

Agency and Self-Sufficiency in Fichte's Ethics

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J.G. Fichte was one of the first generation of post-Kantian philosophers, and he saw himself as articulating and expanding Kant's basic project, in ethics as in other areas.¹ The fundamental commitments of his practical philosophy were Kantian in a fairly straightforward way. He agreed with Kant, for instance, that morality (which he understood to be action in accordance with duty from the motive of duty) is a constitutive end of agency; and he agreed that it is in virtue of that fact that moral requirements necessarily provide us with reasons for action, reasons that override those stemming from prudence or other sources,² and that are always to at least some degree motivating.³ But Fichte was convinced that adherence to the spirit of the Kantian approach sometimes required departures from the letter of Kant's texts, and

¹ Fichte was in the interesting position of working out his practical philosophy on the basis of the *Groundwork* and the second *Critique* and some of Kant's essays, but independently of the strictly parallel works by Kant (the two parts of the *Metaphysics of Morals*), because these were published too late for him to build upon them. The first, foundational half of the *Foundations of Natural Right* (1796) appeared before Kant's *Doctrine of Right* (January 1797); and the *System of Ethics*, though published after Kant's *Doctrine of Virtue* (August 1797), was apparently conceived independently (it was distributed to students as lecture notes starting in fall 1797, and it shows no influence at all).

² Fichte is committed to the stronger claim that there are no other sources: moral reasons are the only genuine reasons that we have. I will not defend that position on his behalf here; but this departure from Kant has wide-ranging implications in his account of practical reasoning and his normative ethics proper. I discuss it further in M. Kosch forthcoming a and ms.

³ Fichte is also committed to the stronger claim that moral reasons are always adequately motivating, insofar as we recognize them: that we always act on what seem to us to be our best reasons. That is another departure from Kant that I will not discuss. I discuss it further in M. Kosch ms.

this was as true in ethics as it was in other areas. This paper provides an overview Fichte's ethical thought, with the aim of displaying its appeal to those who share broadly Kantian commitments, but with an emphasis on Fichte's most fundamental departure from the Kantian letter: the idea that material independence or self-sufficiency is a constitutive end of rational agency, and that moral imperatives are all in one way or another derived from this end.

For Kant, the fundamental principle of morality requires that we choose only in such a way that the maxim of choice can at the same time be willed as a universal law by and for a realm of rational agents.⁴ Kant emphasizes that this principle is 'formal'; a material principle, by contrast, would prescribe the production of an end and judge the goodness of acts, rules, or policies on the basis of their tendency to produce or further that end.⁵ Fichte's moral principle, by contrast, is material in just this sense. He rejects Kant's reason for insisting that a moral principle must be formal (*viz.* that all material principles must be rooted in the lower faculty of desire⁶), because he rejects both Kant's account of the content of the lower faculty of desire and his account of the relation of the lower to the higher faculty of desire (in fact, rejects the deep Kantian distinction between lower and higher faculties of desire altogether).⁷ He plays down the idea of universal legislation, claiming that the universal law formulation is a valuable heuristic, but in no way a constitutive principle of practical reason.⁸ His moral principle requires, not that we act only on maxims suitable for universal legislation in a kingdom of ends, but instead that we pursue the substantive

⁴ I. Kant 1900-, 4: 420–40.

⁵ Any interpretive claim about Kant's ethics will be to some degree controversial; and since my aim here is not to interpret Kant, any such claim will require more defense than I can possibly give it in this context. But briefly, I believe that the texts best support the view that for Kant practical reason is the source of formal constraints only (see especially I. Kant 1900-, 5: 21–29), and that practical reason embraces whatever of the ends provided by nature that it can embrace given the formal constraints (I. Kant 1900-6: 395), leaving one's own perfection and others' happiness as obligatory ends (I. Kant 1900- 6: 385–6). This seems to me distinct from Fichte's claim, which is that practical reason is itself the source of an obligatory end. But I should emphasize that my use of Kant here is intended only to orient the reader on familiar terrain, and that there are readings of Kant (most notably A. Wood 1999) that bring him in this respect closer to Fichte. Nothing hinges, for my interpretation, on the depth of this or any of the other contrasts I draw between Fichte and Kant.

⁶ I. Kant 1900- 5: 21–29.

⁷ J.G. Fichte 1971, IV: 128–31, 177–91. For a more detailed discussion, see M. Kosch forthcoming a. Here and elsewhere I cite Fichte according to the pagination of the first edition of his collected works, published by his son I.H. Fichte in 1845–6 and reprinted by De Gruyter in 1971. This pagination is reproduced in the margins of the latest edition by the Bavarian Academy of Sciences (J.G. Fichte 1962–2011). All translations of Fichte are mine.

⁸ J.G. Fichte 1971, IV: 234.

end of rational agency's perfection and material independence from external limitations of all kinds.

The main task faced by an interpreter of Fichte's ethics is to say what material independence or self-sufficiency would amount to, and why its pursuit should be thought a constitutive end of rational agency. This is parallel to the task that Kant's interpreters have of saying what it is for a maxim to be suitable for universal legislation in a kingdom of ends, and why it is a constitutive end of rational agency to act only on such maxims (parallel, but evidently a quite different task). What follows is the outline of such an interpretation.

I begin with an account of what rational agency is for Fichte (in §1), and then argue for an interpretation of material self-sufficiency as the end of broadening the scope of possible rational plans of action (in §2). The idea that material independence, in this sense, is the moral end, has been taken seriously in no discussion of Fichte's ethics to date, despite the fact that nearly everything that is interesting about the *System of Ethics* depends upon it. Fichte uses this idea to anchor a non-welfarist consequentialist ethical theory that places support for basic scientific research, education, and technological and social innovation alongside justice and charity as core moral concerns. It allows him to offer accounts of some traditionally acknowledged duties that seem considerably less tortured than Kant's own; and it gives him resources Kant lacked to argue that some measure of socio-economic equality is required in order for a state of right to obtain. The resulting theory, while antithetical to the deontological commitments that draw many to Kant, is nevertheless a compelling articulation of the basic Kantian idea that the proper exercise of rational agency is the only unconditional good.

Those facts explain why it would be desirable to offer a defense of Fichte's claim that material independence so construed is a necessary end of rational agency; but they do not themselves constitute such a defense. What is required is an account of why any rational agent (as construed in §1) must take material independence (as construed in §2) as his or her end. After arguing (in §3) that, since duties of right rely on the moral value of material independence in Fichte's sense, Kant's *Doctrine of Right* requires such an argument as well, I address (in §4) this second part of the interpretive task, reconstructing Fichte's argument for this connection. This argument is first articulated in Fichte's *Foundations of Natural Right*, and it turns on the role of knowledge in the planning that is part of the exercise of rational agency, and the role of control over the environment in securing knowledge. I conclude (in §5) with some brief observations about the structure of Fichte's normative theory and its strengths and weaknesses relative to Kant's.

