voiced in this culminating remark of his short discussion of Spinoza, amounts to. Let us first take a glance at Fichte's own *evaluation* of this criticism: "So established his system is perfectly consistent and irrefutable,

²⁷ Signaled by Fichte's use of "but he goes on to ask" (FW 1:100).

since he takes his stand in a territory where reason can no longer follow him; but it is also groundless; for what right did he have to go beyond the pure consciousness given in empirical consciousness?" (FW 1:101).

This evaluation, as I will argue in the remainder of my discussion, seems unjustifiably charitable: the Spinozistic system, viewed against the background of Fichte's own argument in the first three sections of the *Grundlage*, does not seem irrefutable at all.

For if this argument is conclusive, there seems at the very least one serious shortcoming of this system. From the separation of pure and empirical consciousness it indeed follows that the pure consciousness of Spinoza's God, fundamentally *unlike* our own consciousness, cannot become determinate consciousness as a matter of principle. And while Fichte is right, as I would like to show, that Spinoza would not have a problem with this fact in itself, a connected consequence will prove fatal to his doctrine: Spinoza, as a consequence of restricting God to pure consciousness, loses the ability to account for the existence of empirical consciousness in general.

It follows that, if one were to accept Fichte's reading of Spinoza, as I think we should, one could not at the same time grant Spinoza's system the conceptual resources for a consistent conception of consciousness.²⁸

The two remaining steps, accordingly, must be:

- (1) an outline of an interpretation of Spinoza's views on God's consciousness that I take to be in line with Fichte's sketchy remarks; and
- (2) an argument to the end that the ensuing system is not, as Fichte in too great deference claims, "perfectly consistent and irrefutable," but fundamentally flawed because it cannot account for the fact of empirical consciousness.

The basic idea in the first, exegetical step will be to distinguish the relation of God's ideas to their objects from the relation of our ideas to *their*

²⁸ Accordingly, I think that – against the background of the considerations at the beginning of the *Grundlage* – Fichte is indeed justified in his rejection of the Spinozistic picture of consciousness. One can supplement these points by arguments developed in the practical part of the *Grundlage* (for this strategy see J. Brachtendorf, "Substanz, Subjekt, Sein: Die Spinozarezeption der frühen und der späten Wissenschaftslehre," in G. Zöller and H. G. von Manz [eds.], *Fichtes Spätwerk im Vergleich*, Fichte-Studien 30 [London and New York: Rodopi, 2006], pp. 57–70 [pp. 62–63]), but the point from the theoretical part of the *Grundlage* can be made in full force without that. (By invoking intellectual intuition as laid out in the *Wissenschaftslehre nova methodo*, one could argue, my own strategy partly invokes thought from the realm of practical philosophy. However, Fichte in the *Wissenschaftslehre nova methodo* rejects the theoretical–practical distinction and starts, as it were, from a point of departure common to theoretical and practical philosophy. It is this common origin I am interested in in my argument.)

objects while still accounting for the fact that ultimately our ideas taken absolutely are just God's ideas.

The basic idea of my second, argumentative step is that Spinoza's system does not leave the space for the second original action of counter-positing, which is indispensable for the generation of empirical, determinate consciousness, and hence a consciousness that includes the pure consciousness of the first *Thathandlung* as the consciousness of a foundation of this very empirical consciousness.

THE CONSCIOUSNESS OF SPINOZA'S GOD

In accessing the theory of ideas as laid down in his *Ethics* it is of the greatest importance carefully to distinguish between different ways to conceive of what ontologically are one and the same object.²⁹ One has to differentiate between what ideas are in relation to the empirical subject and what they are with respect to the infinite substance.

