

Love and recognition in Fichte and the alternative position of de Beauvoir

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Introduction

The philosophical theories which are generally characterised by the name of ‘German Idealism’ are united in the task of overcoming the dualisms of Kant’s critical philosophy – the oppositions of subject and object, theoretical and practical philosophy, *mundus sensibilis* and *mundus intelligibilis* – and thus furnishing a complete system of philosophy. These theories also share the idea that the principle underlying the entire system of philosophy must be developed in a way that preserves Kant’s insight that the ‘I think’ is the highest point of reference for logic as a whole and indeed for transcendental philosophy itself. But whereas Kant’s doctrine of the analytic and synthetic unity of apperception serves to ground theoretical philosophy alone, these Idealist thinkers seek to ground philosophy in its entirety upon a principle – a single principle – that exhibits the character of subjectivity, that is, of self-relating activity.¹ This programme for a monistic philosophy of subjectivity also provides the foundation for the theories of recognition that were developed by the philosophers of German Idealism. Fichte first introduced the notion of ‘recognition’ as the fundamental concept of social philosophy and the philosophy of right in his 1796 text *Foundations of Natural Right according to the Principles of the Wissenschaftslehre*,² and Hegel would present the most prominent and influential conception of recognition in his *Phenomenology of Spirit* of 1807, but in spite of the different philosophical foundations developed in each case³ both thinkers agree that it is impossible to realise the true or actual self-consciousness of finite rational beings by starting from the basis of a *solus ipse*, and that, on the contrary, it is one’s consciousness of other individuals, standing in a relationship of mutual recognition, which furnishes the indispensable presupposition for such self-consciousness. This

connection between the theory of subjectivity and that of intersubjectivity, so characteristic of the post-Kantian attempts to ground philosophy as system, reframes the field of practical philosophy – at least in Fichte’s case – in comparison both to Kant and to the Enlightenment tradition of natural law theory. For now the contractual model that serves to ground rights and duties for natural law and also Kant’s novel attempt to ground practical philosophy in a purely formal principle, the pure practical law of reason that categorically commands the law-like adoption of maxims, are both suspended, and the theorem of recognition provides the philosophical basis for determining right action and rational institutions.⁴ Not only is it true that no *Ichheit* or ‘I-hood’ can be conscious of itself without the consciousness of other subjects, but the relations of these subjects to one another are for their part grounded in and defined by the structure of subjectivity. Just as identity and difference, universal and particular, are mediated in the structure of subjectivity as self-identifying and self-distinguishing I-hood, to express this in Hegelian terms, so this must also hold for the relation between the individuals who are defined by this structure. The subjects in question must be able to encounter one another as rational individuals, i.e. as equals, in such a way that at the same time they can preserve the distinction between the one and the other, i.e. can preserve their non-identity. If we focus specifically on Fichte here, this relation of recognition must be conceived as one between reciprocally communicating rational beings, as a relation in which such beings understand themselves both as a ‘community’ of reciprocally dependent equals and as free individuals who are ‘distinguished from one another by opposition.’⁵

The Idealist theories of intersubjectivity thus provide the systematic framework of a social philosophy that is based upon the structures of identity and difference internal to subjectivity, and claims to represent a fundamental advance upon both the Hobbesian atomistic and the Aristotelian-teleological models of the social order. And this framework provides the context for the further elaboration of the Enlightenment discourse on gender that had developed in the course of bourgeois emancipation and the changes in social structure which accompanied it.⁶ It is thus no accident that Rousseau’s problematic of gender, which proved so virulent in the context of his critique of civilisation, and the novel theory of gender difference which he elaborated came to provide the principal theoretical point of reference for Idealist philosophy. The post-Kantian philosophers combined the Idealist programme of *Vereinigung* or ‘unification’ with a practical and political interest in securing a liberated and reconciled condition of humanity, an

interest that demanded careful consideration of the possibilities for realising the demands of reason within the sensible world. In describing their own time, and its forms of deformation and diremption, thinkers such as Friedrich Schiller and Wilhelm von Humboldt partly follow Rousseau, whose diagnosis of the losses entailed by the progress of civilisation is widely accepted: unhappiness, immorality, alienation from ourselves and our fellow human beings, are regarded as distortions of our natural endowment or potential which are produced by human beings themselves in the course of civilisation. For the post-Kantian generation of philosophers who wish to address this situation, of course, there is no longer any question of going back to nature as the source of norms for human action and a properly human social order. Schiller and Humboldt draw on the theoretical potential of Kant’s *Critique of Judgement*, on the resources of aesthetics, or on the concept of organic nature, while Fichte develops a teleological story of the progressive realisation of morality that draws on Kant’s theory of culture. Rousseau himself had presented the idea, on the basis of an anthropologically grounded moral philosophy, that it is necessary to establish an order of gender that is appropriate to nature if a society is to develop in which individuals stand in an authentic relationship to themselves and thus at the same time can relate through sympathy with others to the human species as a whole. And the post-Kantian philosophers take up this approach as well. Against the background of Rousseau’s specific theory of gender difference, the opposition of the sexes and the unity between them appear as the anthropological counterpart to the idea of subjectivity and its determining moments. The loving union of the sexes should thus be understood as a potential that promises to facilitate the overcoming of alienation and diremption from the perspective of human history as a whole. The sexual relationship of man and woman thus comes, in other words, to represent speculative images of general reconciliation and simultaneously promises to vouchsafe the effective historical realisation to this ideal.

It was the Kant of the pre-critical period, ‘set on the right path’ by Rousseau, who first adopted these convictions, converted as he was to the image of the natural man who was happy by virtue of his few and simple needs (the ‘cynical’ image of man in the original sense of the word). On the basis of an ethics and an anthropology strongly influenced by aesthetic considerations Kant further developed Rousseau’s theory of gender, and his widely disseminated work *Observations on the Feeling of the Beautiful and the Sublime* helped to gain acceptance for Rousseau’s innovative views, for the idea of subjects sexually related to one another in a complementary manner,

and for the concomitant paradigm of a gender relation based on sentiment, on the feeling of love rather than on an essentially contractual agreement.⁷ Wilhelm von Humboldt, as we have already indicated, attempted to present a theory of the cultural and educational development of the human being as individual and as species, a theory which has the love of man and woman at its centre. This relationship, according to Humboldt, allows us to overcome the oppositions of nature and reason within individuals and between the loving parties defined by this opposition, and to develop ourselves as a totality of human existence. In his philosophy of history and theory of the state Humboldt interprets this idea of love as a presentiment and presupposition of a self-perfecting humanity.