Fichte's core notion of moral agency ('formal freedom'⁹) is the disposition to form intentions spontaneously on the basis of concepts of ends. Formal freedom is that in virtue of which agents are morally responsible¹⁰ because it is what is engaged when an agent puts aside immediate inclination and acts on temporally remote ends, whether from the motive of duty or from prudential or other motives.¹¹

Were formal freedom a simple characteristic had in equal measure by anything empirically instantiating a noumenal will, not much would seem to follow from its concept alone concerning what formally free agents owe themselves and one another. But (in another departure from the Kantian letter) Fichte treats formal freedom naturalistically, as a complex empirical psychological characteristic of social beings, involving component capacities whose production and maintenance require the right sort of interaction with the right sort of human and natural environment. It is in the account of these components, and of their material conditions of possibility, that the raw materials of Fichte's doctrine of duties lie.

The formation of concepts of ends of all kinds and the production of plans for achieving them ('reflection'¹²) involves, for Fichte, self-conscious

⁹ Fichte actually uses the term 'formal freedom' to refer to what seem to me to be several distinct properties in the *System of Ethics* and a further distinct property in the *Foundations of Natural Rights*. I impose artificial order on that situation, by using the unmodified term to refer only to that sense of 'formal freedom' that is synonymous with rational agency. Fichte sometimes describes (this sense of) formal freedom (in terms that recall Kant's description of practical freedom) as the capacity to refrain from acting on one's strongest immediate desire and to act instead on some representation of a temporally remote end (J.G. Fichte 1971, IV: 35–8, 112, 137, 161–2, 178–80; cf. I Kant 1900-A534/B562; A802/B830). He also describes it (in terms that recall Kant's description of transcendental spontaneity) as a transition from a state of indeterminacy to a state of (mental) determination effected through a decision on the part of the agent (J.G. Fichte 1971, IV: 28–38, 112, 134–6, 158–9, 182; cf. I. Kant 1900- A446/B474). I offer a fuller discussion of Fichte's account of formal freedom in M. Kosch 2013. A discussion of the relation between Fichtean and Kantian conceptions of formal freedom (in the sense at issue here) that differs in some details from the one I offer in that paper can be found in Neuhauser 1990, pp. 146ff.

¹⁰ J.G. Fichte 1971, IV: 125–6.

¹¹ J.G. Fichte 1971, IV: 162, 184–91.

¹² Fichte uses the term 'reflection' to refer to what are intuitively two distinct capacities, both essential to formal freedom. The first is reflective self-consciousness: taking oneself (in the case relevant for formal freedom, one's actions, motives, and the *de facto* connections between them) as an object of observation. Fichte calls this sort of reflective self-consciousness sometimes 'self-consciousness' (J.G. Fichte 1971, IV: 23, 29, 77, 89, 107, 161, 221), sometimes 'reflecting' or 'reflection' (J.G. Fichte 1971, IV: 30–43 *passim*, 57, 73, 100, 109, 112, 124–6, 130–40 *passim*, 144, 147, 178). A person can be more or less reflective in this sense by taking more or less of her conduct, intentions, or motivational set as object of consideration. He also uses 'reflection' to refer to an activity that goes beyond self-scrutiny to encompass rational evaluation of the appropriateness of

awareness of, and rational evaluation of the consistency of, one's set of motivations, intentions, and beliefs about matters of fact. It involves practical reasoning, which for Fichte is always means-ends or part-whole reasoning and is always directed at the question of what, for an agent in this determinate situation, progress toward the moral end requires.¹³

Fichte argues in the second part of the *System of Ethics* that empirical cognition is a condition of possibility of practical reflection. This is an intuitive point: an agent needs to know what in her environment is contingent and so in principle alterable;¹⁴ to know her own individual causal powers;¹⁵ and so to be able to distinguish between what she has herself brought about and what has simply happened.¹⁶ The more complex the projects she takes on, the more detailed the instrumental reasoning she has to engage in, and the more she needs to know about physical nature and its laws.¹⁷ These cognitive requirements of agency, and the dialectical interaction between knowledge and the agent's control of her environment, will play a pivotal role both in Fichte's political philosophy and in his ethics (as I will explain in §4 below).¹⁸

one's intentions given one's motivations, as well as the consistency and ultimate desirability of the motivations themselves. Reflection in this evaluative sense involves practical rationality (cf. J.G. Fichte 1971, IV: 111–131 *passim*, 159, 162, 165–72 *passim*, 185, 187, 191–2).

¹³ 'The moral law, in relation to empirical human beings, has a determinate *starting point* (the determinate limitation in which the individual finds himself)... ; it has a determinate (if never reachable) *goal* (absolute freedom from all limitation); and a completely determinate *way* along which it leads us (the order of nature). Therefore for every determinate individual in a given situation there is something determinate that is required by duty—and this, we can say, is what the moral law demands in its application to [him].' (J.G. Fichte 1971, IV: 166.)

¹⁴ J.G. Fichte 1971, IV: 68–9.

¹⁵ J.G. Fichte 1971, IV: 3, 79, 81, 83, 89–92; cf III: 17ff, where Fichte argues that awareness of one's own causal efficacy is one of the conditions of possibility of self-consciousness.

¹⁶ J.G. Fichte 1971, IV: 70.

¹⁷ J.G. Fichte 1971, IV: 68, 70, 103, 109, 166–72 *passim*.

¹⁸ Since much of the argument of §4 will turn on Fichte's inclusion of epistemic conditions as conditions of possibility of formal freedom, let me say a bit more in defense of that here. First, notice that that moral responsibility is typically taken to have epistemic conditions in addition to control conditions (insofar as non-culpable ignorance is taken to excuse). So an opponent of Fichte would have to argue both (1) that conditions for moral responsibility and conditions for rational agency diverge here, and (2) that it is only our capacity to be rational, *but not* our capacity to be morally responsible, where these diverge, that can be the source of constitutive ends in something like the Kantian way. Neither proposition seems to me obviously true. I am unsure what to say about the second; but in any case it is the first that Fichte is committed to denying, and the objection can be addressed by undermining either one. Next, notice that some sorts of cognitive limitation (sufficiently subnormal processing power is an example) are typically taken to undermine rational agency. So what is required is a way of distinguishing that

