

THE NATURE OF MARRIAGE IN THE ETHICAL STANDPOINT OF KIERKEGAARD'S *EITHER/OR* AND CONNECTIONS TO FICHTE

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ABSTRACT: I present a detailed study and comparison of the views on marriage of J. G. Fichte and Søren Kierkegaard, showing both what they have in common and where they differ. I argue that, despite claims in recent scholarship that Fichte was the historical model for Kierkegaard's ethical standpoint in *Either/Or*, there are crucial differences between them, and hence that Kierkegaard's views on marriage must be appreciated as original and important, even if influenced by Fichte.

KEYWORDS: Kierkegaard; Fichte; Marriage in Kierkegaard; Either/Or

I. INTRODUCTION

The primary purpose of this paper is to retrieve the deep insights on the nature of marriage by two profound philosophers, J. G. Fichte and Søren Kierkegaard. Their accounts are opposed to the understanding of marriage as a matter of contracts on utilitarian grounds. The institution of marriage is in crisis in the United States, though the reasons for this are no doubt varied and complex.¹ Defenders of marriage have touted its benefits: marriage provides an escape from poverty for single young mothers, it forces young fathers to take more responsibility, it contributes positively to the health and wealth of both parties to the marriage, it keeps adult men from committing crime and their children from becoming delinquents.² Researchers have even touted the benefits of marriage to one's sex life: those who are married have sex more often than

¹ For some helpful statistics on the changes in the demographics of marriage, see Finkel, Hui, Carswell, & Larson 2014, p. 6

² Gerstel & Sarkisian 2006, p. 16

unmarried singles!³ These sorts of defenses of marriage tacitly make utilitarian assumptions about life and human relationships, assumptions that are in stark contrast to the views held by Fichte and Kierkegaard. In this paper, we will do a detailed study and comparison of the views on marriage of these two philosophers, showing both what they have in common and where they differ. More precisely, in Kierkegaard's case, we present the view of marriage expressed by the character Judge William, who is taken to be Kierkegaard's representative for the ethical life-view.

The ethical life-view is one of three main life-views that Kierkegaard takes up in his pseudonymous works (the others being the aesthetic and the religious) with the goal of helping his readers understand what life looks like from this perspective.⁴ He also criticizes each of these life-views in his other pseudonymous works. Taken together, these works provide the reader with a sense of the positive aspects as well as the pitfalls and failures of those who live an aesthetic, ethical, or religious way of life. Kierkegaard's most comprehensive affirmative articulation of the ethical way of life appears in *Either/Or*, where the character Judge William represents the ethical perspective in his communication via two long letters to a young man living an aesthetic way of life. The first letter describes Judge William's views on marriage, while the second describes the ethical outlook on life more generally.

Given that the three main philosophical figures whose attitudes were prevalent in 19th century Copenhagen were Kant, Fichte, and Hegel, it seems reasonable to suppose that the ethical life-view advocated for by Judge William in *Either/Or* and criticized in Kierkegaard's other works such as *The Sickness unto Death*, *The Concept of Anxiety*, and *Concluding Unscientific Postscript* was described in the writings of at least one of these three figures.⁵ In fact, there is considerable overlap in their writings and ideas, making the identification of any one of them as the model for Kierkegaard's ethicist difficult.

A secondary purpose of this paper is to address, or at least complicate the picture, with respect to one possible answer to the question of who is the model for Kierkegaard's ethicist Judge William. Michelle Kosch has powerfully argued that Fichte is the best fit as a historical model for Judge William.⁶ Her arguments focus on the ways in which Judge William's account deviates from the ethics of Kant and Hegel, while agreeing in important ways with Fichte's thesis. I will provide a *very* brief

³ Ibid.

⁴ Kosch 2006, p. 261

⁵ Kosch 2006, p. 263

⁶ Kosch 2006 and Kosch 2015

summary of Kosch's arguments here; readers are encouraged to consult her papers⁷ for the rich and intricate case that she makes for her thesis. According to Kosch, the judge's ethics deviates from Kant's in that (a) the ethical duties that the judge advocates for are far wider in scope than those of Kant,⁸ and (b) the judge's ethics requires an individual to exercise what Kant calls 'reflective judgment' (which is moving/starting from particular situations to extracting universal principles or laws) as opposed to the view that Kant advocates, which is that of 'determining judgment' (where one applies universal principles that one already possesses to the specific situation within which one finds oneself).⁹ The judge's ethics deviates from Hegel's *Sittlichkeit* in (a) the judge's advocacy of an ethics of conscience, (b) the judge's rejection of existing social norms as the "ultimate arbiter of duty from the individual agent's standpoint", and (c) the actualization of reason in the modern world.¹⁰ On the other hand, Fichte's ethical theory, Kosch argues, comes closest both in terms of matching the ethical life-view of the judge and in being the target of the criticisms by characters in Kierkegaard's other pseudonymous works.¹¹ In particular, Judge William is in agreement with the following aspects of Fichte's ethics: (1) theoretical reason is dependent on practical reason; the latter standpoint has primacy over the former, (2) Fichte's ethics of conscience, that conscience is the "arbiter of duty", and (3) Fichte's discussions of the "ethical duty of marriage and the nature of moral evil."¹²

My analysis of Fichte's and Judge William's accounts on the nature of marriage will suggest that, when it comes to Kosch's contention (3), the situation is more ambiguous than she suggests. I will also examine the autonomy of the institution of marriage in Fichte's and Judge William's writings and isolate important differences. While Kosch provides a brisk account of the ways in which Fichte's and Judge William's notions of marriage agree,¹³ a more detailed analysis of their respective accounts of marriage is useful for better understanding their places of agreement and divergences. While Kosch's thesis of Fichte as a model for Kierkegaard's ethicist is well-taken from a broad lens of the ethical life-view, the situation is far messier in the case of marriage. The German Idealists and Romantics wished to establish, in the wake of Kant's critical philosophy, congruence between love and marriage in a way

⁷ Kosch 2006 and Kosch 2015

⁸ Kosch 2006, pp. 263-264

⁹ Kosch 2006, pp. 267-269

¹⁰ Kosch 2006, p. 264

¹¹ Kosch 2006, p. 265

¹² Kosch 2006, pp. 265-266

¹³ Kosch 2006, pp. 271-272

that left no remainder term.¹⁴ While love is, in this context, individual (isolated, natural, momentary), marriage is universal (institutional, conventional, traditional); thus, to establish their congruency is very difficult by anthropological, political, or historical accounts of marriage, nor is it in keeping with Kant's critical *a priori* philosophy that was the starting point for these idealists and romantics.¹⁵ The main approach taken by the idealists and romantics was to create an *a priori* metaphysical account of marriage that in some way claimed that marriage was a process by which what had been an *a priori* whole, that had been broken up into parts (due to, for example, original sin or human artifice) was able to reunify; thus marriage is not a new "third"¹⁶ product that is more or less than the sum of its two parts. Fichte is the quintessential example of this. He comes closest to providing an account of the metaphysics of marriage that establishes an identity between love and marriage. But for Kierkegaard, marriage is not *a priori*, that is, the unification effected in marriage is not an instantiation of a union of some prior metaphysical whole. Kierkegaard's account of marriage also vividly poses the problem of the product (i.e. the nonidentity of love and marriage).

II. FICHTE'S METAPHYSICS OF MARRIAGE: A SYNOPSIS

In his account of marriage, as articulated in the *Metaphysics of Morals*, Immanuel Kant does not attempt to justify an inequality of the sexes on metaphysical grounds. For Kant, the fact that nature may have created within men and women certain desires and inclinations for the perpetuation of the species does not in any way entail a necessary relation between the sexes, like the necessity of marriage for the end of rearing children, or for the wife to stay home to raise the children while the husband goes to work to earn a living.¹⁷ Rather, Kant was concerned with the act of sexual congress itself, for in it one treats one's partner as an object for one's own gratification; this objectification of another, not to mention the loss of self that occurs during sex, is not in keeping with treating "humanity, whether in [one's] own person or in the person of any other, always at the same time as an end, never merely as a means."¹⁸ Kant sees marriage as a solution to this problem: in the institutionalized relation of

¹⁴ Daub 2012, p. 34

¹⁵ Daub 2012, pp. 34-35

¹⁶ Daub 2012, p. 34

¹⁷ Daub 2012, p. 43

¹⁸ Kant 1996, p. 80

marriage, the couple, through monogamy, exercise mutual ownership on each other, and in this way recover (some of) their dignity.¹⁹