The later Kant of the *Metaphysics of Morals*, whose moral philosophy is based on a Platonic principle of practical philosophy, namely the idea of legislation on the ground of pure practical reason which grounds its own world beyond the realm of nature, is inevitably forced to distance himself from Rousseau's conception of marriage as a loving community of partners. The relationship of the sexes that is produced and determined by nature emerges in Kant's legal and political philosophy as a problem *sui generis*, the solution of which requires its own special form of right, a personal right with respect to things.⁸ In the *commercium sexuelle* the human being makes himself into a thing, and this conflicts with 'the humanity in his person'.⁹ This conflict can only be resolved through a legal contract regarding the mutual relation of the partners 'as things' and legitimating the reciprocal use of their sexual organs. Kant's conception of marriage is egalitarian in character: both sexes are threatened by a loss of dignity, but through the reciprocal contract of marriage each becomes an object of possession of the other and at the same time each receives himself or herself back as a person, so that the sexual life of each party is made compatible with his or her dignity.

The problem which Kant articulates here, namely that the sexual character of human beings subjects them to a reification that undermines their dignity, also emerges as a problem for Fichte. He appeals not to the form of contract but to a relation of love that complements the relation of recognition, identifying this as a higher form of union that not only renders sexual relations compatible with human dignity but also permits us to reconcile the opposition between reason and nature in the human being more generally.

a. '[D]er Menschheit an seiner eigenen Person'. Immanuel Kant, *Werke in sechs Bänden*, ed. Wilhelm Weischedel (Wiesbaden: Insel, 1956–62), VIII, 390

The ways in which post-Kantian philosophy attempted to unite the inner subjective oppositions of reason and nature by recourse to the intersubjective connection between human beings of different sexes, who stand to one another in the relation of reason (man) and nature (woman), cannot be grounded in a contract between equals. Rather, it is the inner regulation of the comportment of individuals according to the norms of the masculine and the feminine as described in Rousseau's *Émile* that are supposed to facilitate the union of human beings in marriage as a preliminary form of ethical life (Fichte) or as a shape of ethical life (Hegel). The feminist rereadings of the canon have decoded the scandalous political subtext at work behind the pathos of appeals to love and the exaggerated ethical demands placed on marriage. For we are concerned here with a fundamental attack upon the egalitarian principles of the Enlightenment that results in the subordination of woman. By transferring the difference of reason and nature onto the difference of man and woman the Idealist thinkers once again position human subjects – in contradiction to the modern postulate of equality – within the familiar matrix of a different status in each case.

Beauvoir was the first to recognise the ideological character of these theories that create the illusory appearance of naturalness with regard to characteristics of gender. In order to diagnose the actual inequality and alienation between the sexes, and at the same time to develop the fundamental outlines of a humanistic feminism that undertakes to liberate both man and woman from the flawed forms of humanity defined by their supposed sexual characteristics, Beauvoir draws on the conceptual resources of Hegel's dialectic of lordship and servitude and appropriates this dialectic in the concepts of a feminist ethic: forced on the basis of her sexual-biological nature to participate in the reproductive cycle of sheer life, woman in previous history was prevented from even entering into the struggle for recognition, which is to say, was denied the status of a freely self-determining subject. This does not mean that it is simply impossible for woman to negate this actual historical circumstance, which is conditioned by a biological fact, and to constitute herself by a deed as subject, as this was possible for man, on the basis of his different sexual nature, already at the very beginning of the historical existence of the human species. On the contrary: the historical situation is defined by the fact that it falls to woman to pursue her self-liberation, and to unite this feminist engagement with the further political ambition to liberate humanity as such from forms of economic repression too.

The succeeding generation of feminists have subjected the traces of essentialism and naturalism that still reflect gender stereotypes in the work of

Beauvoir herself to severe and extensive criticism, and thus concluded that the philosophical foundations of this kind of feminist philosophy, rooted as it is in the tradition of the philosophy of subjectivity, are wholly inadequate for the pursuit of the feminist project. For in the eyes of post-structuralist theories of feminism the concept of rationally self-determining subjectivity, which previously served as the fundamental principle of philosophy and as a crucial means of legitimation, now appears itself as an effect of hegemonic discourse. Thus Luce Irigaray has attempted to reveal the origin of the theme of the self-determining subject in the phallogocentric logic of European thought that is defined by binary oppositions, while Judith Butler has developed the concept of the heterosexual matrix of discourse in order to explain the production and reproduction of subjects who find themselves compelled to develop masculine or feminine identities defined in specific physical and psychological terms.¹⁰

The purpose of the following discussion is to investigate the particular gains and losses incurred by Fichte's attempt to reframe Rousseau's contributions in his own philosophical theory of gender in accordance with the underlying premises of his subjective idealism of freedom. On the one hand, we are concerned with questions about the inner consistency with which the premises of this system are applied to the 'community' involved in the gender relation conceived as a relation of human beings that is grounded in nature. On the other hand, we are also concerned with the question whether this gender discourse that was introduced by Rousseau can satisfy the postulates of freedom and equality formulated in the Enlightenment and the emancipatory aspirations that are involved here. Our analysis of the problems that arise from Fichte's doctrine of marriage in both these regards will lay the ground for an assessment of Beauvoir's alternative conception, which is based for its part on Hegel's theory of recognition.

1 Rousseau's innovative contributions to the philosophical theory of gender

In attempting to furnish a philosophical response to the conditions of human alienation and immorality, both in relation to oneself and to one's fellow human beings, as he had described them in his theory of culture, Rousseau undertakes in Book v of *Émile* to develop a new paradigm of the relation of the sexes by appeal to the teleological concept of nature that was entertained in antiquity. Like Plato and Aristotle in this regard, Rousseau is concerned to define the identity and difference between man and woman in order to

possess a criterion for how they may 'fill their place in the physical and spiritual order'.¹¹ The recognition that two perspectives are required here, one regarding the species and the other regarding the specific sex, provides the apparently trivial starting point and the basis for Rousseau's theory of gender. 'Sophie ought to be a woman as Emile is a man – that is to say, she ought to have everything which suits the constitution of her species [*espèce*] and her sex [*sexe*] in order to fill her place in the physical and moral order'.¹² By modifying the architectonic¹³ of traditional logical and ontological concepts with regard to genus and species, essence and properties, Rousseau is the first thinker to explain sexual gender as the ground of difference itself, as something by which all human determinations – including the essential ones – are affected. 'A perfect woman and a perfect man ought not to resemble one another in mind any more than in looks, and perfection is not susceptible of more or less'.¹⁴

It is in this way that Rousseau 'invents' the bourgeois subjects of man and woman, bound to their biological nature and thus paradigmatically defined in their character as human beings and in their respective public and private roles. The peculiarity of the sexual character of man and woman must be determined from the perspective of the relative weight of species-specific and gender-specific attributes: whereas the man is man only at certain moments, the woman is woman in the whole of her life.¹⁵ This is a new conceptual understanding of sexual difference, one which reproduces the classical image of man but, with respect to the conception of woman, involves a thorough and hitherto unprecedented sexualisation of her personality as a whole. Whereas the sexual attributes of the man possess a merely peripheral significance, those of the woman constitute the essential core of her nature as a person.