Spinoza's theory of ideas concerning *finite* subjects is pretty much Cartesian in design: he distinguishes an idea and its content from the intentional object of this idea, as it exists in itself. These two aspects correspond to the Cartesian distinction between the objective and formal reality of the object of an idea: this object exists *objectively* (*objective*) in the idea, but *formally* (*formaliter*) in itself.³⁰ Since ideas ontologically are modifications (*modi*) of a substance, it follows trivially that they themselves have formal being, i.e., can be taken *materially* (*materialiter*).³¹ As human beings we consequently use ideas intentionally to refer to the objects they represent.³²

²⁹ For a more detailed account see J. Haag, "Spinoza über die Intentionalität geistiger Zustände," *Deutsche Zeitschrift für Philosophie* 57 (2009), 449–469.

³⁰ See E2p17c1ff., E2p17s, E2p44s.

³¹ Daisie Radner, fatally, rejected this; see D. Radner, "Spinoza's Theory of Ideas," *Philosophical Review* 80 (1971), 338–359 (pp. 345f.). But see the conclusive criticisms in M. Wilson, "Objects, Ideas, and 'Minds': Comments on Spinoza's Theory of Mind," in *Ideas and Mechanism: Essays on Early Modern Philosophy* (Princeton University Press, 1999), pp. 26–40 (p. 132); and M. Della Rocca, *Representation and the Mind–Body Problem in Spinoza* (New York: Oxford University Press, 1996), p. 51. Spinoza leaves little doubt that ideas have formal being as well; see, for instance, E2p17s.

³² Here one must carefully distinguish between the intentional object of an idea – for which Spinoza reserves the expression *ideatum* in the first two books of the *Ethica* (see E1a6, E1p30d, E2d4e, E2p43s) – and the bodily mode that is the object of the idea qua being the identical mode conceived under a different attribute. Only the relation of an idea to an *ideatum* is an intentional relation (though it should be conceived as a complex form of a non-intentional relation of indication). (This explains an important characteristic of the ideas–things parallelism that, as Yitzhak Melamed observes, is not shared by other inter-attribute parallelisms. See Y. Melamed, *Spinoza's Metaphysics of Substance and Thought* [Oxford University Press, 2012], Chapter 4.)

Those intentional states can be viewed as acts of empirical consciousness in Fichte's use of the term. Since ideas themselves can become intentional objects,³³ we can consciously refer to our own ideas as *our* ideas and, as a consequence, can be *reflexively* conscious of ourselves: we can make ourselves *as* ourselves objects of our consciousness. Fichte's claim that Spinoza's empirical subjects are conscious of themselves as selves, accordingly, seems justified.

How about the divine substance? Does God intentionally refer to objects? The answer is: there simply is no need for him to do this. Take one of the favorite examples of early modern philosophers: the idea of the sun. God's idea of the sun qua mode of thinking is – by virtue of Spinoza's identity thesis – *identical* with the sun qua bodily mode. To interpret this identity as a form of reflexive intentional reference seems possible but is neither cogent nor promising from a philosophical perspective: it is unnecessary for God intentionally to refer to the sun by means of the corresponding idea of the sun, since this idea and the corresponding bodily mode are the very same thing, taken under different attributes.

Steven Nadler in a similar context correctly indicated once that "any thinking – even infinite thinking – would have to be a thinking of something."³⁴ But it does not follow that the 'of' in question needs to be the 'of' of intentionality. Intentional reference is certainly not the only form of representational reference, as may be illustrated by Wittgenstein's theory of picturing in the *Tractatus*, or Wilfrid Sellars' conception of Janus-faced mental representations: in those conceptions the representation-relation is reduced to a merely causal relation between represented and representing.³⁵

The tool of intentional reference for God is, accordingly, superfluous: finite beings need it solely because we – unlike God – are not otherwise capable of referring to bodily and mental states that are *not* our own. The states that are our own are states we could in principle represent *non-intentionally* – by virtue of the relation of identity holding between the respective bodily and mental states. Since every possible bodily or mental state is a state of God, as all those states are modifications of the infinite

³³ See E2p21s.

³⁴ S. Nadler, *Spinoza's Ethics: An Introduction* (Cambridge University Press, 2006), p. 90.