J. G. Fichte was also concerned with, as he perceived it, the loss of dignity that occurred in sexual congress, but unlike Kant he did not see this loss as affecting both partners equally. Fichte grounds his metaphysics of marriage in his formidable *theoretical* edifice *Foundations of the Entire Wissenschaftslehre*, in distinction to Kant who grounds his metaphysics of marriage in *practical* reason; unlike Kant, Fichte is a monist and therefore committed to a system that unifies theoretical and practical reason. While Kant and Fichte both see a loss of dignity/humanity in the sexual act, they locate this loss of dignity in different places.²⁰ For Kant, the loss of dignity is suffered by both parties to a sexual act, both the man and the woman are equally diminished. But for Fichte, the loss of dignity is not grounded in a categorical imperative of practical reason but has to do with the first principle of his *Wissenschaftslehre*: the self-positing I. In Fichte's metaphysics, our senses and our understanding (the latter refers to the cognitive apparatus that the subject imposes on what is given) are unified under an Absolute I.²¹ Fichte calls the understanding (which the subject imposes on the sensuous manifold) the (relative) I, and the sensory datum that *appears* given to it, the Not-I. In fact, for Fichte, the Not-I is the opposition to the (relative) I within the Absolute I, but it is the job of the (relative) I to determine the Not-I.²² So for Fichte, it is the job of the understanding to "actively assimilate into our own proper sphere that which seems merely given."²³ Thus, the status of human beings is one of "actively determining and positing the material world according to our own autonomously generated laws."²⁴ In this sense, for Fichte, the "character of reason is absolute self-activity."²⁵ But there is a passivity inherent in sex that violates this imperative of activity for human beings, for "mere passivity for its own sake contradicts reason and completely annuls it."²⁶ It is this passivity that directly entails the loss of dignity for the woman, but only by extension for the man.²⁷

¹⁹ Daub 2012, p. 46

²⁰ Daub 2012, pp. 44-45

²¹ Daub 2012, p. 43

²² Daub 2012, p. 43

²³ Daub 2012, p. 46

²⁴ Daub 2012, p. 46

²⁵ Fichte 2000, p. 266

²⁶ Fichte 2000, p. 266

²⁷ Daub 2012, p. 55

To explain this passivity, Fichte makes use of the form/matter distinction as articulated in Aristotle's *Metaphysics* and *On the Generation of Animals*. According to Aristotle, the sperm forms the matter that is the egg into the embryo. Fichte, while appealing to this description, implies something different: as Adrian Daub has argued, for Fichte the egg stands in for the woman, and the form/matter relation represents the penetration involved in sex,²⁸ and it is through sexual intercourse that the woman completely submits her entire personality to the man.²⁹ The loss of dignity is tied to the sex act itself, rather than to reproduction or conception. But what explains the move from the identification of the form/matter relation with the male/female sexual relation to the loss of dignity? Here we see that Fichte makes this connection not by appeal to any empirical considerations but by appealing to his *Wissenschaftslehre*: he identifies the "I" with the male, and the "Not-I" with the female. The male is thus *active* and is *forming* the female, who is *passive* and is *being made*. Fichte leaves it unclear what formation could conceivably mean in this context; rather than any empirical considerations Fichte's attempt to map the male/female and form/matter binaries to the I/Not-I seems to stem from his desire to embed his theory of relations between the sexes within his *Wissenschaftslehre* and his theory of human consciousness.³⁰ In any case, under his account, a woman consciously seeking "the satisfaction of [her] sexual drive as an end" would suffer the loss of her dignity, since she would have "mere passivity" as her end;³¹ on the other hand, man "can acknowledge his sexual drive and seek to satisfy it without giving up his dignity."³² Thus, loss of dignity is directly suffered in the sexual act only by the female. Fichte certainly does not claim that women are in any sense less than human; indeed, "the two as moral beings are supposed to be equal."³³ So for him, the problem to be solved is how a woman can retain her dignity despite engaging in sexual intercourse. In describing his solution, he notes:

But now the female's sexual drive, and its expression and satisfaction, are indeed part of nature's plan. Thus, the female sexual drive must appear in a different form, and - in order to be able to coexist with

²⁸ Daub 2012, p. 51

²⁹ Fichte 2000, p. 281

³⁰ Daub 2012, p. 51

³¹ Fichte 2000, p. 266

³² Fichte 2000, p. 268

³³ Fichte 2000, p. 268

reason - it must appear even as a drive towards activity, indeed as a characteristic natural drive towards an activity unique to this sex.³⁴

Fichte's solution is that love, expressed through the institution of marriage, permits a woman to recover her dignity.³⁵ Thus, love is "the form under which the sexual drive manifests itself in a woman"; it is the "noble, natural drive" that permits her to keep her dignity, for it is the basis on which she "freely mak[es] herself into a means."³⁶

Before describing how love permits a woman engaged in sexual relations to recuperate her dignity, some further comments on Fichte's mapping of I/Not-I onto the male/female and form/matter binaries are in order. Recall that for Fichte, the Absolute I is a first principle, one that precedes the (relative) I and the Not-I, and that the (relative) I and Not-I are in a relationship of mutual dependence, i.e. the Not-I is a position against the I; the Not-I appears as something given to the (relative) I, and it is the job of the latter to assimilate the former into it. The end goal of this relation is for the (relative) I to effect a complete unification of the Not-I with (or rather, into) itself, and in this sense "become identical with the Absolute I."³⁷ In keeping with his metaphysics, Fichte wants to conceive of the relation between the sexes as one of mutual dependence, a relationship whose essence (which is a unity) precedes the two relata that constitute the relationship, and whose *telos* is to attain complete unification; this is to be accomplished by one relatum determining the other.³⁸ In practice, such complete unification is of course impossible, but it serves as a "regulative idea."³⁹ Thus Fichte's mapping of the I/Not-I to the male/female and form/matter dichotomies stems from his view of the importance of the unification effected in marriage: the unification of the parties to a marriage is of a piece with the unification of the Not-I with the I; in both cases, complete unification results in a whole that sublates any differences between the respective relata.⁴⁰

For Fichte, the marital relationship begins only and immediately when the partners have had sexual intercourse. If intercourse has not occurred, the relationship may be anything but not "true marriage,"⁴¹ and when it occurs, the couple is immediately considered married. Thus, the engagement and the wedding ceremony

³⁴ Fichte 2000, p. 266

³⁵ Daub 2012, p. 46

³⁶ Fichte 2000, p. 269

³⁷ Daub 2012, p. 52

³⁸ Daub 2012, pp. 52-53

³⁹ Daub 2012, p. 52

⁴⁰ Daub 2012, pp. 52-53

⁴¹ Fichte 2000, p. 281

are not essential to the establishment of the marital relation; rather, they fulfill social and legal purposes, respectively.

So, love is of crucial importance in the female, as it is the mechanism that safeguards her dignity. Nature provides women with a sex drive, and this drive, as described above, entails a loss of “autonomy and dignity,”⁴² whereas reason insists on the equality of men and women. Since the sexual drive in its “natural form” would have “completely annulled morality” in a woman, this drive takes a “moral form”: that of love.⁴³ Love acts as a dialectic between nature and reason, for love *is* the woman’s sexual drive in a moral guise, and allows a woman to conceive of her surrender to a man as activity rather than mere passivity, thus safeguarding her dignity. Love is the “innermost point of union between nature and reason”: it is the only place where “nature penetrates into reason”, which makes love “the most excellent of all that is natural”, and is “the noblest of all natural drives.”⁴⁴ Love is “innate only to woman” and it is through the latter that it “comes to exist among human beings.”⁴⁵

The sexual drive does not assume any such guise in a man; it exists in its original form and man sees it for what it is. Thus, in man, “love is not an original drive at all, but only one that is imparted and derived, one that is developed solely in connection with a loving woman.”⁴⁶ In particular,

[Man] sees an originally free being freely and with unrestricted trust subject herself unconditionally to him. He sees that she makes not only all of her external fortune, but also her inner peace of mind and her moral character (if not its very existence, then at least her belief in it) completely dependent on him: for the woman's belief in herself and in her innocence and virtue depends on the fact that she must never stop respecting and loving her husband above all others of his sex. Just as the moral potential inherent in the woman expresses itself through love, so the moral potential inherent in the man expresses itself through *magnanimity*.⁴⁷

Thus, the love of a woman for a man evokes within him a feeling of “magnanimity” for her, and this interaction between love and magnanimity is the vehicle for the *mutual* surrender of the couple to each other. This works as follows. In her love for the man,