Practical deliberation on Fichte's account also requires effort, and so the capacity to exert cognitive effort is also a condition of possibility of moral agency. Fichte does not claim that in so many words; what he claims is that failures of practical reasoning are the result of laziness in practical reflection. (In fact reflective laziness is the only sort of weakness of will he admits.¹⁹) But since practical reflection is required for formal freedom,

sort of cognitive limitation (the sort that undermines responsibility *by* undermining rational agency) from a different sort (the sort that undermines responsibility, but *not* by undermining rational agency). It is traditional to draw this sort of distinction; and in the description of the typical case of ignorance of some discrete fact it does seem plausible to claim that rational agency survives ignorance perfectly intact. But that claim cannot be pushed very far. For, first, when we agree that an agent must be cognitively roughly normal in order to engage in the sort of rational deliberation that would make her a morally responsible agent, we cannot mean only that she is able to apply the rules of deductive logic, the instrumental principle and, perhaps, the categorical imperative. An agent with no ability to reason inductively would not be a rational one; but whether principles of inductive reasoning are formal principles or substantive, empirically grounded assumptions is, I take it, an open philosophical question. And, second, even assuming that question is to be decided in favor of a formal construal of inductive principles—indeed however broadly ‘formal rationality’ is construed—an agent possessed only of the capacities that constitute it but lacking all empirical assumptions would very clearly lack the ability to reason practically in a way that issues in the formation of an intention. This is a worry not only in the limiting case of total ignorance. We routinely encounter situations in which we so lack knowledge (of how behavior will be interpreted, for instance) as to be stymied in forming an intention in some area. In a social situation in a foreign cultural milieu one's problem may be, not that one lacks the knowledge required to succeed in saying or doing what one intends to say or do, but that one does not know enough even to form an intention to begin with. It is artificial, in such cases, to construe ignorance as something simply external to the exercise of rational agency. Finally, notice that some contemporary philosophers who explain reasons in terms of rationality include full information among the requirements for being fully rational. Cf. e.g. M. Smith 1994 Ch. 5.

¹⁹ See J.G. Fichte 1971, IV: 191-205 and M. Kosch 2013 for further discussion. Of course there is a problem with viewing the exercise of a single capacity as both a condition of moral success and a condition of the sort of freedom that makes actions imputable: doing so eliminates the possibility of blameworthy moral failure. Fichte does not embrace such a view in the passage at issue; instead he claims that we are blameworthy for lazily failing to reflect. It seems to follow that either energy is not actually an element of formal freedom (in which case formal freedom contains no condition corresponding to any sort of self-control) or energy is an element of formal freedom without being required for moral imputation (in which case formal freedom and moral imputability do not coincide). These seem good reasons not to count energy amongst the elements of formal freedom. But there are stronger reasons on the other side. First, there is a purely philosophical difficulty with the idea that we can be blameworthy for failing to reflect, if there is no possibility of failing to act on an established conviction about our duty: for surely in any action situation I have moral convictions about *how much moral reflection is required* (and about how little time spent on reflection is morally permissible) before I make a decision in such a situation. (Fichte does not deny this.) But if my degree of reflection in a given case cannot fail to meet the standard set by those prior convictions, then I (often, at least) cannot be blamed for failing to reflect to a degree that is objectively adequate to render the correct moral judgment. So even Fichte's strategy in the passage fails to preserve the possibility of imputable moral error. And, second, it

whatever is the opposite of laziness must be required as well—and that is what I am calling ‘effort’.²⁰

Fichte argues in §3 of his *Foundations of Natural Right* that norm-invoking, non-coercive social interaction (a ‘summons’) is a further condition of possibility of reflective self-consciousness.²¹ So moral agency has the right sort of socialization among its conditions of possibility. It also relies on continuing social interaction of the right sorts. In the *System of Ethics* Fichte emphasizes our reliance, as moral deliberators, on the demands made by others and the example they set.²²

Uncontroversially, there are differences among normal adults in the quantity and quality of their empirical knowledge, in their capacity for exerting mental effort, and in their degree of reflective self-awareness and their proficiency at evaluating the consistency of their sets of beliefs, motives and intentions. Such variability is based in part on native psychological differences and in part on social conditions. One might think that the variation cannot matter in ordinary moral life; and Fichte would agree so far as native psychological differences are concerned.²³ But he does claim that there are social and cultural circumstances in which agents’ formal freedom is more highly cultivated, and thus in which they can become morally better than they could in other circumstances. His conclusion is that formal freedom itself comes in degrees, and he accepts the consequence that moral responsibility does as well.²⁴ (That admission raises a problem for his account to which I will return briefly in §5.)

is quite clear on the whole that Fichte is unconcerned with making space in his moral theory for moral evil in the traditional sense. Since it seems to me implausible to think that nothing in the vicinity of self-control plays any part in the conditions of moral imputability, and since it seems clear that reflection is dependent on this sort of energy expenditure, I am inclined to count energy as such a condition.

²⁰ That is also what contemporary psychologists call it. For a recent summary of that literature, see D. Kahnemann 2011 Part 1, and especially chapters 2 and 3.

²¹ J.G. Fichte 1971, III: 30–40; cf IV: 178. This argument is much discussed (see e.g. F. Neuhauser 2000b, A. Honneth 2001, K. Brinkmann 2002, A. Wood 2006). There are interesting problems with its function in Fichte’s political philosophy, but I do not think they affect the point that normal moral agency is the product of upbringing that includes the sort of interaction Fichte calls a ‘summons’.

²² It is on this basis that he argues for the existence of a moral duty to set a good example, both in general (J.G. Fichte 1971, IV: 313–25), and in certain social roles (J.G. Fichte 1971, IV: 204, 338, 352); and a moral duty to correct others, to be open to correction by others, and to debate and try to reach consensus in cases of disagreement (J.G. Fichte 1971, IV: 233–53 *passim*).

²³ His claim that everyone has the same capacity for formal freedom (J.G. Fichte 1971, IV: 177) shows that he does not have psychopathology in view.

²⁴ J.G. Fichte 1971, IV: 180–85. This claim puts him on the side of several contemporary authors—against Kant, who seems to have wanted to think of moral agency as a property we either have or lack.

The central claim of Fichte's ethical theory is that formally free agents have in virtue of their formal freedom a necessary end. The best place to start, in coming to grips with the nature of that end, is the summary statement of the moral principle he offers at the end of the second main part of the *System of Ethics* (after he has outlined his conception of agency and as he is about to move on to his normative ethics proper): 'I should *act freely*, that I may *become free*.'²⁵ He tells us that the freedom at issue in 'becoming' free is the moral end *qua* 'objective state of affairs that should be produced, the final end of absolute independence of everything outside of us.'²⁶ What an agent *should* do is not simply bring about this end by any mechanism whatever, but rather produce it by 'act[ing] freely'.

