

Fichte's ethics

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This book has two primary aims: (a) to convince scholars of classical German philosophy that Fichte offers a substantive, consequentialist kind of normative ethical theory according to which “the overarching substantive constitutive end of rational beings per se encompasses the maximal material independence of rational beings in general from all external limitations” (p. 3); and (b) to make Fichte's ethical thought intelligible and credible to a contemporary philosophical audience that might not otherwise know, or even care, about Fichte and German Idealism.

Chapter 1 (“Introduction”) provides a first, brief overview of the central idea of “material independence” and its relevance for the book's overall argument. As Kosch notes, rational independence (or self-sufficiency) for Fichte requires not just (a) freedom from internal psychological constraints, and not just (b) freedom from external/material constraints imposed by other human agents, but—crucially—also (c) freedom from external/material constraints imposed by non-human (merely natural) forces. According to Kosch, Fichte crucially departs from Kantian thinking insofar as he offers a “material” principle of morality, and not just the merely formal principle commonly associated with Kantian deontological thinking (e.g., “act so that the maxim of your action can be willed as a universal law”). For Kosch, Fichte's material principle of morality prescribes not just how we ought to will, but prescribes also the end that ought to be willed, namely the substantive and agent-neutral “end of rational agency's perfection and material independence from external limitations of all kinds” (p. 6). And so Fichte's normative ethical theory, unlike the Kantian one, is a form of consequentialism—indeed a “maximizing consequentialism”—according to Kosch (p. 6).

Chapter 2 (“Rational Agency”) includes Kosch's account of how, for Fichte, rational agency consists in “the disposition to form intentions spontaneously on the basis of concepts of ends” (p. 12). According to Kosch, practical deliberation for Fichte is “a process of straightforward instrumental reasoning toward the end of material independence” (p. 17); and because such practical deliberation for Fichte is “entirely calculative” (it involves only means-ends and part-whole reasoning about what is needed to bring about a given end), it belongs “entirely to the theoretical faculty” (p. 18).

As Kosch notes, Kant (at least according to the standard reading) held that specifically moral principles (e.g., consistency with universal legislation in a kingdom of ends) impose constraints on the kinds of maxims that one might adopt in the pursuit of some end (e.g., happiness) that is not given by the moral principles themselves. For Fichte, by contrast, “specifically moral deliberation is distinguished from prudential deliberation only by its end” (p. 21). So for Fichte, while prudential deliberation is aimed at the agent-relative end of the deliberator's own well-being, specifically moral deliberation is aimed instead at the specifically agent-neutral moral end of the material self-sufficiency of reason in general (p. 21). Fichte's view of practical deliberation allows him to insist on a kind of universality in moral decision-making: For Fichte, there is only one materially correct (independence-maximizing) action that a rational agent can undertake in a given situation; and it is possible in principle for consensus to be reached in any moral disagreement (p. 21).

Fichte's normative ethical theory, Kosch explains, prescribes both a formal (or subjective) condition of fulfillment and a material (or substantive) condition of fulfillment. The material condition pertains to the end that ought to be

brought about; this end is, in Fichte's own words, "the absolute final end of complete independence of everything outside of us" (p. 36). An action is materially or substantively correct to the extent that it contributes to maximizing the scope of rational agency as such. The formal condition pertains to the manner in which the end of morality is to be brought about. An action is formally or subjectively correct to the extent that the agent has sought and obtained knowledge in the right way, acted with the right kind of personal conviction, and so forth.

Chapter 3 ("Material Independence") explores the material conditions of the moral correctness of human action. This chapter takes up 88 pages (roughly half) of the book, and includes some of Kosch's most important arguments in favor of reading Fichte's normative ethics as a form of maximizing consequentialism. According to such maximizing consequentialism, an action satisfies the material or substantive condition of moral correctness when it "is part of the series of actions at whose limit one would arrive at the state of absolute freedom from all limitation" (p. 39). Some commentators have denied that Fichte's ethics is teleological or consequentialist in character, since they have held that the final end of independence or self-sufficiency, for Fichte, cannot be given determinate, action-guiding content in the way that Kosch says it can. Kosch recognizes that for Fichte, the normative goal of reason's independence or self-sufficiency "lies at infinity" and is never fully achievable; nevertheless, she argues that this goal, as articulated by Fichte, does indeed acquire sufficiently determinate normative content for guiding actions that aim at removing limitations on freedom "sequentially" (p. 45), or for guiding human agents as they choose between "more or less" independence in particular situations (p. 44).