⁴² Daub 2012, p. 60

⁴³ Fichte 2000, p. 269

⁴⁴ Fichte 2000, p. 269

⁴⁵ Fichte 2000, p. 269

⁴⁶ Fichte 2000, p. 269

⁴⁷ Fichte 2000, p. 271, emphasis added

the woman actively surrenders herself—gives of herself—to the man. She cannot do this while entertaining the possibility that she may one day stop loving this man, for this would mean that either she was only satisfying her sexual drive, or that she was “mak[ing] do with the first one to come along,”⁴⁸ and either way would be dishonoring herself. Thus, the woman can surrender herself to the man while maintaining her dignity only if she believes that her love “can never end but is eternal”, for “[s]he who surrenders herself once, surrenders herself forever.”⁴⁹ Fichte is at pains to emphasize that for the woman to maintain her dignity, her surrender to her partner must be total: she surrenders her “personality” and “gives to her beloved everything she has,” her “peace depends on her completely subjecting herself to her spouse and having no will but his.”⁵⁰ As suggested before, the emphasis on complete surrender seems to be motivated by theoretical considerations, i.e., mapping the male/female relation to the (relative) I/Not-I relation, and the imperative of the (relative) I to assimilate into itself the Not-I. The man, for his part, recognizes this surrendering of his spouse to him, and his “masculine magnanimity” compels him to make this “subjection” as easy for her as possible.⁵¹ He does this by “discovering her wishes and fulfilling them as if they were his own will,” not in the sense of satisfying her “whims and fancies” but in a way that allows her to “love her spouse above all else, and of maintaining her innocence in her own eyes.”⁵² The wife, in turn, will reciprocate by working to discover the “higher, hidden wishes of her husband and to fulfill them through sacrifices.”⁵³ This mutual sacrifice by the two partners for each other gives rise to “marital tenderness,” wherein each wishes to “give up [their] own personality so that the personality of the other prevails; they each find their satisfaction only in the satisfaction of the other, and the exchange of hearts and wills is complete.”⁵⁴

Thus, love and magnanimity facilitate a symmetric relationship between the sexes, though the relationship still rests on a “natural relation that is explicitly unequal,”⁵⁵ i.e., the passivity of the female and the activity of the male. The man’s dignity is not really at stake here, and his love is a derivative of the magnanimity that arises from his concern for his partner.⁵⁶

⁴⁸ Fichte 2000, p. 270

⁴⁹ Fichte 2000, pp. 270-271

⁵⁰ Fichte 2000, pp. 271-272

⁵¹ Fichte 2000, p. 272

⁵² Fichte 2000, p. 272

⁵³ Fichte 2000, p. 272

⁵⁴ Fichte 2000, p. 272

⁵⁵ Daub 2012, p. 61

⁵⁶ Daub 2012, p. 60

Marriage and Monogamy

This explains the necessity for monogamy by the parties to the marital dyad. Fichte notes:

By its very nature, the marital union is inseparable and eternal, and is necessarily entered into as eternal. The woman cannot assume that she will ever stop loving her husband more than any other of his sex, without forfeiting her feminine dignity; the man cannot assume that he will stop loving his wife more than any other of her sex, without forfeiting his masculine magnanimity. They give themselves to each other forever, because they give themselves to each other completely.⁵⁷

The love in a woman is difficult to sustain if the woman were to engage in “wanton coupling and libertinage,”⁵⁸ and the man’s desire to safeguard the dignity of the woman, motivated as it is by his magnanimous reaction to her love, is compromised if he is not monogamous.

The Telos of Marriage

With respect to the metaphysical purpose of marriage, Fichte says: “marriage has no end other than itself; it is its own end.”⁵⁹ This statement can be understood in two ways.

(1) Marriage is nature’s vehicle for the perpetuation of the human species, and “the satisfaction of the sexual drive” is “the promotion of nature’s end.”⁶⁰ He notes:

Nature has grounded her end of reproducing the human species in a natural drive that is found in two distinct sexes, a drive that seems to exist only for its own sake and to aim at nothing other than its own satisfaction. This drive is itself an end of our nature, but for nature it is only a means. While human beings aim only at satisfying this drive, nature’s end is fulfilled through the natural consequences of such satisfaction, without any further help from them.⁶¹

That the sexual drive appears in the woman in the guise of love is nature’s way of working with the dictates of reason to achieve its goal, since “it is absolutely contrary

⁵⁷ Fichte 2000, p. 274

⁵⁸ Daub 2012, p. 60

⁵⁹ Fichte 2000, p. 274

⁶⁰ Fichte 2000, p. 266

⁶¹ Fichte 2000, pp. 264-265

to reason to have ... mere passivity as its end.”⁶² Thus, love that leads to marriage allows for the protection of women’s dignity, and is the “innermost point of union between nature and reason.”⁶³ To be clear, the end goal of *marriage* is *procreation*, but that of *love* is the *protection of the woman’s dignity*.

(2) The other way to understand the statement that marriage “is its own end”⁶⁴ is to recall Fichte’s *Wissenschaftslehre*. The unification effected through marriage is of a piece with the general metaphysical project the (relative) I subsuming into itself the Not-I; hence Fichte’s statement that the telos of marriage does not lie in any “sensuous end.”⁶⁵

We should point out that Fichte also believes that marriage is the “most genuine mode of existence”⁶⁶ that nature requires of human beings in that it is only within the marital relationship that we are able to fully develop as humans. In the unmarried state, the “most remarkable aspects of humanity remain uncultivated.”⁶⁷ In particular, he writes:

It is only in union with a loving woman that the masculine heart opens itself to love, to a love that gives of itself without restraint, and loses itself in its object; it is only in marital union that the woman learns magnanimity, conscious self-sacrifice in accordance with concepts; and thus with each passing day of their marriage the union becomes more intimate.⁶⁸

Thus, marriage is a necessary condition for us to realize other (non-sensual) aspects of ourselves. But this is an important result of marriage, not it’s a *priori* telos.

Hence the telos of marriage is two-fold: unification and procreation.

Marriage and the State

For Fichte, the role of the state with respect to marriage is to protect the dignity of its citizens. This means, in particular, that the state must ensure that all marriages are entered into with “absolute freedom,”⁶⁹ that there has been no coercion involved (by force or persuasion) by either partner, their parents, or other parties. This is especially

⁶² Fichte 2000, p. 266

⁶³ Fichte 2000, p. 269

⁶⁴ Fichte 2000, p. 274

⁶⁵ Fichte 2000, p. 274

⁶⁶ Fichte 2000, p. 274

⁶⁷ Fichte 2000, p. 274

⁶⁸ Fichte 2000, pp. 272-273

⁶⁹ Fichte 2000, p. 278

true in the case of the female. An “inexperienced and innocent” daughter who does not understand love or the arranged relationship being proposed to her is subject to manipulation by her parents or relatives, and can easily be “cheated and used as a means” for their end.⁷⁰ Cheating a woman for the entire duration of her life out of love (“the noblest and sweetest of sentiments”), her dignity and “her entire character”, and degrading her to the “status of a tool” is morally abhorrent, and the state must exercise “stringent laws and careful supervision” to protect her against this or any other type of coercion.⁷¹ The problem of coercion does not arise to the same extent in the case of the man. For Fichte, there is no question of harsh or violent coercion being used on a man to force him to marry, for since marriage is congruent with sexual consummation, and the man cannot be forced into such consummation (for “that contradicts the very nature of the matter”⁷²), the issue does not arise. Nor is it a problem if the man is persuaded to marry a specific woman, for under Fichte’s metaphysics of marriage the man’s love, i.e., marital magnanimity and tenderness, does not arise before marriage, but “only as a result of it.”⁷³ Thus, the role of the state is primarily to protect “freedom in marriage”, especially in the case of women; outside of this function, the state “*must* recognize and certify *every* marriage its citizens enter into.”⁷⁴

The Wedding Ceremony and the Clergy

We have seen that the state has the important function of safeguarding the freedom of marriage. Concretely, this entails making sure that the female party to the marriage has not been coerced in any way and that she has “given herself with a free will, out of love.”⁷⁵ In keeping with this function, the state must require all male citizens who wish to enter into marriage to prove to it the absence of coercion. But there is no “appropriate” way for the man to prove such absence; the best he can do is let his fiancée “legally declare her free consent.”⁷⁶ This occurs during the wedding ceremony. For Fichte, when the bride declares ‘I do,’ she “says nothing more than that she has not been coerced”; that the man has not been coerced is demonstrated “by his leading the wife to the wedding ceremony.”⁷⁷ The man’s ‘I do’ serves a different, albeit still a legal, function. As we saw before, on Fichte’s account of marriage, the wife must “for