What is it to act freely? Fichte tells us that acting freely has two components: '*how* it [*viz.*, the acting] must happen, and *what* must happen.'²⁷ To these components correspond 'formal' and 'material' conditions of the 'freedom' of an action.²⁸ By the 'freedom' of an action here Fichte means the action's moral worth in a familiar sense: that it be done from the motive of duty (the 'formal' condition) and that it be what duty demands (the 'material' condition). Fichte also calls these 'subjective' and 'objective' criteria, and he makes it clear that an action can meet either without meeting the other.²⁹

The formal condition ('how it must happen') is met when the action is dictated by the conviction that issues from an agent's sufficiently energetic application of her reflective capacities in a given situation. It imposes a sort of due diligence constraint on the pursuit of the moral end, requiring that

²⁵ J.G. Fichte 1971, IV: 153. An alternative formulation from the same page: 'The ethical drive demands *freedom*—for the sake of *freedom*.'

²⁶ J.G. Fichte 1971, IV: 153. Strictly, as we shall see, we never 'become free' full-stop, but only become more (or less) free, because progress in freedom has no attainable maximum.

²⁷ J.G. Fichte 1971, IV: 153.

²⁸ J.G. Fichte 1971, IV: 153.

²⁹ An action can be formally correct (conscientiously undertaken) without being, objectively, the action in the circumstances most conducive to the moral end (if, *e.g.*, the agent reasons responsibly but begins from false premises). Conversely an agent may rashly (and so unconscientiously) perform an action that is objectively the correct one in the circumstances. This point has seldom been appreciated in the literature on Fichte's ethics; for more discussion, see M. Kosch forthcoming b. Fichte at one point calls the 'formal' condition a condition on actions' 'morality' and the 'material' condition a condition on actions' 'legality'. This phrasing is misleading (though there was precedent for it in Kant) since 'legality' refers to substantive moral correctness (not accordance with positive law or *a priori* principles of right). Fred Neuhouser has pointed out the connection between Fichte's distinction between subjective and objective conditions of freedom and Hegel's related distinction (in conversation, but *cf.* F. Neuhouser 2000a).

the agent be sufficiently subjectively confident in her judgment that morality demands this action of her now.³⁰ It is, I believe, not difficult to see why Fichte might think this a constitutive end of rational agency, since it looks as though what the formal condition demands is just sincere and complete practical deliberation.³¹

The material condition ('what must happen') is met when an action is part of the series of actions at whose limit one would arrive at the moral end *qua* state of affairs.³² This is the consequentialist component of Fichte's ethics, and it is where the main interpretive problem lies: what *is* the 'final end of absolute independence of everything outside of us,' and why think it a constitutive end of rational agency?

Most of the descriptions of material independence in the *System of Ethics* are unhelpfully abstract, as when Fichte describes the moral end as 'absolute independence and self-sufficiency, not merely with respect to our will...but rather with respect to our entire being'³³ or as 'reason and only reason [ruling] in the world of sense.'³⁴ On the other hand, the most concrete general descriptions sound absurd, as when Fichte describes it as 'everything that I will [happening] in my sensible world, simply and purely because I will it, just as it does in my body.... The world must become like my body to me.'³⁵ It is not easy to see what that can mean: on the most obvious interpretation Fichte himself seems to have commitments that preclude its possibility.³⁶ The qualification that 'this end is indeed unreachable, but I ought nevertheless to approach it continually, and so to fashion everything in the sensible world into a means toward the achievement of this end,'³⁷ does not obviously help. In what would the *approach* consist?

³⁰ J.G. Fichte 1971, IV: 163–177.

³¹ I describe Fichte's account of practical deliberation at some length in M. Kosch forthcoming b.

³² J.G. Fichte 1971, IV: 39–60 passim, 59–60, 144–5, 149, 152–3. It is a textually open question whether actions meet the material condition by in fact furthering the substantive moral end, or by merely aiming, or realistically aiming, at doing so. Fichte does not answer this question because from a deliberative perspective, the distinction is irrelevant, and Fichte often takes up that perspective even where, in describing what he characterizes as an 'objective' criterion, it seems he ought to take an evaluator's perspective.

³³ J.G. Fichte 1971, IV: 209; *cf* 59–60, 211–12.

³⁴ J.G. Fichte 1971, IV: 275

³⁵ J.G. Fichte 1971, IV: 229; *cf* 149.

³⁶ We have seen one: one of the conditions of possibility of free agency conscious of itself as such is interaction with other agents; and Fichte has argued in the *Foundations of Natural Right* that such interaction must involve the interaction of distinct bodies. *Cf.* J.G. Fichte 1971, III: 61–84 passim, especially 69.

³⁷ J.G. Fichte 1971, IV: 229; *cf* 209, 211, 231, 350.

Most interpreters have deemed these passages unsalvageable, and with them the idea that Fichte is trying to convey by means of them.³⁸ It must be granted that there is a real question of intelligibility here. Indeed on the interpretation I will offer it will not be literally true that the moral end is to make the world into an extension of one's own body.³⁹ But the problems are more textual than philosophical; and there are sources apart from the summary statements in the *System of Ethics* to which we can appeal in making out Fichte's notion of material independence.

Among the best such sources is a discussion in the *Vocation of Humankind* (in which, because it is a popular work, he actually gives examples). There, progress toward material independence or self-sufficiency is depicted (in part) as progress away from a situation in which the species must struggle for survival 'against recalcitrant nature,' expending all its energy on bare subsistence, in which those efforts are hindered by a constant struggle with disease and premature death, and in which even the most successful of them are unpredictably reversed by floods, storms, earthquakes and other natural disasters. Progress toward material independence is depicted as progress toward a situation in which nature's 'lawless violence' has been mastered, rendered predictable and non-threatening by scientific insight into natural laws, and in which technology buttresses human powers, with the result that 'no greater expenditure of mechanical labor will be required than the human body requires for its development, fitness and health.'⁴⁰

In these pages, Fichte seems to have in mind a relation to those aspects of the natural environment that stand in the way of human projects, by being powerful enough that they cannot be safely ignored or else unpredictable enough that they cannot be effectively planned around. One is independent

³⁸ 'Taken at face value, the notion that our highest ethical goal consists in making the world into a corporeal extension of our will surely counts as one of Fichte's more outrageous ideas. Yet what underlies this, as well as his various other conceptions of self-sufficiency as an "objective state," is the more serious claim that self-determination in its deepest form is not a wholly subjective affair but one that requires some kind of expression in the objective world as well. While Fichte's scattered remarks on this topic are philosophically provocative (as evidenced by their influence on later German philosophy), they nevertheless fall far short of constituting a coherent and adequately elaborated conception of the subject's *Selbstständigkeit* as an objective state of freedom from nature.' (F. Neuhauser 1990 pp. 141–2) Neuhauser's judgment here reflects a consensus: few interpreters even bother to discuss this aspect of Fichte's ethical theory.