Kosch explains that the initially "unlimited" idea of "absolute independence" can acquire content sufficient to direct human action only if its scope becomes limited. And "since the only limitations that reason imposes on itself are those that follow from the fact that the rational being is necessarily an I," it is possible—argues Kosch—for us to appreciate how material (and sufficiently determinate) content can be derived from an otherwise indeterminate moral law, if we appreciate "the synthetic unity of the concept of I-hood and the concept of independence" (p. 53). According to Kosch, the substantive moral end of independence—in Fichte's thought—becomes determinate in three ways, all connected to the fact that the rational agent is necessarily an I:

1. the I must be embodied;
2. the I must be intellectual; and
3. the I must be one individual among many.

In connection with these three dimensions of reason's self-limitation, there are three kinds of duties that are derivable from the moral law:

1. duties concerning physical powers (mine and others');
2. duties concerning mental powers (mine and others');
3. duties concerning the coordination of individual spheres of activity (p. 53).

Kosch's discussion of individuality allows her to address two puzzles that remain significant points of contention in contemporary Fichte-scholarship:

1. If all rational agents are presupposed to share the same agent-neutral moral end of expanding the scope of reason's self-sufficiency, then why may I, as a rational, morally motivated agent, not interfere with another agent's causal efficacy as protected by legal right, if that other agent does not use her causal efficacy to promote the shared, agent-neutral end of reason's self-sufficiency? (p. 90)
2. How is it possible to square Fichte's claim that he has derived the principle of right from the conditions of the possibility of self-consciousness with his other claim there does not exist "any duty to claim or to recognize rights that is independent of the instrumental value of the community in which they are assigned and enforced"? (p. 114)

An answer to the first puzzle, according to Kosch, depends on an understanding of the moral (and not just political) end or good of the existence of a system of rights. It is morally good for individuals to organize themselves within a system of rights (even if such rights sometimes place constraints on the pursuit of moral ends), since such a system makes coordinated action among distinct individuals possible; and it does so by assigning to individuals distinct spheres of possible action within which they can reliably exercise their causal efficacy in the world without interference by the actions of other individuals. Without such guaranteed, exclusive spheres of interference-free activity (without a system of right), individuals would be limited in their ability to pursue long-term plans as rational agents, and thus limited in their ability to pursue their shared moral end of expanding the scope of reason's independence or self-sufficiency. For Kosch, then, a system of right serves a moral end by addressing a strategic problem of coordination; but right is "independent" of morality in the sense that its principles (which are principles of strategic, coordinated, rational interaction) are not themselves directly derivable from the (non-strategic) principles of morality.

Kosch addresses the second puzzle by providing an account of Fichte's notion of the "summons" (*Aufforderung*), as articulated in his *Foundations of Natural Right* (Fichte, 2000) and *System of Ethics* (Fichte, 2005). For Kosch, Fichte's "summons" argument is not meant to show that political rights are the condition of the possibility of self-consciousness, or that the political sphere is a source of independent categorical obligations. And relatedly, the argument does not imply that to stand in a relation of right with another is the same thing as to have rights over against the other and to regard the other as having her own rights. On Kosch's interpretation, Fichte conceptualizes the problem of right essentially as a bargaining problem (p. 123). Accordingly, the summons constitutes a kind of strategic interaction "in the sense that what it is rational for each to do in it depends on her expectations about what the other will do, which she recognizes to depend in turn on the other's expectations about what she herself will do, and so on" (p. 118). The existence of the problem of right—on Kosch's account—presupposes that the agents who face the problem have a shared interest in the goal of cooperating with one other, and thus have an interest in appearing rational to one another as a means of reaching a rational solution to the problem of right. The rational solution to the problem of right entails a set of a priori constraints on the rational conduct of agents who, in order to solve the problem, want to appear to others as rational beings.