If this difference with regard to sexual character is translated into normative terms, it indicates essentially different kinds of perfection: 'As though each, in fulfilling nature's ends according to its own particular purpose [*destination particulière*], were thereby less perfect than if it resembled the other more!¹⁶ Rousseau's new systematic conception of the categorical distinctions between species-specific and gender-specific attributes is the decisive presupposition for asserting the equality, in the sense of the equal value, of the qualitatively different sexes. Rousseau succeeds in grounding the equal value of woman, and thus securing the validity of the modern postulate of the equality of all human beings, *precisely* through the invention of woman as an entirely sexualised being. This ability to be equal and equal in value as, and *only as*, a sexualised being is the double paradox of the philosophical construction of the character of woman, the rationally demonstrated

contradiction of an elevation by means of demotion. It is obvious that this postulate of the unreservedly equal value of man and woman removes the basis of the old concept of the household, which has come down to us from Aristotle, as an internally differentiated form of dominion hierarchically oriented to the role of the male. Rousseau reconceives the shared domestic community of marriage as a community of love and thus as a fabric of complementary relations of dominion. ‘As her spouse, Émile also became her master. They must obey as nature has intended. If the woman is like Sophie, it is nonetheless good if the man is ruled by her. That is also the law of nature. In order to make her mistress over his [i.e. Émile’s] heart, just as his sex makes him master over her person, I have made you the judge of his desires.’¹⁷ The constitutive relations of dependency between man and woman in their distinctive and complementary character are thus configured from the perspective of the difference between species-specific and gender-specific attributes, whose relative preponderance constitutes the sexual characteristics in each case: whereas the man as a *gendered being* is ruled by the erotic power of the woman, as a subject of right, i.e. as a subject of will, he is free; in the case of the woman the reverse is true: as a gendered, or more precisely as a sexual being, she is ‘sovereign’, but as a person she is unfree. Reflection upon the inner dynamic of these dependencies yields the idea of a dialectical history of the formation of the individual as a gendered being. Precisely insofar as the woman becomes the mistress of the man’s desire she mutates into what is at once a gendered being and a child: she makes herself the object of man’s desire and thereby forfeits the status of master over oneself, and thus the status of citizen in the full sense. And on the other side, the man who directs his instinctive and affective life into the channels of conjugal love is thereby liberated from rivalries and forms of self-alienation that spring from the sexual drive and can thus develop himself as a virtuous human being and citizen.

2 Recognition and love in the philosophy of Fichte

The concept of recognition in Fichte’s Foundations of Natural Right

According to Fichte, the absolute I, the subject–object identity of the self-positing I, is the principle of philosophy as such, the principle from which the theoretical I, as limited by the non-I, is derived through a sequence of intermediate steps. Fichte’s so-called subjective idealism is characterised by

a radicalisation of the Kantian doctrine of the primacy of practical reason. The limitation through the non-I which is constitutive for the theoretical ego – or in other words, nature as opposed to I-hood – can only be derived by necessity from the practical I. The practical I must posit the object over against itself as *resistance* in order to be able to strive, through an infinite process of approximation, for the freedom that is posited in the absolute I as an Ought. Fichte’s attempt to overcome the dualism of nature and freedom through a monism of the I paradoxically depends at the same time on the persistence of this dualism.

In his text *The Foundations of Natural Right according to the Principles of the Wissenschaftslehre* Fichte is essentially concerned with providing a transcendental deduction of the concept of right, that is to say, with demonstrating this concept as the condition of the possibility of the self-consciousness of finite rational beings.¹⁸ The self-reflective rational being necessarily ascribes a ‘free efficacy’ to itself, that is to say, necessarily understands itself as a power of willing; in order to be conscious of *itself* it must distinguish itself as subject from the object, i.e. distinguish itself as I from the non-I, by thinking its activity as restricted solely by itself, and thus as an essentially free activity. In thus positing itself as a being that acts effectively in accordance with self-positing ends, the I simultaneously presupposes the sensible world as the condition of possibility for concepts of ends in the first place, and thereby posits itself as cognition, which is to say, as determined by the object. But the self-consciousness of the I as pure unrestricted activity thereby appears to become impossible. Fichte’s original solution to this problem – a solution which lays the foundation for the philosophy of intersubjectivity – is provided by the notion of *Aufforderung* or ‘summons’ which is introduced in the ‘second theorem’ (§ 3) of the text: ‘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’ (*FNR*, 29).^b The summons addressed to one subject by another is the exemplary case of an *Anstoß* or ‘impact’ which signifies an enabling rather than a restriction of freedom insofar as this implies the subject’s ‘being-determined to be self-determining’ (*FNR*, 31).^c The free efficacy of the subject is itself the object once the latter has been adequately comprehended.¹⁹ It is from the necessity of the summons as

b. ‘Das endliche Vernunftwesen kann eine freie Wirksamkeit in der Sinnenwelt sich selbst nicht zuschreiben, ohne sie auch andern zuzuschreiben, mithin, auch andere endliche Vernunftwesen ausser sich anzunehmen.’ *GNR* I, 340

c. ‘Bestimmteyn des Subjekts zur Selbstbestimmung.’ *GNR* I, 342

the condition of the possibility of empirical self-consciousness²⁰ that Fichte infers the necessary fact of the existence of free rational beings outside of myself. The human being is thus essentially a communal or ‘species-being’ (*Gattungswesen*), that is to say, the human being ‘becomes a human being only among human beings’, and this concretely means that the human being must be raised or educated to become a human being.²¹ Thus it is only a reciprocal relation of efficacy that can furnish the condition of self-consciousness. And Fichte identifies this relation as a relation of recognition from which the concept of right must then be derived.