⁷⁰ Fichte 2000, p. 277

⁷¹ Fichte 2000, p. 277

⁷² Fichte 2000, p. 278

⁷³ Fichte 2000, p. 278

⁷⁴ Fichte 2000, p. 279, emphasis added

⁷⁵ Fichte 2000, p. 279

⁷⁶ Fichte 2000, p. 279

⁷⁷ Fichte 2000, p. 279

the sake of her honor”⁷⁸ completely subject herself to her husband’s will. For Fichte, this means that she “does not belong to herself but to her husband,” and therefore upon marriage the state “ceases to regard the wife as a juridically distinct person.”⁷⁹ In other words: “In the eyes of the state, her husband becomes her guarantee and her legal guardian; in all things, he lives out her public life, and she retains only a domestic life.”⁸⁰ The man’s ‘I do’ in the wedding ceremony is a formal “declaration” and “assurance” of this guarantee.⁸¹

Since Fichte grounds his account of marriage in morality (in particular, the protection of dignity), he finds that it is reasonable that people may wish to have their wedding under the auspices of a church or another religious authority.⁸² But the role of the church is to educate people on the divine law, not to coerce them into obeying it.⁸³ Hence, for a wedding to be considered *legally* valid, the clergy’s role is one of a *clerical*, but not *moral*, officer of the state.⁸⁴ Marriage derives its legitimacy from the specific physical and emotional comportments of the partners towards each other, not from any legal or theological authority. The presence of a priest at a wedding, in addition to his clerical function, serves as a reminder of the moral nature of marriage, nothing more.

Divorce and the State

For Fichte, the essence of marriage is the existence of a specific sexual relationship between the man and the woman, one that is characterized by “boundless love on the part of the woman and boundless magnanimity on the part of the man.”⁸⁵ If either of these features (love or magnanimity) ceases to exist in the relationship, then the relationship is no longer one of marriage. Since it would be unreasonable for the state to force “persons whose hearts have grown apart to continue to love together,”⁸⁶ it must not play an obstructionist role in cases of divorce; rather, it must only require, for juridical purposes, that divorces be declared to it.

⁷⁸ Fichte 2000, p. 282

⁷⁹ Fichte 2000, p. 282

⁸⁰ Fichte 2000, p. 282

⁸¹ Fichte 2000, p. 282

⁸² Fichte 2000, p. 279

⁸³ Daub 2012, p. 58

⁸⁴ Fichte 2000, p. 279

⁸⁵ Fichte 2000, p. 291

⁸⁶ Fichte 2000, p. 291

Marriage and Children

Next, we will look at Fichte's account on the role of children in his metaphysics of marriage. According to Fichte, the mother possesses a natural drive, an instinct, to care for her child's "physical preservation."⁸⁷ But in all "intelligent beings,"⁸⁸ drives are filtered through their consciousness. Therefore, this natural protective instinct of the mother, after mediation by her consciousness, manifests itself as "sympathy."⁸⁹ Thus, the mother's bond with her child is biological, but through the mechanism of consciousness, this bond is "transfigured"⁹⁰ into sympathy and compassion, and hence a sense of duty towards *her* child. The father, by contrast, does not feel a *biologically* grounded bond with his child; his compassion for his child is part of a universal drive, inherent in human nature, "to take care of (and even show affection for) the weak and helpless", and as such "the father has no reason to show any preference for his child", his drive "will speak out on behalf of every child".⁹¹ Rather, the reason that the father still loves and cares for his child more than any other is "his tenderness for the mother."⁹² In other words, the magnanimity and marital tenderness of the husband for his wife entails that "the father makes every wish and end of the mother his own"; therefore, the mother's concern for her child becomes "by transference" the father's concern as well, "for the two are one subject, and their will is only one will."⁹³ As Adrian Daub puts it: "The particularization of the father's care is thus made possible only by the merging of the two parental subjects into one through love."⁹⁴

Fichte's Legacy

Fichte's metaphysics of marriage served as a crucial intellectual legacy for an entire generation of idealists and romantics, including Schlegel, Schleiermacher, Sophie Mereau, Jean Paul, Hegel, Novalis, and Franz von Baader. Adrian Daub has isolated three ways in which Fichte's theory set the terrain for these thinkers with regard to the metaphysics of marriage⁹⁵:

⁸⁷ Fichte 2000, p. 307

⁸⁸ Fichte 2000, p. 307

⁸⁹ Fichte 2000, p. 307

⁹⁰ Daub 2012, p. 160

⁹¹ Fichte 2000, p. 308

⁹² Fichte 2000, p. 308

⁹³ Fichte 2000, p. 308

⁹⁴ Daub 2012, p. 161

⁹⁵ Daub 2012, pp. 67-69

1. In contrast to the individualized, atomistic conception of people prevalent from the Enlightenment, Fichte emphasized the communal structure of the marital institution: the marital unit “had priority over the particulars related to it.”⁹⁶ Men and women were “destined to be unified and were woefully incomplete when they lived outside of loving couples.”⁹⁷
2. Fichte’s theory preserved the *autonomy* of marriage, which was grounded solely in the emotions of the couple for each other. Thus, any unwelcome interference in the institution of marriage, whether familial, legal, or religious, was illegitimate. As a unified whole, marriage possessed its own “normative structure”, was still “binding” and possessed dignity independent of any familial, legal, or theological grounding.⁹⁸
3. Fichte’s metaphysical deduction of marriage attempts to explain how consciousness (the self-positing I and its interaction with the Not-I) and erotic relationships are connected; unlike Kant, his deduction is not grounded in a “practical philosophy.”⁹⁹ Thus, Fichte’s approach to marriage raised important questions for other idealists and romantics to grapple with. For instance, once the marital unit has been formed by the consent of the two parties, it would possess its own “autonomy, spontaneity, and dignity”¹⁰⁰; how would these features of the marital unit interact with the corresponding features of the individual *relata* that constitute it? As far as Fichte was concerned, once the partners stopped feeling (love/magnanimity) for each other, the marriage was over; otherwise marriage would become the kind of legalistic, theocratic, or familial institution that ran contrary to his metaphysical grounding of marriage in dignity and autonomy. Other romantics and idealists wanted a justification for marriage that was (a) more than the preservation of dignity given our sexual natures, while (b) still preserving its autonomy.

III. THE NATURE OF MARRIAGE IN THE ETHICAL STANDPOINT OF EITHER/OR

In this section, we will describe, in some detail, Judge William’s views on the nature of marriage, as he articulates them in *Either/Or*. Judge William, in responding to the

⁹⁶ Daub 2012, p. 68

⁹⁷ Daub 2012, p. 68

⁹⁸ Daub 2012, p. 68

⁹⁹ Daub 2012, p. 69

¹⁰⁰ Daub 2012, p. 69

aesthete A, is seeking to demonstrate the “aesthetic meaning of marriage”¹⁰¹ and how this aesthetic can be sustained through life’s challenges. For Judge William, being in a marital relationship is the “most beautiful task given to a human being.”¹⁰² It is in such a relationship that even what is accidental in life, such as a flaw in the physical features of one’s partner, attains a beautiful significance; “every feeling, every mood, gains a higher meaning”¹⁰³ in this shared consciousness.

Marriage, for Judge William, is a stable relationship in which the two parties are able to continuously rejuvenate their first love, and in a way that is both ethical and religious. It is an activity in so far as such rejuvenation is not just a living in the past, and it is quintessentially Christian when it is able to combine the “erotic of paganism”¹⁰⁴ with the commitment of marriage. Marriage, in its highest form, is not only an ethical but also a religious institution; in this regard, Judge William’s view of marriage differs fundamentally from that of Fichte’s. What makes the “first flash”¹⁰⁵ of love aesthetic is that it will go to any extent, confront any obstacle, in order to obtain the object of its desire; indeed, it is in opposition to external difficulties that this immediate *romantic* love is really seen to shine. But this love, in its immediate intensity, and its willingness to battle against all for the sake of the beloved, is acting from an abstract conception of love.¹⁰⁶ This is not to say that the person in the throws of romantic love does not feel it intensely, or is acting in response to something which is not sensual; Judge William makes it clear that the power and immediacy of romantic love is grounded in beauty that is either sensual or which can be expressed through the sensual.¹⁰⁷ Rather, while in romantic love, the individual understands love to be everlasting, unchanging, constant, and static.¹⁰⁸ Such a conception of love is abstract in that it fails to recognize “love’s proper dialectic,”¹⁰⁹ its internal struggles, and its relation to the ethical and the religious life. Since such a love has not gone undergone any *internal* ordeal, or found its justification in something higher than the sensual, it may well turn out to be illusory.¹¹⁰