In Chapter 4 ("Formal Independence"), Kosch explores the formal (or subjective) conditions of the moral correctness of an action. She notes that the formal conditions of the correctness of moral action are independent of the material conditions of the correctness of moral action: An action can satisfy the material conditions even if it does not satisfy the formal conditions, and vice versa. According to Kosch, there are two components to the formal condition of moral correctness, which Fichte—misleadingly—distinguishes by referring to them as the formal component and the material component. Both components have to do with the way in which an action is brought about; however, the formal component pertains to the question of whether the agent has exercised due care and thoughtfulness in arriving at a conviction that is sufficiently firm to justify her undertaking of the action; the material component pertains to the question of whether the agent has acted properly on the basis of that conviction, and only on the basis of that conviction (thus not on the basis of tradition or authority), in undertaking the action. Kosch argues that we must distinguish between the sort of question that an agent might ask herself in connection with the formal component of the formal condition of moral correctness ("Is my current level of confidence in my judgment A sufficient to justify me in acting upon A?") from a rather different sort of question about the material condition of moral correctness ("Is this x that I have hit upon after this process of deliberation the action that as a matter of actual fact lies on the path toward absolute independence?"; p. 132). Because some commentators have failed to distinguish these two questions, Kosch argues, they have wrongly attributed to Fichte the view that the voice of conscience (the feeling of sufficiently settled conviction) is substantively infallible. According to Kosch, the worry that Fichte addresses in his discussion of the voice of conscience and the formal component of the formal condition of moral correctness is not a worry about the material or substantive correctness of the moral judgment that informs an agent's action; rather, it is a worry about the state of indecision that might prevent the agent from acting at all, and this is a genuine worry precisely because the agent is *not* infallible and thus cannot rule out the possibility that her judgment might be (materially or substantively) incorrect (p. 135).

In Chapter 5 (“Independence as Constitutive End”), Kosch offers and defends a contemporary reconstruction of what she takes to be Fichte’s argumentation about the moral importance of substantive independence from nature. The reconstructed argument, greatly simplified, is that every rational agent aims to exercise her capacity rationally to set ends; since knowledge concerning objects and the causal dispositions of objects in the environment raises the likelihood of achieving one’s ends, and since an environment secured against intervention by unpredictable, powerful forces uniquely facilitates the acquisition of knowledge about the environment, every rational agent also ought to aim at obtaining or maintaining an environment secured against intervention by unpredictable, powerful forces (i.e., ought to aim at maximizing material independence). Thus, the reconstructed argument aims to show that agents who have an interest in the excellent exercise of their rational capacities as such (“formal independence”) must also have a moral interest in “material independence” with respect to non-human natural forces.

Kosch notes that, for both Kant and Fichte, agents have a moral interest in the exercise of their “external freedom.” But Kant and Kantians differ from Fichte, she says, insofar as they assert that there is a morally significant distinction between interferences to external freedom that are brought about by the actions of other agents and those that are brought about by impersonal natural forces. But Kosch asks: How exactly does one agent interfere with the external freedom of another agent and thus cause the other agent to cease to be independent (or master of herself) such that the interference is a morally relevant interference? (p. 156) According to Kosch, the arguments that Kantians have typically put forward regarding the moral relevance of freedom from interference by other agents are arguments that depend on the moral relevance of freedom from interference by any external source whatsoever; thus the standard Kantian position that there is a morally significant difference between agent-caused interferences with external freedom and nature-caused interferences with external freedom is unsupported by convincing argumentation.