According to Fichte’s ‘third theorem’ the subject must distinguish itself from the rational being that it must assume outside and beyond itself, that is to say, it must posit itself as an ‘individual’ (*Individuum*). Fichte defines the concept of the individual in action-theoretical terms: the subject constitutes itself as an individual with regard to its own sphere of efficacy by determining itself to action within the sphere of efficacy itself that is assigned to it through the ‘summons’. Thus Fichte writes: ‘The subject determines itself as an individual, and as a free individual, by means of the sphere within which it has chosen one from among all the possible actions given within that sphere; and it posits, in opposition to itself, another individual outside of itself that is determined by means of another sphere within which it has chosen’ (*FNR*, 41).^d Fichte derives the rational character of both relationships from the necessity of the summons; and this connects not only the thought of material freedom, i.e. efficacy according to self-positing ends, but also the thought of the self-limitation of its material freedom through the ‘concept of the subject’s (formal) freedom’ (*FNR*, 41).^e Through the summons, therefore, each rational being posits the other as a free rational being that determines itself to efficacy through its determined ends, and each member that stands in this relation of summons by positing the end of another free and rational being posits itself as a being that limits its own sphere of efficacy through this end. And this yields the concept of ‘right’ as the idea of the self-limitation of the sphere of material freedom through the end of the formal freedom of other rational beings.²² The thought of right is a necessary thought for finite rational beings; for Fichte however, unlike Kant in this regard, the principle of right is not an unconditional command of pure practical reason. Finite

d. ‘Das Subjekt bestimmt sich als Individuum, und als freies Individuum durch die Sphäre, in welcher es unter den, in ihr gegebenen möglichen Handlungen eine gewählt hat; und setzt ein anderes Individuum ausser sich, sich entgegen, bestimmt durch eine andere Sphäre, in welcher dieses gewählt hat.’ *GNR* 1, 350

e. ‘Begriff von der (formalen) Freiheit des Subjekts’. *GNR* 1, 351

rational beings must think of themselves as beings that stand to others in relations of right. They must conduct themselves according to the principle of right only under the condition that they enter into relation to other finite rational beings by whom in turn they are recognised as rational beings. The application of the principle of right is consequently demanded in a merely hypothetical fashion.²³

Fichte’s conception of love and marriage

Now if it is nature, with regard to the community of the sexes, which renders a relationship between human beings necessary,²⁴ then we must explain how this can nonetheless be brought into harmony with the freedom of human beings. Like Kant, Fichte also identifies a contradiction between reason and the sexual drive, but with this crucial difference: Fichte believes it is woman alone, rather than the human being as such, who is burdened with this contradiction. Fichte grounds his view in a conception of natural teleology that continues the Aristotelian tradition: ‘The specific determination of this natural arrangement is that, in the satisfaction of the sexual drive or in the promotion of nature’s end (in the actual act of procreation) the one sex is entirely active, the other entirely passive’ (*FNR*, 266).^{f,25}

If these natural determinations are applied to the rational nature of the human being, we find ourselves confronted with a crude and emphatic difference between man and woman. For while the natural dimension of the male sex, qua self-active principle, corresponds to the rational nature of the human being, the passivity of female nature stands in strict contradiction to reason.²⁶ If the positing of ends is the expression of reason and the means of realising freedom in the sensible world, then passivity considered as an end would entirely eliminate reason itself.

This contradiction, which is presented as definitive for woman, makes it necessary to ground marriage as a social form that is *sui generis*. The problem is how to ground a community of human beings that prima facie must itself be defined through contradictory relations: on the one hand, through a relation of subordination that derives from nature – the woman is an object of masculine power – and, on the other hand, through a relation of equality from the moral perspective that derives from reason.²⁷ Fichte resolves this problem by introducing a new concept of marriage as a community of love which is

f. ‘Die besondere Bestimmung dieser Natureinrichtung . . . , daß bei der Befriedigung des Triebes, oder Beförderung des Naturzwecks, was den eigentlichen Akt der Zeugung anbelangt, das eine Geschlecht sich nur thätig, das andere sich nur leidend verhalte’. *GNR* II, § 2, 97

superior to the statically conceived relation of recognition thematised in the philosophy of right insofar as the former can be entrusted both with ethical cultivation of individuals to become whole human beings and with the moralisation of humanity itself.²⁸ The starting point for this dynamic process is woman as the living contradiction between nature and reason: only if this contradiction is successfully overcome can the relationship between the sexes be brought into harmony with their rational nature. Fichte describes this solution to the problem as follows: ‘woman cannot surrender to sexual desire for the sake of satisfying her own drive. Since she must nevertheless surrender herself on the basis of some drive, this drive in her can be none other than the drive to satisfy the man’ (FNR, 269).^g On Fichte’s assumptions, this end is compatible with both nature and reason, and can thus legitimately be pursued: ‘She maintains her dignity – even though she becomes a means – by freely making herself into a means, on the basis of a noble, natural drive, that of *love*’ (FNR, 269).^h Fichte sees no problem in this group of human beings making itself into a means for satisfying others in the sexual act, and indeed, astonishingly enough, regards this act as an assertion of the dignity of woman. Love is not something that can be deliberately produced, but is something that emerges in a spontaneous and involuntary fashion. The dignity of woman in the context of sexual association thus springs from a gracious nature that purifies the crude drive of love, that is to say, sublimates her biological and sexual passivity through surrender to another, to the man.²⁹

And since this surrender of the body implies the surrender of the person, marriage cannot be interpreted as a ‘contract’. Paradoxically, therefore, the self-assertion of the woman as a rational being requires the complete renunciation of her personality, as the sum of all rights, in relation to the man she loves. For if – so Fichte reasons – the woman were to hold something back from the man, this would mean that she valued that more highly than what she has surrendered; but since qua loving wife she gives herself over as personality, she would demean herself as a person by any such holding back. Fichte continues:

Her own dignity rests on the fact that, as surely as she exists and lives, she belongs completely to her husband and has unreservedly lost

g. ‘[D]as Weib kann überhaupt sich nicht hingeben der Geschlechtslust, um ihren eigenen Trieb zu befriedigen; und da es sich denn doch zufolge eines Triebes hingeben muß, kann dieser Trieb kein anderer seyn, als der, den Mann zu befriedigen.’ GNR II, § 4, 100

h. ‘Sie [die Frau] behauptet ihre Würde, ohnerachtet sie Mittel wird, dadurch daß sie sich freiwillig, zufolge eines edlen Naturtriebes, des der *Liebe*, zum Mittel macht.’ GNR II, § 2, 100

herself to and in him. What follows from this, at the very least, is that she cedes to him her property and all her rights and takes up residence with him. . . . She has ceased to live the life of an individual; her life has become a part of his. (FNR, 271)ⁱ