³⁵ Cf. W. Sellars, *Science and Metaphysics: Variations on Kantian Themes* (London: Routledge, 1968), Chapter 5.

substance, there is no reason for him to use this tool at all. In addition, since intentional reference is the essential characteristic of empirical consciousness – as Fichte's object-directed analysis of empirical consciousness makes clear – we can conclude that empirical consciousness for Spinoza's God is likewise superfluous.³⁶

Is Fichte therefore justified in concluding that Spinoza's God *cannot* have consciousness in the sense of reflexive empirical consciousness? That does not seem to follow at this stage of the argument: if Spinoza's God should choose, he is free to do so by limitation. Spinoza's God could, as it were, partition his own mind and in this way simulate the third step of Fichte's (re-)construction of consciousness. At first glance, there seems to be no reason why God or – more accurately³⁷ – God's mind should not become empirically self-conscious by simply executing the third of Fichte's three steps above. That this positive assessment of the consciousness of Spinoza's God would be premature will be the burden of the last part of my argument – and Fichte's criticism contains decisive clues.

³⁶ The term that Spinoza seems to reserve for the *non-intentional* 'of'-ness is "indication." See E2p6c2, E2p7s, E3p4d, E4p2s, E4app Caput 2, E5p34d. The indication-relation holds in three different ways. It holds – as a non-intentional, yet still *representational* relation – between every bodily mode and the idea it is identical with (in this case it is, as it were, a relation between different kinds of viewing one and the same entity [under different attributes]). Furthermore it holds between every mode and the mode it is causally dependent on. Finally, there are indication-relations that are combinations of causal indication and indication in virtue of identity.

Only the last kind of (complex) indication-relation amounts to the *intentional* representation that is characteristic for us as finite beings. God, in contrast, is not dependent upon this kind of complex indication-relation: since God's mind is identical to every mode (E2p7s) he has no need for the composite indication-relation and hence no need for intentional representation.

Note that this interpretation allows for a differentiation between ways of representation, while all three relations are still *reducible* to a basic relation of non-intentional indication. In addition, it needs to be emphasized that mental modes do have content already in virtue of indicating the bodily mode they are identical with – but that does not make this relation intentional, as Jonathan Bennett seems to think; see J. Bennett, *A Study of Spinoza's Ethics* (Indianapolis: Hackett, 1984). (Radner likewise does not consider a non-intentional relation of representation; see Radner, "Spinoza's Theory of Ideas," p. 339. Bennett and Radner, consequently, need to introduce *essentially different relations* to accommodate the various ways Spinoza talks about ideas and their content.)

Admittedly those representational relations, unlike the indication-relation, are not relations of identity. But the problem of interpreting the indication-relation as a relation of representation is shared by many interpretations of Spinoza. (For a different approach that sharply differentiates between questions of intentional content and the relation of identity, see Melamed, *Spinoza's Metaphysics*, Chapter 4.)

³⁷ See E2p7s; and Della Rocca, *Representation and the Mind-Body Problem*, p. 40.

THE INDISPENSABILITY OF INTELLECTUAL INTUITION

We can approach this question by taking up motivation for the quest for non-reflexive consciousness: can Spinoza's God and his pure consciousness serve as a regress-stopper in the sense required from the *Versuch*? The negative answer will be twofold: it has an *epistemic* and a *genetic* dimension.

The *epistemic* dimension can be dealt with briefly. It is connected to Spinoza's unfounded step 'too far': even if one were able to establish God's self-consciousness on the basis of his pure consciousness, it would have to be the consciousness of someone different, and hence not *our* consciousness. Thus we cannot in this way understand our own empirical consciousness in the sense required, i.e., its irreducible *de se* character.

This is the reason why a strategy to account for finite consciousness by further limiting or partitioning God's mind cannot be successful: the *de se* character of empirical consciousness, its irreducible perspectivity, is to be explained – and it cannot be explained by reference to a consciousness whose perspective is fundamentally different from our own. The partition, in other words, cannot serve as a partition of perspectives. It is not possible to tell a story sufficiently similar to Fichte's threefold construction of empirical consciousness for finite beings on the basis of a divine consciousness partitioning itself.