³⁹ 'Body' is a technical term in Fichte's practical philosophy: it is defined as the sphere in which the will exercises unmediated causality (at J.G. Fichte 1971, III: 59). It need not correspond to the biological body. On the outside world, by contrast, we exercise mediated causality (doing things with objects in it by doing things with our bodies). This passage suggests, then, that the idea is to expand the range of our immediate causality, and to shrink the number of things we do mediately. But it is clear from the descriptions in other works that what Fichte has in mind is instead broadening possibilities of mediate causality.

⁴⁰ J.G. Fichte 1971, II: 266–9.

insofar as one is free from such interference. Independence in this sense comes in degrees; and our actions can have among their effects our possession of more or less of it. There are aspects of the human environment that share the same threatening features, and Fichte goes on to describe them (in gruesome detail) in the paragraphs that follow. So the end of material independence must involve the right ordering of people's relations to one another as well as the right ordering of their relations to non-human nature. But the text makes clear that the idea of material independence is the same whether the threat to it comes from natural or human sources.

The end of material independence or self-sufficiency is here depicted as the end of *broadening the scope of possible rational plans of action*, by increasing our ability to ensure that our plans are carried out if we undertake them, and by opening up novel possibilities for planning through innovation and creativity in ways of living, producing, and interacting. The progress of reason in Kant's history essays—where Kant characterizes reason as a natural being's 'capacity to extend far beyond natural instinct the rules and aims of the use of all of its powers'⁴¹—is discernible in the background of Fichte's thinking here. Kant takes it to be an empirical fact about rational end-setting that it tends to outstrip current knowledge, technology and social conditions and to force advances in those areas and so to expand its own reach; and he takes it to be clear that we cannot explain human history without seeing that mechanism at work. Fichte's view differs from Kant's only in that for him such progress is a moral obligation, whereas Kant's claim is a descriptive rather than a normative one.

Notice the distance between the end so characterized and the end suggested by a different (perhaps more natural) reading of the terms 'independence' and 'self-sufficiency': the end of increasing our *ability to do without* nature, or other people. It is clear that independence in that (perhaps more common) sense of the term is never at issue in Fichte's ethical and political writings. That is as it should be, since dependence in that sense is both ineliminable and unproblematic: every rational agent depends on interaction with other rational agents for its consciousness of self; and every successful exercise of its causality depends on the continued operation of the laws of nature. Still it seems to me no crime against language to call the social and technological progress depicted in the *Vocation* a progress toward the increased 'independence' or 'self-sufficiency' of rational agency with respect to everything outside itself.

The second source to which we can turn in spelling out this idea of material independence is the system of duties Fichte purports to derive from it in the third part of the *System of Ethics* itself. As in the *Vocation*, the moral end is depicted there as a complex state of affairs in which human beings' relations to other human beings and to the natural world are ordered

⁴¹ I. Kant 1900-, 8: 18.

in such a way as to maximize the scope for exercise of rational agency. Early in the text Fichte describes the moral end as an ‘idea’ in the Kantian sense.⁴² This is because he takes the scope of rational agency to have no intrinsic limits. So what morality requires is not the production of a state of affairs that could be specified in advance, but instead progress in a specifiable direction: the continued expansion of human capabilities. The system of duties then outlines the ways in which we further the various distinct and partially independent components of that end.

The most important component is the right ordering of individuals’ relations to one another *qua* free individuals in a community of right. I will discuss Fichte’s conception of a state of right further below; for now it will suffice to reiterate his belief that self-conscious rational agency is possible only for an individual (*i.e.* one of a number of distinct agents)—this being a presupposition of the form of interaction Fichte calls a ‘summons’—and to point out the consequence that any moral agent will necessarily be one among many. A state of right is the arrangement of relations among free individuals that allows them to co-exist as free; and so any moral agent will, *qua* free individual, take on duties of right.⁴³

The rules of the system of right in which we participate in fact answer the greater part of the questions about what our duties to others are, according to Fichte.⁴⁴ Some further questions are answered by the associative duties that arise from the social division of labor.⁴⁵ (These are also given an external justification, though one sometimes rooted directly in the end of material independence rather than, as in the case of political duties, exclusively in the end of the preservation of individuality.)

⁴² J.G. Fichte 1971, IV: 65–66.

⁴³ *Cf. e.g.* J.G. Fichte 1971, IV: 295–301; *cf.* III: 8–11.

⁴⁴ J.G. Fichte 1971, IV: 238–9, 259, 285–7, 301, 306–9.

⁴⁵ In the third part of the *System of Ethics*, Fichte divides duties into universal (those had by all) and particular (those had by individuals *qua* member of some social category). Particular duties are oriented toward the same end as the universal ones (J.G. Fichte 1971, IV: 325) and can never trump them (J.G. Fichte 1971, IV: 326). But there is a general duty to submit oneself to some sort of division of social labor (either to find a place in an existing one, or to create one where none exists) (J.G. Fichte 1971, IV: 258, 271). In contrast with Hegel, Fichte argues that all such places must be taken on voluntarily. One does not have duties *qua* woman or man, but only *qua* spouse or parent (and although one has an obligation to become a spouse and parent where possible, the fulfillment of these obligations has moral worth only when freely undertaken). Similarly, one does not have duties *qua* member of a social station fixed by birth, but only *qua* pursuer of a voluntarily chosen calling. One must choose some vocation or other, and must choose it not according to inclination, but according to one’s conviction that it best fits the measure of one’s powers (J.G. Fichte 1971, IV: 272), given the options available and given that society agrees with one’s judgment of one’s own skill (J.G. Fichte 1971, IV: 273). But parents may not choose on their children’s behalf; rather, everyone should receive a universal general education up to the age of majority, and should thereafter choose for himself (J.G. Fichte 1971, IV: 273).

The moral principle dictates obligations directly only where such associative duties do not: in the sphere set aside as private by the law, or where the law is silent for other reasons, or where the power of enforcement is absent. It is a source of self-regarding duties and of some duties to others that are not themselves duties of right (because they do not fall directly out of the need to render multiple exercises of free agency compatible—*e.g.* duties to future generations); and it guides collective deliberation by citizens about which larger social goals to pursue among the many that are consistent with the principles of right.

The duties that are directly dictated by the moral end fall into two general classes. Duties in the first class have the same rationale as duties of right: the protection and promotion of individual agency *qua* individual, in the preservation of each individual's sphere of unimpeded causal interaction with the surrounding world. These impose patient-centered restrictions on the fulfillment of duties in the second class, which concern the direct promotion of the end of material independence of nature. It is on this final component of the moral end that I will focus in what follows—not because it exhausts Fichte's conception of the moral end, but because it is the component most in need of explication and defense, because its treatment in the interpretive literature has been wholly inadequate, and because much of what is interesting about Fichte's ethics depends on it.