The woman who follows the noble natural drive of love gives her person over with her body – and the body has already been deduced as the entire sphere of the free efficacy of an I, the sphere through which the individuality of finite rational being is defined. The loving wife’s express renunciation of the capacity to exercise rights which belong to the unmarried woman in almost the same measure as they do to the man is therefore simply the external confirmation of the self-sacrifice that has already inwardly been accomplished. This entails no contradiction as far as Fichte’s system is concerned since right cannot command categorically but only hypothetically.³⁰

This *complete* surrender of the woman to *one* man is the starting point and the necessary condition for the emergence of marriage as a ‘perfect union of two persons of each sex that is grounded upon the sexual drive and has itself as its own end’ (FNR, 273).^j While the woman renounces a sphere of action that consists in positing ends of one’s own, she receives herself back as a being that can pursue ends insofar as her beloved husband magnanimously makes her ends into his own.³¹ Insofar as the man is considerate of the wishes of the woman he sustains and promotes her love; insofar as he modifies his own ends in favour of the woman he surrenders himself too and in the love of the woman receives himself back as a subject of will.³² In the ideal case, the relationship with the partner can reach the point where ‘the exchange of hearts and wills is complete’ (FNR, 272).^k Each party loses and finds itself in the other, so that the united parts complete one another as a whole human being from the moral perspective too: they are *complimenta ad totum*, not already independently as such, but only through the different – active or passive – relationship to one another in each case. In contrast to the relation of recognition in the context of right, the individuals in the relation of love do not constitute themselves through limiting their sphere of efficacy *uno actu* with the summons to self-determination that comes from the other. Rather,

i. ‘Ihre eigene Würde beruht darauf, daß sie ganz, so wie sie lebt, und ist, ihres Mannes sey, und sich ohne Vorbehalt an ihn und in ihm verloren habe. Das Geringste, was daraus folgt, ist, daß sie ihm ihr Vermögen und alle ihre Rechte abtrete, und mit ihm ziehe. . . . Sie hat aufgehört, das Leben eines Individuum zu führen; ihr Leben ist ein Theil seines Lebens geworden.’ GNR II, § 6, 102

j. ‘[V]ollkommene Vereinigung zweier Personen beiderlei Geschlechts, die ihr eigener Zweck ist.’ GNR II, § 8, 104

k. ‘[D]ie Umtauschung der Herzen und der Willen . . . vollkommen [wird].’ GNR II, § 7, 103

they constitute themselves by uniting their spheres of efficacy – as they do their bodies – and this unification, which stands under the primacy of the man, becomes the source of an enriched individuality in which each party can borrow something from the other form of human existence and thus develop itself into a whole human being: the moral character of the woman becomes rational, and that of the man becomes natural, for love and magnanimity relate to one another as a natural and a rational view upon morality.

Just as marriage accomplishes a development from nature to morality, so too marriage promotes the moralisation of humanity in the historical world. Following Rousseau here, Fichte claims that the re-establishment of a natural relationship between the sexes is the only possible way to lead the human species towards virtue by starting from nature: there can be no moral education except from this point.³³ Since love is essentially a unity of reason and nature, it can furnish the starting point for completing and perfecting the human being by overcoming these oppositions in relation to the individual and humanity alike.

An evaluation and critique of Fichte's doctrine of love and marriage

The view that Fichte has uttered the 'saving word' that has banished the rationalistic and Enlightenment conception of marriage as a contractual relation based on external ends of one kind or another (*propagatio proles, extinctio libidinis, mutuum adiutorium*) has certainly been defended.³⁴ But feminist philosophy has vehemently challenged such an idea. If the measures developed to defend the value and dignity of woman require their sexual, legal and political subjection, then we are dealing with sheer hypocrisy, for the fundamental postulate of equality has been violated both in the exposition of the problem and in the proposed solution.

The question immediately posed from the perspective of the critique of ideology is this: how can Fichte's philosophy, which is based upon the principle of I-hood and the primacy of practical reason, appeal to nature to justify this inequality? For the 'fundamental defect' of woman, the assertion of which creates the problem and at the same time anticipates the form of its solution, is the sexual nature of woman which Fichte judges to be 'the most repulsive and disgusting thing that there is in nature'.¹ The sexual nature of woman is repulsive and abhorrent, as we have observed, insofar as it contradicts the rational nature of woman. That a contradiction between two

1. 'Grundübel . . . das widrigste, und ekelhafteste, was es in der Natur giebt'. J. G. Fichte, *Das System der Sittenlehre*, 289

different kinds of 'subjects' – namely between reason and the body – arises through the categories of *actio* and *passio* presupposes the definition of the body as the 'instrument' of reason and freedom, and thus also a teleology which embraces ends of nature and ends of freedom. The teleology which Fichte develops in the *Sittenlehre* of 1798 cannot be interpreted either as a realist doctrine in the style of dogmatic metaphysics or as a projection of principles onto objects that is grounded in the subjective principle of judgement, as Kant had argued in his third *Critique*. Since in Fichte's monistic system there is no hiatus between nature and freedom, between *mundus sensibilis* and *mundus intelligibilis*, and since on the contrary the possibility of uniting both spheres under the primacy of practical reason is supposed to be demonstrated as possible and necessary, the teleology of nature can be grounded on the demands of praxis, and this is supposed to secure knowledge of a complete system of all ends. The contradiction we have identified involves a deeper contradiction within nature itself since the necessary means for attaining the natural end of propagation contradicts the essential character of nature as a means for realising freedom. This compels Fichte to characterise the female drive itself as 'impossible'^m and to demand that we modify our conception of this drive. The nature which is expedient for attaining the final end of humanity must be conceived in such a way that the female sexual drive can be ennobled³⁵ in order to become compatible with reason while still being able to serve the original end of propagation. Love is the feeling in which this ennobled drive comes to consciousness, the feeling that 'saves' the system of ends of nature and reason since it is itself 'nature and reason in their original union'.ⁿ

This solution is supposed to avoid the aforementioned contradictions by conceiving one term of the opposition, namely nature, as itself mediated by the other, to express this in a Hegelian way. But Fichte thereby disrupts the inner systematic structure of his *Doctrine of Science*, for no internal principle of a spiritual kind can be ascribed to nature if the latter is understood simply as an obstacle to praxis that remains to be overcome and as the 'material' for the exercise of duty. Thus Fichte writes: 'Nature possesses no peculiar principle of its own, but is merely the resulting and emphatic reflection of the absolute freedom in each of us'.^o

m. '[U]nmöglich'. *Ibid.*

n. '[R]ettet . . . Natur und Vernunft in ihrer ursprünglichsten Vereinigung'. *Ibid.*, 288f.