¹⁰¹ Kierkegaard 1987, p. 8

¹⁰² Kierkegaard 1987, p. 9

¹⁰³ Kierkegaard 1987, p. 9

¹⁰⁴ Kierkegaard 1987, p. 10

¹⁰⁵ Kierkegaard 1987, p. 18

¹⁰⁶ Kierkegaard 1987, p. 18

¹⁰⁷ Kierkegaard 1987, p. 21

¹⁰⁸ Kierkegaard 1987, p. 21

¹⁰⁹ Kierkegaard 1987, p. 18

¹¹⁰ Kierkegaard 1987, p. 21

Romantic love attains its beauty from its courage in the face of external opposition, and its nobility from its assimilation of a “consciousness of the eternal”¹¹¹ into itself; if it does not do the latter, and remains grounded only in the sensual, then it is lust and not love. The sensual, however, powers the intense nature of romantic love, for romantic love does not arise from some deliberative thought-process; indeed, “in its genius, romantic love is free and that precisely [...] constitutes its greatness.”¹¹²

For Judge William, as for Fichte, the very “substance”¹¹³ of marriage is love. As he sees it, the notion that marriage leads to the development of erotic love, as opposed to presupposing it, really comes out of certain customs, where “people of limited understanding” who “think they have had experience [...] [think] that their children also ought to have [the same] experience.”¹¹⁴ In addition, any belief that attempts to separate romantic love and marriage, and that does so on the basis that marriage enervates romantic love and that the latter “presumably would be able to battle through life victoriously if it were permitted to [...] depend upon itself alone”¹¹⁵ is misguided in at least two ways: first, it fails to appreciate that the “sensuous element” of erotic love has its moral expression in marriage, and second, it is “unbeautiful” from the religious point of view, since those who while holding this view enter into marriage are attempting to “sneak into something” for which they don’t think they need God’s help, and then turn to him only later at times of hardship.¹¹⁶ Thus, according to Judge William, marriage presupposes love and does so “not as something past but as something present.”¹¹⁷ In addition, this love should include what is inherent in genuine love--a consciousness of the eternal, otherwise marriage is nothing but a civil contract.

The Nature of First Love

The first love of an individual is crucial to their spiritual development.¹¹⁸ For those who have been in love once, if they are fortunate, then regardless of whether the relationship has worked out, for them this first love is always in the present and never dies out. What Judge William means by this is that the experience of first love for the fortunate individual has “the promise of the future” and is the motor that powers their

¹¹¹ Kierkegaard 1987, p. 21

¹¹² Kierkegaard 1987, p. 21

¹¹³ Kierkegaard 1987, p. 32

¹¹⁴ Kierkegaard 1987, p. 35

¹¹⁵ Kierkegaard 1987, p. 34

¹¹⁶ Kierkegaard 1987, p. 36

¹¹⁷ Kierkegaard 1987, p. 36

¹¹⁸ Kierkegaard 1987, p. 39

lives, it is the “motivating, the infinite impulse” in their lives and is ever present in its “continual unfolding and rejuvenating” effects.¹¹⁹ In this sense, the experience of first love “is also the second, the third, the last” and has “the qualification of eternity.”¹²⁰ The fortunate individual who is reflective focuses on the eternal nature of love, which in turn only strengthens the power of love for them; the unfortunate individual focuses on the temporality of love, and this only weakens the power of love for them.¹²¹ Judge William puts this most vividly when he says: “For the person who reflects temporally, the first kiss, for example, will be a past [...]; for the person who reflects eternally, there will be an eternal possibility.”¹²² Thus, first love is “the highest earthly good”¹²³ that could be bestowed upon a person.

First love has a dual nature—it is both sensual and eternal.¹²⁴ It is, as is the case with all forms of love, “a unity of freedom and necessity.”¹²⁵ The individual feels an irresistible attraction to the other and yet in this very attraction feels energized and empowered.¹²⁶ This unity of freedom and necessity resides in the individual *immediately* (i.e., not from reflection)¹²⁷; in this he feels “the possession of everything he is.”¹²⁸ So, the two lovers are pulled towards each other by the “irresistible power” of first love, and “yet they enjoy therein their complete freedom.”¹²⁹

It is here that we see the importance of the religious element that is inherent in Judge William’s ethical standpoint. In his role as the defender of marriage, Judge William takes as an assumption that the two lovers are religious. Thus, given their religious development, he reasonably points out that it would be perfectly natural for them, in their happiness, to want to thank God for the gift of love.¹³⁰ Since this desire to give thanks is born of gratefulness (as opposed to a fear of the unknown, or the future and its trials, or even sheer insecurity concerning the eternal nature of love), the love of the two partners is not altered or corrupted in their desire to give thanks to God and to do so by formally affirming their relationship (through marriage) in front

¹¹⁹ Kierkegaard 1987, p. 39

¹²⁰ Kierkegaard 1987, p. 41

¹²¹ Kierkegaard 1987, p. 41

¹²² Kierkegaard 1987, p. 41

¹²³ Kierkegaard 1987, p. 42

¹²⁴ Kierkegaard 1987, pp. 42-43

¹²⁵ Kierkegaard 1987, p. 43

¹²⁶ Kierkegaard 1987, p. 43

¹²⁷ Kierkegaard 1987, p. 45

¹²⁸ Kierkegaard 1987, p. 43

¹²⁹ Kierkegaard 1987, p. 45

¹³⁰ Kierkegaard 1987, p. 48

of Him (in a church). By so doing, the partners have allowed love to be lifted into the higher concentric spheres of the ethical and the religious, and in a way that hasn't weakened the power of their romantic love (Kierkegaard 1987, 48). Indeed, the act of thanksgiving in the church is not passive, but is "united with an element of work," in that it is accompanied by a mandate to do the work required internally "to hold fast to this love."¹³¹

The Telos of Marriage

In describing Judge William's views on the purpose of marriage, it is important to distinguish between (a) the phenomenological 'why' of marriage, i.e., why an individual chooses to get married to a specific partner, (b) the 'why' of marriage more generally—the reasons why an individual might want to get married at all, and (c) the benefits that result from getting married to one's love.

When it comes to the phenomenological 'why,' Judge William is very clear: "[I]t is always an insult to a girl to want marry her for any other reason than that one loves her."¹³² The actual 'why' of marriage becomes clear only in hindsight: that marriage possesses a beautiful "inner harmony" in its unity of opposites, and therefore "has its teleology in itself".¹³³ But if one decides to get married after having calculated all the 'whys' of marriage (as opposed to having experienced them, which comes only after marriage), then they are getting married for all the wrong reasons. Indeed, the "less 'why' the more love"; one feels the need to commit to the one that one loves and this 'reason' "has in it an infinite energy and power."¹³⁴ But any finite list of 'whys'—like marriage "is a school for character,"¹³⁵ "to have children [...] for propagating the human race,"¹³⁶ or "to have a home"¹³⁷ are the result of misunderstanding the nature of marriage, and will eventually result in disillusionment. This is not to say that these things are not benefits of marriage; rather that they can't be why one chooses to get married in the first place. This is the distinction between (a) and (b) in the previous paragraph: the former arises out of, and is grounded in love for one's partner; the other is abstract in character and arises from a misunderstanding of marriage. For Judge William, there isn't such an *a priori* purpose to marriage (other than to commit to

¹³¹ Kierkegaard 1987, p. 48

¹³² Kierkegaard 1987, p. 72

¹³³ Kierkegaard 1987, p. 62

¹³⁴ Kierkegaard 1987, pp. 63-64

¹³⁵ Kierkegaard 1987, p. 64

¹³⁶ Kierkegaard 1987, p. 68

¹³⁷ Kierkegaard 1987, p. 76

one's partner); the conferring of dignity, the building of character, having a home, and children are goods that result *from* marriage but are not and cannot be the basis *for* marriage.