Chapter 6 (“Conclusion”) provides an extremely short (less than two-page) statement in which Kosch explains (a) that her book has been a response to the summons that Peter Rohs (1991) issued in his 1991 book on Fichte (to present Fichte’s substantive normative ethics in a way that is well-argued and accessible to a contemporary audience, but “without loss to the intuitive substance”); and (b) that her book can also be characterized as a kind of summons in its own right, since she hopes that she has cleared the way for “future research into Fichte’s ethics that does justice to the wealth of insight Rohs describes” (p. 179).

This is a very smart book. In it, Kosch raises a set of incisive, original questions about what Fichte’s arguments are really meant to affirm, and about the philosophical feasibility of those arguments. Throughout, Kosch’s interpretive questions and her philosophical questions remain in productive and mutually informing dialogue with one another. This book will undoubtedly lead serious readers to think more carefully about the meaning and implications of Fichte’s normative ethical thought. To be sure, many of Kosch’s claims are controversial, as she acknowledges; but she traces even her most controversial claims to some plausible reading of the relevant textual evidence. This brief review cannot come close to providing an adequately measured assessment of the overall feasibility of Kosch’s Fichte-interpretation. But perhaps a brief hint about some of the concerns one might have can be given by means of the following, concluding reflections.

Kosch rejects the idea (favored by some Fichte-interpreters) that the final end of reason’s self-sufficiency is best understood, not in terms of reason’s control over nature, but rather in terms of reason’s harmony with nature. For Kosch, such talk about a “harmony” between reason and nature is just a more abstract (and thus presumably less adequate) way of talking about the substantive end of reason’s control over nature (p. 49). But one might ask: Why is it the case, for Fichte, that the rational I is obliged to eliminate actual limitations imposed on reason by nature, and not simply eliminate the *feeling* of such limitations? If the relevant imperative could be fulfilled through the overcoming of the *feeling* of such limitations, then it would seem that the language of “harmony” rather than “control” is preferable, since arguably the elimination of the *feeling* of limitation could be achieved equally well either through the lowering of one’s expectations or through the expansion of one’s actual control. Kosch, apparently, is committed to the claim that the imperative of reason’s self-sufficiency requires the elimination of actual limitation, and not just the elimination of the feeling of limitation. How, then, would Kosch explain and defend this claim? Would endorsing this

claim require her to accept the view that there can be an actual limitation on the I, even if, for the I itself, there is no feeling of limitation (even if, for the I itself, there is a feeling of complete harmony between itself and nature)? Such a view, however, would be highly problematic, for reasons systematically articulated in Fichte's *Wissenschaftslehre*. According to the *Wissenschaftslehre*, an imperative belonging to all theorizing about our human finite freedom is the imperative to be able to explain how a limitation on rational agency is not just a limitation on the I, but a limitation for the I. For Fichte, to explain finite, free I-hood by relying on the idea of a limitation that is on the I but not for the I (e.g., by relying on the idea of a limitation that is seen as such from the perspective of some external observer) is to rely implicitly on the idea of a "thing in itself" (the idea of that which allegedly is, but is not for the I itself)—but that is not to explain finite, free I-hood at all.

There is reason to think that Kosch's theorizing about Fichte remains allied to a set of metaphysical commitments within which the idea of a "thing in itself" is implicitly operative. For example, she apparently believes that talk about how an I can act causally upon things in the world "before" it acts self-consciously upon them is talk about the I as a kind of "thing in itself" from the past and not talk that belongs to the *rational reconstruction* of the I's activity (p. 33); she apparently holds that, for Fichte, the distinction between a priori constraints (or conditions) on human interaction and the a posteriori interactions themselves is a distinction pertaining to some twofold reality being described, rather than to the *mode of presentation* of the description (p. 124); she apparently believes that, for Fichte, there can, in principle, be discernible differences between individuals that are purely quantitative and not qualitative differences (p. 111, n. 93). Implicit reliance on the idea of a "thing in itself" (no matter how subtle or veiled) would indeed create some problems for Kosch's (2018) account of Fichte's ethics, but an adequate explanation of those problems is beyond the scope of what can be said in the present review of this very insightful, thought-provoking book.

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