o. 'Die Natur hat in sich durchaus kein eigenthümliches Princip, sondern sie ist bloß der sich selbst ergebende und auffallende Widerschein der absoluten Freiheit in einem Jeden.' J. G. Fichte, 'Einleitungsvorlesungen in die Wissenschaftslehre' (1813), in *Fichtes Werke*, 11 vols. (Berlin: De Gruyter, 1971), IX, 1–102, 22

The conception of marriage as a moral union undoubtedly corresponds to the fundamental idea behind the Fichtean system – namely that a monistic philosophy of freedom can only be established and the dualism of nature and freedom effectively overcome through an ethical relationship to a non-I that promotes my own freedom, that is to say, one that presents itself as *alter ego*. The I is at home with itself in the Other, and the Reason that is dispersed as a result of nature, of the body, amongst a multiplicity of individuals establishes the unity of reason in an ethical community of free spirits through the inner harmonisation of wills and actions.

But this doctrine of marriage also demonstrates that the I which stands in relation to another I is not merely exposed to self-limitations of freedom that derive from the demands of other rational beings, but that nature, understood as a ‘check’ or ‘impact’ or *Anstoß*, equally makes itself felt in the sphere of intersubjectivity itself. Fichte interprets the female sexual drive as a natural given that limits freedom and which can only be harmonised with reason at the cost of tacitly accepting a principle of spiritualised nature that does not fully cohere with his system, a harmonisation that is not regarded as attainable simply through ethical praxis itself. The conception of the sexual nature of woman thus represents the ultimate presupposition of the dualism of nature and reason for a monistic system of freedom: practical freedom must oppose itself to nature if freedom is to realise itself by overcoming this resistance on the part of nature. As far as the early form of Fichte’s *Doctrine of Science* is concerned the natural and the moral dimension of marriage thus stand for this duplication of the possibility and impossibility of uniting these oppositions.³⁶

In Fichte’s teleology of nature and freedom, the contradiction between an end of nature and an ultimate end of human beings – a contradiction posed by the female sex itself – cannot be resolved by the conceptual means available to his system. But at the same time this opens up a systematic perspective that points beyond this position, a perspective that can be interpreted both as a recourse to Kant’s aesthetic thought and as an anticipation of Hegel’s system. Since only nature is capable of establishing the true union of man and woman, the latter is not something simply at our own disposal and for that very reason is the tenderest form of relation amongst human beings. It is no accident if this specifically recalls Kant’s idea of the beautiful: in the context of love human beings experience themselves in relation to other human beings as a unity of the oppositions that determine them, a unity in which the instrumental relation of reason to nature – within each of the partners as well as between them – is ideally transformed into a free relationship. Such

a connection between human beings is governed neither by the necessity of nature nor by that of pure practical reason, but is rooted in an uncalculated and unmerited ‘favour’ or *Gunst*.

3 De Beauvoir’s quasi-Hegelian alternative to Fichte

The fatal consequences which Fichte’s exposition of the opposition between sexuality and reason and his own attempted solution to the problem present for the concept and the status of woman are emphatically revealed in the light of de Beauvoir’s theory of the sexes.

Fichte reduces and demotes not merely woman in her role as wife, but woman as such. For Fichte, as for Rousseau before him, woman is essentially defined by her sexual nature, and her consciousness is wholly characterised by ‘feeling’ in opposition to the kind of conceptual thought that is the authentic expression of reason.³⁷ It is with this claim regarding the sexualised nature of woman that philosophers invented the myth of the ‘Eternal Feminine’ in which woman is imagined as an expression of *dreaming nature*. This myth involves the idea of a ‘compromise formation’ in which woman is projected as at once the ideal and inferior counterpart of the man. Thus on the one hand she is permitted a harmonious unity with nature, while the man is defined by divisions that diminish him. On the other hand, the woman is inferior because – independently of the actual form taken by the natural sexual drive – she cannot achieve parity with the man; her essential lack of autonomy is precisely manifest in her inability to escape the determinants of her natural constitution by an act of her own, and in the consequent necessity that she should make herself dependent on the magnanimity of another. De Beauvoir’s perspective here, schooled in psychoanalysis as it is, deciphers this idea of the woman as an ideal projection of masculine ‘Reason’: in the fantasy of woman as dreaming nature the man imagines a companion who is at once equal and subject to him, imagines the paradox of a controllable *alter ego*.

In opposition to this ‘myth of the Eternal Feminine’ de Beauvoir insists on the historical process through which the relevant sexual characteristics have come to be defined as they are, an insight that finds pregnant expression in her often cited dictum that ‘one is not born, but becomes, a woman’.³⁸ The stratification of society through the category of gender understood in a Rousseauian way is a historical fact that continues to define the contemporary situation, and one that is to be contested and changed since it can be justified neither by nature nor reason. The feminist and humanist project of

de Beauvoir is precisely to explain how this conception has come about and to develop possible ways of liberating us from it, a project that in its way takes up the 'old' emancipatory and egalitarian discourse of the Enlightenment.

De Beauvoir describes the one-sided and historically produced forms of male and female humanity in the following way: while the man has not succeeded in integrating his corporeality as the natural dimension which threatens his status as a subject, and thus splits this dimension off from himself, seeking to externalise it in the form of woman as 'dreaming Nature', the woman has not yet attained the status of subject in the first place. What specifically requires explanation in de Beauvoir's view is why woman has been defined and realised in terms of immanence, that is to say, as the Other of male transcendence which lacks the status of subject, or as the object of the male subject. The splitting of humanity into the respective sexes understood in this way is for de Beauvoir neither a simply contingent historical event nor a consequence of immutable facts or fixed essential features. The biological differences of the sexes certainly play the decisive role as far as the reconstruction of the beginning of human history is concerned,³⁹ but in order to explain the entrenchment and persistence of patriarchy it is necessary in the primary instance to return to and explore the structures involved in subjectivity itself. De Beauvoir recognises, with Hegel,⁴⁰ that a fundamental hostility towards every other consciousness lies within consciousness itself: 'The subject can be posed only in being opposed – he sets himself up as the essential, as opposed to the other, the inessential, the object'.⁴¹ In order to become conscious of itself, the subject must distinguish itself from what is other than itself, and thus posit something as the other of itself, as object. Once this is perceived as something posited through and for consciousness, the subject asserts itself as the essential and makes the object into the inessential. Although this conflict within consciousness is necessary for the subject, it also proves disturbing and distressing: the experience of lack and disturbance are constitutive for the life of consciousness. It is only the relationship of mutual recognition between autonomous subjects that can promise peace and fulfilment in this regard. But the relation between the I and Other as such also simultaneously implies the threat of reification: the fact that the subject inevitably becomes an object through its relation to another consciousness or *alter ego*, involves the possibility that one's own claim to essential status may have to yield before the superior power of the Other, thus resulting in a relation of domination and servitude. But in addition to this, one's own subjectivity is also intrinsically exposed to the danger of renouncing itself as the essential in relation to the *alter ego*, insofar as the subject understands itself