But Judge William does describe (c) (i.e., the benefits that result from marriage) in some detail. According to Judge William:

1. Marriage provides a "sense of meaning" and the "weight of responsibility" that matures one's soul.¹³⁸ The responsibility of having a home (i.e., a family) gives one both "security and joy"¹³⁹ and is a blessing.
2. Marriage disciplines the man by making him modest; his wife is his "conscience"¹⁴⁰ and as a result of her influence he is ennobled. In addition (and we see here, as in other places, that Judge William is a product of his time), a man's wife can deal with "minutiae", something that is very difficult for the man, while woman "is created to deal with little matters and knows how to give them a meaning, a value, a beauty that enchants."¹⁴¹ Also, just as the man's pride is softened by his wife, her weakness is offset by her "leaning on him."¹⁴²
3. A person realizes their positive freedom only through marriage. The freedom inherent in first love is of the soul, but the individual has not yet "purified itself" from the apparent shackles of "natural necessity."¹⁴³ This, of course, does not mean that the individual is no longer subject to the laws of causality. What Judge William means is that a complete awareness of the extent of one's freedom does not come prior to the presence of the religious sphere in the relationship. Once married, the religious frees the individuals: from pride (in the case of the man), and excessive humility (in the case of the woman), and mediates their relationship in a way that allows the now self-possessed individuals to give of themselves to their partner with an "exuberance"¹⁴⁴ that they'd never suspected they possessed, and to receive from their partner as well. Judge William puts this powerfully when he says:

[I]t is marriage that first gives a person his positive freedom, because this relationship can extend over his whole life, over the least as well as the greatest. It frees him from a certain unnatural embarrassment in

¹³⁸ Kierkegaard 1987, p. 66

¹³⁹ Kierkegaard 1987, p. 86

¹⁴⁰ Kierkegaard 1987, pp. 66-67

¹⁴¹ Kierkegaard 1987, p. 68

¹⁴² Kierkegaard 1987, p. 67

¹⁴³ Kierkegaard 1987, p. 61

¹⁴⁴ Kierkegaard 1987, p. 61

natural things, which probably can be acquired in many other ways, but then also very easily at the expense of the good; it frees him from stagnating in habit by maintaining a fresh current; it frees him from people precisely by binding him to one human being.¹⁴⁵

4. With regard to children, the situation is similar as with marriage in that one does not enter into parenthood (at least solely) on the basis of calculation or “stud-consideration[s].”¹⁴⁶ Rather, the blessings of children are only apparent *a posteriori*. Of all the effects that children produce in their parents, the religious effect—that “children are a blessing”, a gift from God—is the most beautiful, and every father will recognize “in humility that [the child] is a trust and that in the most beautiful sense of the word he is only the stepfather.”¹⁴⁷ Also, children teach the parents humility, and about duty, responsibility, and what we owe to our own parents; a parent is connected by their child to both the “past and a future.”¹⁴⁸

In conclusion, for Judge William, in order for marriage to be “esthetic and religious,” there can be no *a priori*, metaphysical, or “finite why” for marriage.¹⁴⁹ Rather, it is during the course of marriage that one discovers its “whys” “in all its blessedness.”¹⁵⁰

THE SIGNIFICANCE OF THE MARRIAGE CEREMONY

The marriage ceremony is the essential expression of the ethical and religious elements of marriage; these elements separate marital love from first love.¹⁵¹ Judge William points out that the wedding ceremony is a reminder to the partners that their singular romantic love possesses within it the universal; it does so by taking the couple back to the first parents (Adam and Eve) and expressing to them: “You also are a couple just like them; the same event is being repeated here in you, and you are also standing here alone [...] in the presence of God.”¹⁵² In reminding the couple that they possess in their union the “universally human,”¹⁵³ the wedding ceremony is also a reminder of original

¹⁴⁵ Kierkegaard 1987, p. 67fn

¹⁴⁶ Kierkegaard 1987, p. 72

¹⁴⁷ Kierkegaard 1987, p. 73

¹⁴⁸ Kierkegaard 1987, pp. 75-76

¹⁴⁹ Kierkegaard 1987, p. 88

¹⁵⁰ Kierkegaard 1987, p. 88

¹⁵¹ Kierkegaard 1987, p. 88

¹⁵² Kierkegaard 1987, p. 90

¹⁵³ Kierkegaard 1987, p. 93

sin. However, this is no reason for embarrassment or awkwardness; such feelings are the result of a misunderstanding. Judge William says: "To wish that sin had never entered the world is to lead mankind back to the more imperfect. Sin has come in, but when individuals have humbled themselves under this, they stand higher than they stood before."¹⁵⁴

In the final step of the wedding ceremony, the church requires the partners to take a vow. The more free the individuals are to 'surrender' their freedom (in taking the vow of commitment), the more "esthetically beautiful is the marriage."¹⁵⁵ Indeed, it is in this surrendering of their freedom that the man and woman are set free to each other and from the world, it is now, going forward, that they will realize their positive freedom.¹⁵⁶

ADVERSITY AND THE HISTORICAL NATURE OF MARRIAGE

A central feature that distinguishes marital love from romantic love is the historical nature of the former. Just as a history of one's faith is not an enumerated list of great 'works' that one does (e.g. public miracles), but rather is the "appropriation of faith in personal life,"¹⁵⁷ so too is it the case with marital love: it is historical in that it is assimilated into the daily life of the individual, as opposed to romantic love which is 'famous' for the overcoming of external trials, but is not necessarily internalized in the existing daily life of the individual in the same way. Marital love's history is that of appropriating love internally, and its intentional stance prepares it to "fight together with God for itself", and to "gain itself in patience."¹⁵⁸ This intentional stance both posits the existence of obstacles but also naturally assumes that (with God's help) these obstacles will be overcome, for these obstacles are conceived of by this comportment as inner trials, which marital love undoubtedly has the resources to fight. The historical nature of marital love lies in the actual occurrence of these obstacles and in their being overcome, so that "love, tested and purified, issues from this movement and assimilates what is experienced."¹⁵⁹

The mechanism of this overcoming is one where the external or "outer" trial is transformed into an "inner" trial.¹⁶⁰ As Judge William explains, the primary question

¹⁵⁴ Kierkegaard 1987, p. 93

¹⁵⁵ Kierkegaard 1987, p. 94

¹⁵⁶ Kierkegaard 1987, p. 67fn

¹⁵⁷ Kierkegaard 1987, p. 97

¹⁵⁸ Kierkegaard 1987, p. 97

¹⁵⁹ Kierkegaard 1987, p. 98

¹⁶⁰ Kierkegaard 1987, p. 124

for the married man “is not one of where I am going to find the money and at what percent but first and foremost is of my love, [whether] I have kept a pure and faithful covenant of love with her to whom I am united.”¹⁶¹ While the transforming of an outer trial into an inner one is by no means easy, the ability of one to do this signals whether he or she has “triumphed” over their adversity and “preserved the esthetic in his marriage.”¹⁶²

A necessary condition for marital love to flourish is that the partners live together in “good understanding.”¹⁶³ This means living together in a spirit of “frankness, uprightness, openness on the largest scale possible”¹⁶⁴; here secretiveness towards the other is the death of marital love. Judge William paints a vivid picture of this shared marital consciousness by contrasting it with the aesthete’s conception of romantic love: the latter believes that “love will cease when the mystery is gone; ... [while Judge William believes] that it does not begin until that is gone”; the aesthete maintains that one’s partner should always remain something of a mystery, and that “the incommensurable [is] an absolutely vital ingredient,” whereas Judge William believes that “a person does not truly love until he knows what he loves.”¹⁶⁵ The aesthete’s position is emblematic of a failure to understand the historical character of marital love. The historical in marriage is not simply the sum of the external events or joint experiences but is rather the inner movement, the inner development, under “divine auspices”¹⁶⁶ of the couple’s shared consciousness. As Judge William notes, in the case of an individual life:

When a person has arrived at an understanding of himself, has had the courage to be willing to see himself, it by no means thereby follows that the story is now past history, for now it begins, now for the first time it gains its real meaning, in that every single experienced moment is led back to this total view.¹⁶⁷

Marriage begins with the shared knowledge of the marital partners, and every “particular detail is led back” to this “joint marital consciousness”, and in this lies the happiness of marriage.¹⁶⁸ Secrecy between the partners leads to the destruction of

¹⁶¹ Kierkegaard 1987, p. 124

¹⁶² Kierkegaard 1987, p. 124

¹⁶³ Kierkegaard 1987, p. 116

¹⁶⁴ Kierkegaard 1987, p. 104

¹⁶⁵ Kierkegaard 1987, p. 109

¹⁶⁶ Kierkegaard 1987, p. 112

¹⁶⁷ Kierkegaard 1987, p. 118

¹⁶⁸ Kierkegaard 1987, p. 118

marital love; it is through “honesty, frankness, openness, [and] understanding”¹⁶⁹ that the sensual and the spiritual are united in marital love, thus making marriage both ethical and beautiful.