Applied as a criterion for guiding action, material independence so construed can do a lot of work.⁴⁶ Fichte's own application of it in the *System of Ethics* renders accounts of some moral duties that seem superior to Kant's own even from a Kantian perspective.⁴⁷ So if this aspect of Fichte's

⁴⁶ For an example of how, we can turn to Sen, whose capabilities approach seems to me the contemporary theory closest to Fichte's (*cf.* A. Sen 1979, 1985, and 1999 ch. 1–4). It is, like Fichte's, a form of consequentialism that places rights, freedoms and agency (as opposed to pleasant subjective experience or the satisfaction of desire) at the basis of moral duties. Also like Fichte, Sen himself does not see the theoretical importance of a fixed list of capabilities rooted in some conception of human nature (*cf. e.g.* A. Sen 2005; note the contrast with Nussbaum's Aristotelian capabilities approach in M. Nussbaum 1992, 2011).

⁴⁷ Most striking are duties of mutual aid and self-improvement. Fichte treats both as duties to promote agents' material self-sufficiency (their capacity to pursue ends in general); the only difference lies in whose capabilities are being promoted: those of others, or those of the agent himself. That means, first, that Fichte's account of duties of self-improvement is more straightforward than Kant's own, which has well-known difficulties. (One's own perfection cannot be assumed to be an end any individual inevitably has, else it would be ruled out as a duty by the same argument used to rule out the end of one's own happiness at 6: 385–6; yet if it is only an end nature has for humans as a species (which is the view Kant seems to advance in the history essays—*cf. e.g.* 8: 18–22 and 8: 115–121) then no contradiction in willing can be derived from its generalized rejection; and there appears to be no third option.) It also means, second, that for Fichte duties of beneficence concern others' capabilities directly and their happiness only if they choose to use their capabilities to pursue their happiness; whereas for Kant they

theory could be given a plausible defense, that would be a desirable result. The justificatory task is narrower than it might seem, since part of the motivation for this component of Fichte's theory comes from two observations that seem to me uncontroversial. The first (nowhere explicitly articulated) is that it is impossible to set any end sincerely while remaining entirely indifferent to the possibility of achieving it. The second (first articulated in the *Foundations*) is that empirical awareness of one's own causal efficacy is required for being an end-setter to begin with. I take it that further defense is required only of the part of Fichte's conception of the moral end that does not follow from those uncontroversial observations alone: his claim that there is a moral (and not merely a prudential) imperative to make technological and social progress with the aim of broadening the scope of possible rational plans of action.

I cannot offer a defense of that claim that will appeal to everyone, since some commitments about the nature of value or obligation will rule out Fichte's approach from the outset. For example, if one believed the only thing of value to be individual utility, it would follow that independence in Fichte's sense could have at most instrumental value, and it could have that only insofar as it could be shown to in fact further individual utility—and there appear to be limits on the extent to which it can do so.⁴⁸ But Fichte's claim is that progress toward greater independence is *itself* a constitutive end of rational agency, not merely a means to the end of human happiness or wellbeing.⁴⁹ My aim in what follows is therefore more limited: to provide a defense that could appeal to those already sympathetic to the basic Kantian presuppositions laid out in the first paragraph of this paper. But

concern others' happiness directly and their capabilities only insofar as these are required to pursue happiness. Some contemporary Kantians are already closer to Fichte's picture here, justifying the duty to promote happiness as an indirect way of supporting the development and exercise of others' agency. Herman's account of duties of beneficence tries, it seems to me, to extract something like the Fichtean view from the Kantian texts. She argues that we are to attend to the well-being of others 'because and insofar as it is in and through the pursuit of happiness that persons create and sustain themselves as agents ... agency-related needs are the object of aid...' (B. Herman 2007 p. 228); 'it is by means of our effect on the happiness of others that we tend to affect their rational condition and abilities' (B. Herman 2007 p. 267). (Cf. also B. Herman 1993 pp. 55–7.) Herman acknowledges that her account seems to depart from the Kantian letter in the merely instrumental role it gives to the end of happiness: 'It looks as though the end of correct willing and its material conditions are the only possible objects that the will gives itself' (B. Herman 2007 p. 262). Uleman's interpretation of Kant (J. Uleman 2010) is another example of the interpretive development of Kantian ideas in a Fichtean direction.

⁴⁸ Cf. e.g. G. Dworkin 1988 and J. Elster 2000.

⁴⁹ One of the striking features of the portrayal of technological progress in the *Vocation* is that the evil whose avoidance it allows is not human suffering, but human powerlessness and the fruitlessness of human efforts. The words 'happiness,' 'suffering,' and 'wellbeing' do not occur in these passages at all.

I will begin by addressing a narrower audience still: the audience of those who accept a basically Kantian account of duties of right. Committed as they are to the non-instrumental value of freedom from certain sorts of interpersonal interference, Kantians must reject the idea that independence in general can have value only insofar as it is instrumental in achieving arbitrary (morally non-obligatory) ends.

What separates the typical Kantian view from Fichte's is just a distinction between the moral status of interference on the part of other persons and interference stemming from impersonal natural forces. I will argue in the next section that this distinction is untenable in its usual Kantian form. The account of the value of interpersonal independence presupposed in Kant's *Doctrine of Right* itself relies on the value of independence *simpliciter*, in just the sense Fichte has in mind. So let me begin my defense of this part of Fichte's theory with a detour through Kant's political philosophy.

3

For Kant, the sole purpose of the relation of right is to render compatible the exercise of external freedom (freedom of action, in a sense Kant does not clearly define) on the part of multiple agents, living in a bounded space, who could in principle obstruct one another's actions. A state of right obtains when their interactions are so structured that the external freedom of each person is constrained, in accordance with a coercively enforced body of laws applying to all and specifying the permissions and obligations of each, in such a way that each person's constrained freedom is secure.⁵⁰ For Kant, the problem a state of right solves is the problem of how multiple free individuals can co-exist as (externally) free (not *e.g.* the problem of how multiple contributors to a collective endeavor can fairly divide up its products). The point of entering into relations of right is to secure the exercise of our own and others' external freedom (not *e.g.* to benefit from the improved prospects for wellbeing in the civil as opposed to the natural condition). This is a peculiar account of the social contract, quite distinct from Lockean or Hobbesian accounts.⁵¹

For Kant, membership in a state of right is a moral requirement, not solely a prudential one. The principle of right is distinct from the moral principle and not a mere application of it; but obligations of right become moral obligations for those who are members of a state of right; and there is a moral obligation to enter into an existing state of right or to institute

⁵⁰ I follow Pogge's formulation in T. Pogge 2002, and agree with his general characterization of the problem of right and the nature of the state of right.