in the terms of the way it is defined by the Other. This tendency to flee into self-alienation, a tendency internal to the subject itself, has its origin in the anxiety before being free as such that is linked to freedom. But if it ever proves possible, in the relation to the Other, that 'each [simultaneously posits] both itself and the Other as object and as subject in a reciprocal movement',⁴² *this* establishes a relationship of reciprocal recognition in which the subjects are realised and restored to themselves through being at home in the Other, thereby replacing conflict and struggle with reconciliation.⁴³

True liberation is only possible if the productive existential result of unfreedom, including the anxieties created by the losses involved, is brought to light through close and searching analysis. It is not only the woman, but the man as well who represents a deficient form of freedom: insofar as the striving for recognition is still bound up with permanent conflict and struggle, with endless subjection to the dialectic of domination and servitude, the man seeks, as we have seen, to flee this restless predicament. He dreams of a certain 'rest in restlessness'. As de Beauvoir puts it: 'This embodied dream is, precisely, woman; she is the perfect intermediary between nature that is foreign to man and the peer who is too identical to him'.⁴⁴ Once we consider the man's relationship to his own nature, to the body, the deeper reasons for this absolutisation of the male subject, which is harboured in the structure of consciousness, can be revealed: as a sexual being the man here encounters, according to de Beauvoir, the abyssal ambivalence of his own being. However much the man may succeed in making the nature outside him and his own body into the means and instrument of his activity and self-assertion, he still inevitably discovers himself, through his sexuality itself, as passivity, finds himself determined as nature and animal life. This Other of himself, which threatens his own subjectivity and may on no account be admitted, though it simultaneously belongs to him as his own, is externalised in the form of woman, and thus becomes something that can be grasped and controlled. If the man attempts to flee from nature, the woman attempts to escape from her freedom.

Concluding remarks

De Beauvoir's alternative to the Idealist theories of gender operates with the Hegelian theme of recognition, which she employs on the one hand as a diagnostic means for reconstructing the history of the subordination of women, but which she also reads as the normative anticipation of a strictly reciprocal relationship between the sexes. According to Fichte, in contrast,

it is impossible for man and woman to recognise one another reciprocally as sexual beings; instead of such an egalitarian relationship, grounded in reason, his philosophy proposes a community of love that is grounded in nature, where the woman must begin by turning herself one-sidedly into a part of the man's life. This incorporation of the woman's life is supposed to be the starting point for a further development within marriage, where the individuals concerned receive themselves back enriched in each case by the respective Other of themselves.

According to de Beauvoir, both the starting point and the telos of a relationship between man and woman conceived in this manner are basically wrong: if men and women are to encounter one another as human beings in a free relationship of equals, then the previous one-sided, reduced and mutually alienated forms of human existence must be changed and completed through a process of self-liberation. Authentic selfhood in the tensions and difficulties of an intersubjective relationship of freedom and facticity can only be accomplished through the exercise of choice and decision in each individual case, and cannot simply emerge from an intersubjective relation in a merely spontaneous fashion.

Translated by Nicholas Walker

Notes

1. Cf. Ludwig Siep, *Praktische Philosophie im Deutschen Idealismus* (Frankfurt am Main: Suhrkamp, 1992), 67.
2. Cited here as *GNR I = Grundlage des Naturrechts nach Principien der Wissenschaftslehre*, in J. G. Fichte-Gesamtausgabe der Bayerischen Akademie der Wissenschaften, ed. R. Lauth and H. Jacob, vol. 1/3 (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1966), 313–460, and *GNR II = Grundlage des Naturrechts nach Principien der Wissenschaftslehre II: Angewandtes Naturrecht*, in *ibid.*, 1/4, 1–165. English translation *Foundations of Natural Right*, ed. and trans. Frederick Neuhouser and Michael Baur (Cambridge: Cambridge University Press, 2000) (hereafter *FNR*).
3. On the different approaches adopted by Fichte and Hegel with regard to the principle of subjectivity, cf. Jürgen Habermas, 'Arbeit und Interaktion. Bemerkungen zu Hegels Jenenser *Philosophie des Geistes*' in *Technik und Wissenschaft als Ideologie* (Frankfurt am Main: Suhrkamp, 1968).
4. Cf. Siep, *Praktische Philosophie*. Siep argues that this is also the case for Hegel.
5. *Ibid.*, 52. The citations from Fichte are drawn from *GNR I*, 349.
6. In terms of a theory of modernity oriented to Habermas, Sabine Doyé has interpreted the philosophical theories of gender developed under the influence of Rousseau as ways of legitimating the social order that appeal to pre-modern theoretical resources. From the perspective of the 'dialectic of enlightenment' such an appeal cannot indeed simply be regarded as an anachronism. Thus the recourse to nature as a source of normativity that attempts at rational grounding must already presuppose should rather be interpreted as a (miscarried) response to the deficiencies of a rationality that has become merely subjective. Cf. Sabine Doyé, 'Einleitung', in Marion Heinz and Sabine Doyé (eds.), *Geschlechterordnung und Staat: Legitimationsfiguren der politischen Philosophie (1600–1850)* (Berlin: Akademie, 2012).
7. For further discussion of this issue, cf. Marion Heinz, 'Das Gegenverhältnis der Geschlechter: zur Geschlechtertheorie des vorkritischen Kant', in J. Hoffmann and A. Pumberger (eds.), *Geschlecht-Ordnung-Wissen: Festschrift für Friederike Hassauer zum 60. Geburtstag* (Vienna: Praesens, 2011).
8. Cf. Adam Horn, *Immanuel Kants ethisch-rechtliche Eheauffassung*, ed. M. Kleinschneider, with an afterword by Hariolf Oberer (Würzburg: Königshausen & Neumann, 1991) and Wolfgang Kersting, 'Immanuel Kant: vom ästhetischen Gegenverhältnis der Geschlechter zum rechtlichen Besitzverhältnis in der Ehe', in Heinz and Doyé (eds.), *Geschlechterordnung und Staat*.
9. Immanuel Kant, *Metaphysics of Morals*, introduction by Roger Sullivan (Cambridge: Cambridge University Press, 1996), 427.
10. Cf. Friederike Kuster, 'Kontroverse Heterosexualität', in S. Doyé, M. Heinz and F. Kuster (eds.), *Philosophische Geschlechtertheorien: ausgewählte Texte von der Antike bis zur Gegenwart* (Stuttgart: Reclam, 2002).
11. Jean-Jacques Rousseau, *Emile, or On Education*, trans. Allan Bloom (New York: Basic Books, 1995), 357.
12. *Ibid.*
13. There are essentially two conceptual innovations involved here: (1) the ontological difference in status between essence and attributes or accidents is levelled down; and (2) no definition of the essence of the human being is provided in this connection. For further discussion of these issues, cf. Heinz and Doyé (eds.), *Geschlechterordnung und Staat*.
14. Rousseau, *Emile*, 358.
15. *Ibid.*, 361f.
16. *Ibid.*, 358.
17. *Ibid.*
18. See *GNR I*, § 1.
19. Cf. Christoph Binkelman, *Theorie der praktischen Freiheit. Fichte – Hegel* (Berlin and New York: De Gruyter, 2007), 114.
20. Cf. Axel Honneth, 'Die transzendente Notwendigkeit von Intersubjektivität', in Jean-Christophe Merle (ed.), *Johann Gottlieb Fichte: Grundlage des Naturrechts*, Klassiker Auslegen 24 (Berlin: Akademie, 2001), 63–80, for a discussion of the question whether the priority of this fact implies that Fichte has already renounced the idea of monological reason in favour of the primacy of other rational beings over the solitary achievements of self-consciousness.
21. Cf. *GNR I*, 347; *FNR*, 37.
22. *Ibid.*, 30.
23. Cf. Siep, *Praktische Philosophie*, 1992, 74.
24. Cf. Johann Gottlieb Fichte, *Das System der Sittenlehre nach den Principien der Wissenschaftslehre*, in J. G. Fichte-Gesamtausgabe der Bayerischen Akademie der Wissenschaften, ed. R. Lauth