IV. COMPARISONS BETWEEN FICHTE’S AND JUDGE WILLIAM’S CONCEPTIONS ON THE NATURE OF MARRIAGE

The Telos of Marriage

We begin by noting that Fichte provides a genuine *metaphysics* of marriage: his account of marriage, congruent as it is with sexual intercourse, argues that marriage has two *a priori* teloi: (1) nature’s goal of “reproducing the human species in a natural drive,”¹⁷⁰ and (2) the (attempt at) complete unification of the man and woman, which in itself is a special case of the (relative) I assimilating the Not-I into itself to create a product which is more than the sum of its two elements, something that reflects the Absolute-I.¹⁷¹ Judge William’s account, to the contrary, rejects any such *a priori* telos to marriage. He does agree that the erotic is an essential component to marriage, since marriage for him is a transfiguration of romantic love, in that marriage incorporates the ethical and religious along with the erotic. But his detailed description of the anatomy of marital life, ostensibly offered to an aesthete who fails to understand the inner workings of both marital love and marital life, is also a critique of *a priori* notions of unification. For Judge William, such notions are instantiations of abstract conceptions of love that are not sufficiently derived from human experience, and hence fail to resonate with the actual experiences of marital life. He even notes:

Over the centuries have not knights and adventurers experienced incredible toil and trouble in order to find quiet peace in a happy marriage; over the centuries have not writers and readers of novels labored through one volume after another to end with a happy marriage [...] ? [T]he corruption, the unhealthiness in these books [is] that they end where they should begin. ... The defect is that this battle, this dialectic, is completely external and that love emerges from this battle just as abstract as when it entered into it.¹⁷²

¹⁶⁹ Kierkegaard 1987, p. 116

¹⁷⁰ Kierkegaard 1987, p. 265

¹⁷¹ Daub 2012, pp. 52-53

¹⁷² Kierkegaard 1987, pp. 17-18

Judge William instead gives an account of marriage that emphasizes the “inner history”¹⁷³ and dialectical nature of marital love. This is not just a difference in emphasis, i.e., it is not the case that the differences between Fichte’s account and Judge William’s are simply because Fichte describes the metaphysics and Judge William describes the quotidian, and the two accounts are therefore compatible. Rather, Judge William is opposed to abstractions when it comes to the nature of love; he even chides the aesthete for his tendency to abstraction: “You pursue every mood, every idea, good or bad, happy or sad, to its outermost limit, but in such a way that it happens more *in abstracto* than *in concreto*,” the problem being that “nothing more results than a knowledge of it” but the kind of knowledge that does not enable the aesthete to *act*; in modern parlance, we would call this ‘paralysis by analysis.’¹⁷⁴

We should note here that both Fichte and Judge William use similar language in some places when they state the telos of marriage. In particular, Fichte states that marriage “is its own end.”¹⁷⁵ By this he means that the “marital relation is the most genuine mode of existence, as required by nature, for adult human beings of both sexes”, for it is only in this relation that we can develop all of our “human faculties”; indeed, our “most remarkable aspects” “remain uncultivated” outside marriage.¹⁷⁶ In other words, the purpose of marriage cannot be some “sensuous end.”¹⁷⁷ When Judge William says that marriage “has its teleology in itself,”¹⁷⁸ he means only that the ‘why’ of marriage is not something that can be theorized about, and is something that can genuinely understood only in hindsight, after a person has been married. Any calculation of the ‘why’ of marriage is misguided, and the only reason to marry someone is because one loves him or her.

For Fichte, his metaphysics informs the way in which he understands the workings of actual marital life. That Judge William is skeptical about speculative philosophy is what makes not just the differences but also the similarities in their accounts so interesting. We turn to these similarities and differences next.

The Ennobling Role of Marriage

Both Fichte and Judge William see the institution of marriage as ennobling the erotic love that the partners have for each other. In Fichte’s account, the sexual drive takes

¹⁷³ Kierkegaard 1987, p. 134

¹⁷⁴ Kierkegaard 1987, p. 17

¹⁷⁵ Fichte 2000, p. 274

¹⁷⁶ Fichte 2000, p. 274

¹⁷⁷ Fichte 2000, p. 274

¹⁷⁸ Kierkegaard 1987, p. 62

the form of love in the female, and by allowing her to interpret (what Fichte sees as) her passivity as activity, allows her to maintain her dignity. In the man, love, though not an innate drive as with the woman, is created in the man through his magnanimity, a magnanimity which is produced in reaction to receiving the love and surrender of the female. The resulting relationship is one filled with “marital tenderness” and there is a complete “exchange of hearts and wills” between the partners.¹⁷⁹ The two partners “give themselves to each other forever, because they give themselves to each other completely.”¹⁸⁰ A sexual relationship between the lovers is thus transformed into a relationship that is founded on mutual love and commitment, and where “each [can] find their satisfaction only in the satisfaction of the other.”¹⁸¹ Similarly, for Judge William, the eroticism inherent in romantic love can be expressed morally only in marriage,¹⁸² and a love that is grounded in the merely sensual that does not possess some “consciousness of the eternal”¹⁸³ is merely lust. But in marriage “the sensuous is by no means repudiated but is ennobled.”¹⁸⁴

Another view that Fichte and Judge William share is their opposition to arranged marriages. We have seen that for Judge William, romantic love is a necessary prerequisite to marriage, and that a consciousness of the eternal is a necessary characteristic of romantic love. Hence, marriages based solely on “commonsensical calculations” such as family alliances, income, social status, etc. are for Judge William both “immoral and fragile.”¹⁸⁵ Similarly, for Fichte, arranging a marriage for a woman (or coercing her into one) is to cheat her out of the “noblest and sweetest of sentiments” (namely, love) and to reduce her to the “status of a tool.”¹⁸⁶ Fichte, unlike Judge William, isn’t troubled by an arranged marriage because of it might violate the man’s rights, since under Fichte’s account, love in a man is something that emerges in response to a woman’s love. But both thinkers ground their opposition to arranged marriages on the principle that love should be the determining factor when deciding to marry.

Both Fichte and Judge William agree that important virtues can only be realized by men and women within a marital relationship, and that as single individuals we are incomplete versions of ourselves. Fichte notes that it is “only in union with a loving

¹⁷⁹ Fichte 2000, p. 272

¹⁸⁰ Fichte 2000, p. 274

¹⁸¹ Fichte 2000, p. 272

¹⁸² Kierkegaard 1987, p. 36

¹⁸³ Kierkegaard 1987, p. 21

¹⁸⁴ Kierkegaard 1987, p. 61

¹⁸⁵ Kierkegaard 1987, p. 27

¹⁸⁶ Fichte 2000, p. 277

woman that the masculine heart opens itself to love [...] that gives of itself without restraint”, and it is “only in marital union that a woman learns magnanimity [and] conscious self-sacrifice in accordance with concepts.”¹⁸⁷ Judge William includes an explanation in his account of how this giving of oneself to another occurs: it is in marriage that a person realizes their “positive freedom” and keeps them from “stagnating in habit”¹⁸⁸; the religious nature of marriage frees a man from pride and the woman from excessive humility, allowing them to give to and receive from each other in a way that they’d never suspected.¹⁸⁹

Both Fichte and Judge William point out that a couple entering a marital union do so with the expectation that their union will be forever. But what is it that leads them to believe when they are entering a marriage that their union will be everlasting? Fichte writes: “They give themselves to each other forever, because they give themselves to each other completely,”¹⁹⁰ and Judge William notes that that a temporal notion of love would lead one to expect a marriage where the couple “live each day as though [it] was the decisive day, [...] as if one were up for examination every day.”¹⁹¹ But on Judge William’s account, both the man and the woman are in love with each other and so it is not surprising that they expect that they will be together forever. But according to Fichte, love is innate only in the woman, and the man’s love for the woman grows out of his magnanimity in response to her love. Thus, either the man’s love must occur prior to the couple consummating their marriage, for otherwise it is not clear that the man, from his state of ‘magnanimity’ would believe that his marriage to the woman would be everlasting; or, the man, in his magnanimity, feels an ethical imperative to fully commit to the woman who is in love with him, and so his expectation that his marriage will last forever is grounded in his own ethics and not in his inchoate love for his partner.