⁵¹ Cf. T. Pogge 2002 and A. Ripstein 2009.

one if none is present.⁵² That means that external freedom itself must be an object of moral concern. If it were not, there could be no moral problem with interfering with others' exercise of it, and so no moral requirement to enter into a set of relations whose sole purpose is to minimize such mutual interference.

Fichte shares this basic approach to the philosophy of right. For him, the fundamental problem of right is that of dividing up a sphere of possible activity, in a way that allows each individual to exercise, unimpeded by others, those possibilities that are assigned to her; and while he takes the principle of right to be distinct from the moral principle, he takes participation in a community governed by the principle of right, and observance of its laws, to be morally obligatory.

So both Kant and Fichte are committed to the view that the mutual independence of agents in their external exercise of their rational agency is valuable morally, not merely as a means to their greater welfare or to some arbitrary ends they may have.

'Independence' here is to be taken in the narrow sense defined in §2: freedom from interference in carrying out one's plans by forces powerful enough that they cannot be safely ignored or unpredictable enough that they cannot be effectively planned around. Whatever else is thought to be involved in the interpersonal independence guaranteed by Kantian relations of right, freedom from such interference on the part of other agents will be part of it.⁵³ Fichte is committed to the additional claim that independence with respect to nature has the same status: that independence *simpliciter* in the external exercise of rational agency is valuable morally, and not merely as a means to greater welfare or to some arbitrary ends agents may have. Kant is usually read as having resisted this additional claim.⁵⁴ But what might distinguish independence of nature from independence of other

⁵² I agree with T. Pogge 2002 and A. Wood 2002 that the principle of right is not an application of the categorical imperative, for the reasons Wood enumerates. The *Doctrine of Right* is a part of the *Metaphysics of Morals* because the categorical imperative enjoins us to act rightfully (once we know what that amounts to, which we cannot learn from the categorical imperative alone).

⁵³ Differently put: 'external freedom,' however it is fully specified, will include independence in this narrow sense as part of its specification. This is the only sort of interference I have in mind throughout this section, and by 'independence' throughout I mean only freedom from such interference.

⁵⁴ The consensus interpretation of Kant's *Doctrine of Right* in fact has its concern with interpersonal independence exclusively. Cf. e.g. A. Ripstein 2009, J. Uleman 2004, T. Pogge 2002. Contemporary Kantians preserve the distinction between social limitations and natural ones. Rawls' distinction between natural and social primary goods, and his insistence that only the latter, but not the former, should be subject to the difference principle, is one example (J. Rawls 1999, 54, 87–9, 156, 447–8). Cf. T. Pogge 2007, 73–7 for discussion and critique of Rawls' rationale.

agents, such that the latter but not the former is something any rational agent must have as an end?

The grounds for the distinction are thought to fall out of the story that supports the moral obligation to enter into a state of right to begin with. When we ask why a Kantian agent must have a moral concern with the exercise of his and others' external freedom, Kant's answer (following Rousseau's) appeals to the value of being one's own master, subject to no one else's will.⁵⁵ What is objectionable about interpersonal dependence is that it tends to bring one person's will under the sway of another's—that it makes someone other than the agent his master. This justification is taken, by Kant's interpreters, as the basis for a distinction between social and natural limitations, because nature has no will to which anyone's might be subject.⁵⁶

It seems as though appeal to the non-existence of a will in nature is the only possible strategy for drawing a line between the moral value of independence of others and the moral value of independence of nature. But it does not succeed. The problem with it comes into view as soon as one asks how it is that subjection to unpredictable or irresistible interference by one person in another's projects might be thought to undermine the latter's self-mastery. 'Self-mastery' here cannot *mean* freedom from arbitrary interference in one's projects, for the moral importance of that was just what was supposed to be explained. The self-mastery at issue must be something of acknowledged moral significance, something like the ability to make one's own decisions, to exercise one's rational agency in a way that allows one to be fully responsible for one's actions.

But in fact there seem to be relatively few actions that can directly and literally undermine rational agency without simply destroying it, and even fewer that can bring one person's will directly and literally under the control of another's.⁵⁷ The most obvious examples are operations—like brain-washing, or the manipulations of nefarious neurosurgeons—that Kant could not possibly have had in mind. What is certain is that theft and robbery, breach of contract, most forms of assault, or the mere threat of more violent interference, cannot bring one person's will directly and literally under the control of another's. Yet virtually all of the interference with external freedom contemplated in the *Doctrine of Right* involves only the actual or threatened undermining of attempts to pursue relatively complex

⁵⁵ I. Kant 1900-, 6: 230, 237-8; J.-J. Rousseau 1966, Book II §232, 262 pp. 99, 110. Cf. F. Neuhouser 1993; A. Ripstein 2009 Ch. 2, 3.

⁵⁶ Cf. A. Ripstein 2009, J. Uleman 2004.

⁵⁷ See S. Buss 2005 for a powerful case for this general point about the limitations of the psychological concept of autonomy alone as a source of moral constraints on coercion and deception.

and sophisticated long-term projects (since the ability to pursue these is, after all, the only purpose intelligible possession serves). If we then ask how any amount of such interference could cause a Kantian agent to cease to be his own master (as opposed to persuading him to acquiesce, of his own morally free will, to others' demands) we find it difficult to supply an answer. For Kant elsewhere insists that everyone is capable, and knows himself capable, of resisting efforts to bend his will to another's, even where these efforts include the threat of immediate execution.⁵⁸

I do not want to argue that Kant's account of agency precludes an answer to this question. What I want to point out is simply that some answer is required. For if we did not care, to begin with, about our exercise of our external freedom, then other agents would not be able to undermine our self-mastery by interfering with it; and if that caring were morally optional, then participation in a state of right would be morally optional as well.⁵⁹ So while there may yet be some deep moral difference between natural limitations and limitations imposed by other agents, the appeal to the value of self-mastery cannot explain it, because that appeal itself relies on the significance, from a moral point of view, of external limitations *per se*.⁶⁰

⁵⁸ I. Kant 1900-, 5: 30.

⁵⁹ One might object, here, that Kant bases many moral duties on universal human interests that are not themselves morally required. An example is the duty of beneficence, which rests on the *de facto* universal end of one's own happiness, which end is not itself morally enjoined. That is of course correct. And were we to see duties of right that way, the situation would be no worse than it already is with some duties forbidding natural acts (like murder and assault) whose maxims involve no contradiction in conception and which are, according to one of Kant's criteria, to be counted among imperfect duties (like duties of beneficence) for that reason. (See *e.g.* B. Herman 1993 ch. 6 and C. Korsgaard 1996 ch. 3.) Kant never describes duties of right as imperfect; and it is anyway generally taken to be a problem for Kant's moral theory that the duty to refrain from assault is less strict than the duty to refrain from deception. Far from providing a solution, this reply points to a broader problem in Kant's ethical theory, of which the problem I point to then becomes an instance.