Still, this epistemic consideration does not threaten the possibility that God himself is able to acquire empirical consciousness. To see that Spinoza, by Fichtean standards, fails on that account as well, we have to turn to the *genetic* dimension of the question. As Fichte himself points out, God's pure consciousness cannot 'attain to consciousness,' i.e., it cannot amount to determinate self-consciousness, and the empirical consciousness that is its logical counterpart. How, on this account, could empirical consciousness be generated by means of the original *Thathandlung* and the steps following from it logically?

One can put the problem for Spinoza in the form of a dilemma: the consciousness can be the product of a complex act of self-positing and counter-positing produced by either God or an empirical subject. But, as we have seen, the empirical subjects by definition do not possess absolute existence in the sense afforded by the first *Thathandlung* of self-positing (and consequently cannot enter into the other aspects of this complex act), while God cannot go any further than the first part of this complex act and is thus *restricted* by his nature to the first *Thathandlung*.

At this point we can understand that in talking – with Spinoza – of the infinite intellect as God's mind we had already granted Spinoza something his system could not account for: we had already conceded the transition from a concept of God as *res cogitans* (see E2p1) or absolute thinking (*absolutam cogitationem*; see E1p31d), a thing one of whose attributes is thinking, to God's mind as the sum total of all modes of thinking that is Spinoza's elucidation of an infinite intellect. In other words, we conceded the transition from *natura naturans* to *natura naturata*. Only then could we argue for God's gaining empirical consciousness through limitation.

We thus tacitly assumed that pure consciousness could be equated with Spinoza's infinite intellect. But that, it turns out, was a mistake. The infinite intellect is constituted by the modes of thinking that are its part. Yet there would not be real modes of thinking – as acts of empirical consciousness – in the first place, unless God as absolute thinking could proceed from the original *Thathandlung* to the further act of absolute opposition (and only then to the act of mutual limitation). And if the modes of the infinite intellect already are acts of empirical consciousness, they cannot account for it in the way required.

The only way out,³⁸ it would seem, would be to deny the modes of the infinite intellect the status of acts of empirical consciousness, and ascribe only pure consciousness to it. But then the infinite intellect would be confronted with the same problem we diagnosed for absolute thinking: it could not absolutely oppose a not-self to itself. Although one therefore might be tempted to argue that the act of opposition is in the third, *synthetic* act reconciled with the original act as happening in one and the same pure consciousness, this would not exclude the consciousness from undertaking the second act of absolute opposition. This act has to be one of *absolute opposition* – not only partial opposition, as in acts of limitation – to necessitate the synthesis of the third act, to start with.

God's act of self-positing, consequently, can never amount to a *Thathandlung* in the sense required for empirical consciousness: God

³⁸ Not, of course, the only way for Spinoza to explain consciousness with his own resources, but the only way to satisfy Fichte's criteria. The whole argument against Spinoza takes these for granted. This reflects the hierarchical relation between metaphysical and transcendental thinking: metaphysical thinking, if meaningfully determined, ultimately has to adhere to the constraints established by transcendental philosophy. (For more on these methodological questions, see J. Haag, *Erfahrung und Gegenstand: Das Verhältnis von Sinnlichkeit und Verstand* [Frankfurt am Main: Klostermann, 2007], Chapter 1.) Consequently, a critique of this point against Spinoza would have to question Fichte's reconstruction of the relation between pure and empirical consciousness – as, for instance, Schelling did; see SW 4:354.

cannot gain determinate consciousness and hence cannot carry out acts of self-positing that amount to consciousness. Spinoza's God, in other words, cannot carry out a *Thathandlung* that meets the condition of accessibility: His act of self-positing could never amount to an intellectual intuition – and as a result it cannot present an explanation of empirical consciousness. Accordingly, there cannot be an explanation of empirical consciousness in Spinoza's system that satisfies Fichte's conditions.