We can also ask: what is it that sustains this love that the partners have for each other? Here, an important difference emerges. We saw above that Judge William provides a powerful account of the inner history of a marital relationship, where the religious nature of marriage and of the couple provides them with an intentional stance that sees any potential obstacles that they might face as having already been overcome, and with each such actual overcoming, “love, tested and purified” emerges

¹⁸⁷ Fichte 2000, pp. 272-273

¹⁸⁸ Kierkegaard 1987, p. 67fn

¹⁸⁹ Kierkegaard 1987, p. 61

¹⁹⁰ Fichte 2000, p. 274

¹⁹¹ Kierkegaard 1987, p. 26

stronger and having “assimilate[ed] what is experienced.”¹⁹² Within the marital relationship, a beautiful “joint marital consciousness” is created to which each “particular detail is led back, and therein lies its happiness.”¹⁹³ Fichte, on the other hand, writes: “They give themselves to each other forever, because they give themselves to each other completely,”¹⁹⁴ but this doesn’t seem to be much of an explanation. Fichte would presumably agree with Judge William that the inner history of a strong marital love is what maintains and strengthens a marriage. But Fichte does not see religion as an essential ingredient to a marriage, whereas for Judge William this inner history is lived out by the partners in the state of romantic love, as well as from ethical and *religious* imperatives.

Autonomy and Religion in Marriage

For Fichte, marriage is a natural, moral, and *autonomous* institution: it is grounded in the feelings that the partners have toward each other (love and magnanimity), but not in familial arrangements, law, or theology. For Judge William, marriage, is a distinctly religious institution. As Judge William repeatedly emphasizes, the powerful immediacy of romantic love often creates or reflects a consciousness of the eternal within the two partners, and they may be completely convinced that once united, they will be together forever. But for Judge William, this commitment can be realized only when the erotic can be assimilated into the ethical and religious spheres. In the process of this assimilation, the marriage receives the absolute stamp of eternity, and along with it, the ethical and religious imperative to sustain marital love, especially in times of adversity: “duty is precisely the divine nourishment [that] love needs.”¹⁹⁵ Thus, for Fichte, the product of marriage is a self-contained and self-sustaining unit, while for Judge William, a marriage can be sustained only if the partners are also in a relationship with God.

This is also demonstrated by the different purposes that Fichte and Judge William see for the wedding ceremony. Recall that for Fichte, it is not essential that a priest or other religious figure be present at the ceremony, for the main purpose of the ceremony is for the woman to declare that she has not been coerced into the wedding, and for the man to declare that he will be his wife legal guarantor; this was the meaning of the ‘I do’ that each declares in the ceremony. Judge William, on the other hand, places central importance on having a Christian church authority present for

¹⁹² Kierkegaard 1987, p. 98

¹⁹³ Kierkegaard 1987, p. 118

¹⁹⁴ Fichte 2000, p. 274

¹⁹⁵ Kierkegaard 1987, p. 146

the ceremony. It is a reminder to the couple that (a) their marriage is taking place before God, and (b) that their union, though unique, represents the “universally human,”¹⁹⁶ as has been the case going back to the first couple, Adam and Eve. The religious setting serves to humble the man before God and reminds him that the wedding is the beginning of a lifelong responsibility to care for his beloved, and not the culmination of a conquest; it also reminds the woman that she is not alone in her marriage with her husband, but that God is with her, and this will help protect her from becoming a mere instrument of her husband’s whims. The church setting also serves to remind the couple of original sin. But according to Judge William, the woman will not feel any shame or embarrassment at being called or considered a sinner, for her entire existence is bound up in the “earthly love” she feels toward her husband; indeed, for her to be convinced that “earthly love is a sin at all” would result in “her whole existence ... [being] annihilated at its deepest root.”¹⁹⁷ Here we have powerful echoes of Fichte’s metaphysics: for Fichte, love is the guise under which the woman’s sexual drive appears to her and allows her to perceive her subjection to her husband as activity rather than passivity, it is a mechanism for preserving the dignity of the woman in her own eyes. While this role of love in the two accounts (i.e., in Fichte’s account, allowing the woman to maintain her dignity, and in Judge William’s account, the denial by the woman that earthly love is a sin) are *similar*, the respective contexts in which love plays this role are different. In Fichte’s account, nature is working to protect the woman’s dignity, which *reason* insists is compromised by her passivity; in Judge William’s account, nature (i.e., how the woman feels towards her partner) is working to protect the woman’s dignity (by denying that her earthly love is a sin), which might be perceived as being under attack by the “Church’s solemn declaration that sin has entered into the world.”¹⁹⁸

We now turn to a comparison of how children are perceived within Fichte’s and Judge William’s accounts of marriage. Recall that for Fichte, the mother’s sympathy and compassion for her child is in fact the nature-given instinct for the physical preservation of her child after that instinct has been filtered through her consciousness. The father’s love for his child is not biologically grounded in the same way; he has a general compassionate instinct for all helpless beings and this compassion is channeled into a preferential concern for his own child due to his love for the child’s mother. Judge William, in his account, does not directly address the basis of the sentiments that

¹⁹⁶ Kierkegaard 1987, p. 90

¹⁹⁷ Kierkegaard 1987, p. 55

¹⁹⁸ Kierkegaard 1987, p. 55

parents feel towards their children. He does note, however, that children will produce a religious effect, which is “most beautiful,”¹⁹⁹ in their parents, that the parents will see their children as a blessing, a gift from God, and that the father will be humbled and will recognize that the child “is a trust and that in the most beautiful sense of the word he is only the stepfather,”²⁰⁰ “for God himself has placed [the child] there.”²⁰¹ Judge William’s perspective on the child and how he believes the father views his child strongly suggests that he would reject the naturalistic account that Fichte provides of parental love: it is hard to see how Judge William could claim that the father sees the child as a gift from God while also agreeing with Fichte that the father’s love for his child is a general, all-encompassing love that wouldn’t be particularized toward his own child but for the father’s love for the mother.

V. CONCLUSION

We have presented a detailed study and comparison of the views on marriage of Fichte and Kierkegaard, showing both what they have in common and where they differ. The accounts of both philosophers exemplify deep thinking on marriage, and are opposed to a certain current and often tacit understanding of marriage as a matter of contracts on utilitarian grounds.

Fichte’s entire account of the metaphysics of marriage in general, and his identification of man with the (relative) I and the woman with the Not-I in particular, stem not from any empirical considerations; rather, they allow him to have a theory of marriage that can be embedded within his *Wissenschaftslehre*. While Kosch may be right to suggest that in Fichte’s ethics, the practical standpoint is determinative of theoretical reason, this does not apply to his account of marriage, motivated as it is by primarily theoretical considerations.

We also noted that while Fichte and Judge William are both opposed the institution of arranged marriages, on Fichte’s account such marriages are immoral because of their potential to cheat the women out of love; Fichte is far more sanguine when it comes to the question of whether the autonomy of men is compromised under such an arrangement. Judge William’s insistence on the importance of love to a marriage for both the man and the woman distinguishes his account from Fichte’s. More significantly, we saw that Judge William attaches far greater significance to the presence of a religious authority in the wedding ceremony than does Fichte. This gets

¹⁹⁹ Kierkegaard 1987, p. 73

²⁰⁰ Kierkegaard 1987, p. 73

²⁰¹ Kierkegaard 1987, p. 74

to a more general difference between Judge William and Fichte: for Fichte, marriage is an autonomous institution, not grounded in law or theology; for Judge William, the presence of a religious authority at the wedding is very important because for him marriage is fundamentally a religious institution. What distinguishes a genuine marriage, on Judge William's view, from some other type of relationship is the absorption of the erotic in the relationship into the ethical and religious spheres. Thus, for Judge William, marriage is not an autonomous institution, but one mediated by God.

We saw that the parents' love for their child, on Fichte's view, is the product of natural drives; on Judge William's account, any such natural feeling is also accompanied by the recognition that children are a gift from God. While Fichte and Judge William both believe that the love underlying a marriage is empowered by the history of love in the relationship (though Judge William provides a far more intricate account of the 'inner history' of love), they diverge when it comes to the question of what sustains a marriage in times of adversity. For Fichte, the desire to work on and preserve a marriage comes from love, and the natural and ethical imperative to respond to that love; once that love is gone, the two partners are no longer considered married. For Judge William, the imperative to work on a marriage comes from love *and* from the religious nature of the union (i.e., from God), and hence the fading or the absence of love is no reason to give up on the marriage.

Finally, while both Fichte and Judge William agree that marriage contains its telos within itself, they differ in that for Fichte, marriage has *a priori* teloi (unification and procreation), while for Judge William there is no such *a priori* telos to marriage, only the blessings and the virtuous development of the self that are recognized *after* the marriage.

Hence, we see that, despite claims that Kierkegaard's character Judge William was merely following Fichte, there are crucial differences between them, and that the former's views on marriage should be appreciated as original and important, even if influenced by the latter. In fact, on the specific issue of marriage within the ethical standpoint, I conclude that there are excellent reasons to remain agnostic on whether Fichte was Kierkegaard's historical model.

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