- and H. Gliwitzky, vol. 1/5 (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1977), 1–317, at § 27.
25. Fichte discusses organic nature in the context of his doctrine of right in order to deduce the human body as the sort of appearance within the sensible world that is necessary for reciprocal recognition of one another as rational beings. And here Fichte makes emphatic use of the Kantian doctrine of the natural product or the end of nature which was first presented in the *Critique of Judgement* (cf. *GNR* II, § 6; *FNR*, 271). But in contrast to Kant, for Fichte the teleological order of nature is not merely a projection of purposiveness as a purely subjective principle of the faculty of judgement upon the object ‘nature’. Fichte believes that it is possible to cognise a priori the ‘fit’ between nature – which is transcendently possible through the achievements of subjectivity – in its objective and theoretically identifiable ends and the posited ends of the subject. Fichte develops this idea further in his *Sittenlehre* of 1798. Cf. Peter Rohs, *Johann Gottlieb Fichte* (Munich: Beck, 1991).
 26. Cf. *GNR* II, § 3, 97f; *FNR*, 266f.
 27. Cf. *GNR* II, 98f.; *FNR*, 266f. Marriage must be deduced as a ‘natural and moral association’ and this deduction ‘is necessary in a doctrine of right, so that one will have some insight into the juridical propositions to be established later’ (*GNR* II, 95; *FNR*, 264). In §§ 1–4 Fichte discusses marriage as a natural association; and in §§ 5–9, as a moral association.
 28. Cf. Fichte, *Das System der Sittenlehre* § 27.
 29. Cf. *ibid.*, 289.
 30. Cf. *GNR* I, 359f.
 31. *Ibid.* II, § 7, 103f.; *FNR*, 272. This process of losing and finding oneself in the other also represents a form of self-perfection: the woman presents herself from a moral perspective as a whole human being insofar as she integrates the morality proper to the man, namely ‘magnanimity’, into her own being. If we understand magnanimity as ‘conscious sacrifice in accordance with concepts’ (‘Aufopferung mit Bewußtseyn und nach Begriffen’) (*GNR* II, § 7, 103; *FNR*, 271), this implies that the feeling of love as natural and non-reflective surrender to another is completed by duty produced through reason (cf. *GNR* II, § 7, 102ff.; *FNR*, 271ff.)
 32. This relationship also implies a self-enriching experience for the man himself: the masculine heart opens itself to love, ‘to a love that gives of itself without restraint, and loses itself in its object’ (‘der sich unbefangen hingebenden, und im Gegenstande verlornen Liebe’) (*GNR* II, § 7, 103; *FNR*, 272).
 33. Cf. *GNR* II, § 7, 104; *FNR*, 273.
 34. Cf. Stephan Buchholz, ‘Recht, Religion und Ehe: Orientierungswandel und gelehrte Kontroversen im Übergang vom 17. zum 18. Jahrhundert’, *Ius Commune*, special volume 36 (Frankfurt am Main: Max-Planck-Institut für europäische Rechtsgeschichte, 1988), 424f., 432f.
 35. Cf. Fichte, *Das System der Sittenlehre*, 289ff.
 36. I am indebted to Dr Christoph Binkelman for some valuable observations in this regard.
 37. *GNR* II, 99, 135.
 38. Simone de Beauvoir, *The Second Sex*, trans. Constance Borde and Sheila Malovany-Chevallier (London: Jonathan Cape, 2009), 293.

39. For de Beauvoir the decisive factor here is the capacity for childbearing which binds the woman into the eternal selfsame cycle of natural processes. This is the reason why the woman has not yet succeeded in realising herself as a free being, a being capable of self-transcendence that can project a new future.
40. G. W. F. Hegel, *Phänomenologie des Geistes*, in *Werke in zwanzig Bänden*, ed. Eva Moldenhauer and Karl Markus Michel, 20 vols. (Frankfurt am Main: Suhrkamp, 1969–71), III, 145ff.; *Phenomenology of Spirit*, trans. A. V. Miller (Oxford: Oxford University Press, 1979), 111ff.
41. de Beauvoir, *Second Sex*, 7.
42. *Ibid.*, 163.
43. The Other that is posited by the masculine subject in the first instance is the external nature which the subject appropriates for itself, that is to say, which the subject consumes and thus destroys. Through this assimilation of nature the subject certainly asserts itself as the essential term, but since it does not thereby find itself confirmed in its freedom through another consciousness, it inevitably falls back into the empty immanence of its own consciousness.
44. *Ibid.*, 103.

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