⁶⁰ More precisely: the appeal either fails, if we think, as I believe Kant thought, that moral agents need not and ought not bow to the sort of pressure other agents can exert, or it succeeds only at the cost of admitting, with Fichte, that external limitations *per se*—whatever their source—are of moral concern. Uleman and Ripstein both try to draw a principled line between limitations on freedom of action that are and are not the concern of right (in Kant's sense), and both appeal to the value of self-mastery. But even where interference by other agents is concerned, the line between rightful and unrightful intervention is difficult to draw (*cf. e.g.* J. Uleman 2004 and A. Ripstein 2009 p. 34). The problem is acknowledged as a problem by Uleman, but not by Ripstein. A deeper problem is that any such account presupposes that agents must have a moral interest in their external freedom, and Kant offers no story about why that should be the case. Pippin points this out (R. Pippin 2009). And Pogge raises the worry that, once such an interest is established, it might force revisions to Kant's conception of a state of right. He writes: 'In particular, Kant must exclude the preferability of a legal order that, though it constrains persons' external freedom more than is necessary to establish mutually secured

Fichte thought an answer to this question—the question of the connection between the end of independence and the exercise of rational agency—must lie at the foundation of any philosophy of right in a Kantian spirit; and so he tried to answer it in his *Foundations of Natural Right*.⁶¹ What he discovered was that the answer he was able to provide had consequences not only for interpersonal relations, but also for what our attitude toward nature should be—consequences he would spell out two years later in the *System of Ethics*.

We can draw at this point the following, conditional, conclusion: if self-mastery requires independence of others, it requires independence *simpliciter* and so—on the plausible assumption that nature can interfere with agents' plans in some of the same ways that other agents can—independence of nature as well. That conditional result leaves open the option of a retreat to the position that the relation of right must be either morally optional (even if prudentially rational) or else justified, like duties of beneficence, by appeal to the universality of the end of happiness. That does not appear to have been Kant's view, but it is a possibility that remains open, because showing that the preservation of agents' mutual independence has no moral value if independence in general has no moral value does not amount to showing that independence in general does have moral value. With that in mind, I turn to an examination of Fichte's positive account of the relation between rational agency and material independence.

4

We find this account in his justification for laws instituting property in the *Foundations of Natural Right*. 'Property' is a technical term for Fichte. It denotes a fixed sphere of action possibilities, under an agent's exclusive and enduring control, in which he may exercise his causal efficacy without threat of interference by other agents.⁶² The idea that agency requires

domains, enhances their external freedom on the whole by facilitating (for example, through technology) the removal of natural obstacles and threats or the creation of additional options. This difficulty does not come into view for Kant, because he does not clarify his notion of external freedom, and in particular, does not discuss what obstacles and threats are to count as reducing a person's external freedom.' (T. Pogge 2002 p. 148n31)

⁶¹ Fichte published his *Foundations of Natural Right* before Kant published his *Doctrine of Right*; so he did not see himself as responding to any limitation in Kant's own account, but instead as answering a question it seemed obvious a Kantian would have to answer.

⁶² Some conditions that we usually associate with the ownership of property in the ordinary sense—that it may be alienated when and to whom one chooses; that it may be destroyed at will by its owner; that it may be passed to heirs *via* testament—are not (or not obviously) part of Fichte's technical notion.

awareness of some determinate sphere of action possibilities occurs already in the summons argument in §3 of the *Foundations* (mentioned in §1 above); Fichte argues for the additional conditions (fixed, exclusive) in §11, on the basis of claims about the role of knowledge in practical deliberation and the role of control in securing knowledge. The central passage is this:

The person has the right to demand that, in the whole area of the world that is familiar to him, everything remain as he has come to know it, because in his efficacy he orients himself according to his knowledge, and as soon as there occurs a change in it, he will become disoriented and the course of his causality will be halted, or else [he will] see results follow that are completely different from those intended. (This is the ground of all property right. That part of the world of sense that is known to me and subordinated, even if only in thought, to my ends, is *originally*...my property. No one can influence this without obstructing the freedom of my efficacy...) ⁶³

The primary function of the social contract is to reconcile different individuals' claims to original property in this sense. But Fichte assumes that this can exist as a problem to be solved only if original property is a necessary condition of rational agency; so it is his aim here to argue that this is in fact the case. In a footnote to this passage, he gives an example:

Imagine an isolated inhabitant of a deserted island, who feeds himself by hunting in its forests. He has let the forests grow as they will; but he knows them, and knows all the amenities they offer for his hunting. One cannot move or cut the trees in his forests without rendering useless all the knowledge he has gained and robbing him of it, without checking his course in pursuing game, and so making difficult or impossible his acquisition of sustenance—and thus, without disturbing the freedom of his efficacy. ⁶⁴

What justifies a regime of property or the claim to some particular property within such a regime is not labor: the hunter 'has let the forests grow as they will.' Instead, Fichte here argues that knowledge of means at one's disposal, and so the ability to formulate plans that involve those means, typically depends on control of some part of the environment. The control must be enduring because plans stretch into the future; and it must be exclusive if it is to forestall interference on the part of other agents, who might form competing plans involving the same means. Since an agent with an interest in his capacity to set ends must have an interest in the knowledge required

⁶³ J.G. Fichte 1971, III: 116.

⁶⁴ J.G. Fichte 1971, III: 116n.

by practical reflection, he must have an interest in such control, and in rights against others' possible interference. But that is just to have an interest in property rights.⁶⁵

It is important to notice that what is at stake in 'the freedom of an agent's efficacy' is not primarily the agent's ability to carry out plans she has already formed, but instead her ability to form plans (or plans of any complexity) to begin with. The parallel discussion in the *System of Ethics* makes this more explicit.⁶⁶ There the discussion of moral duties concerning property occurs in the context of a fuller discussion of the obligation to preserve and promote others' capacities to exercise their rational agency. It is under this rubric that Fichte organizes duties of non-aggression and preservation of life, and prohibitions on attempts to move another's will through non-rational means like torture, imprisonment, and deprivation.⁶⁷ The same section includes a surprisingly detailed discussion of duties concerning others' knowledge: prohibitions on deceit and bullshit (Fichte calls it 'speaking about things whose truth I do not know'⁶⁸); positive duties to seek knowledge oneself,⁶⁹ to volunteer useful information to others,⁷⁰ and to contribute to the collective support of a class of scholars whose vocation is the pursuit, preservation and intergenerational transmission of knowledge that need not have any immediate practical use.⁷¹ The justifications Fichte offers of these various duties appeal to the role of knowledge in agents' end-setting activity.⁷² For example, in discussing the prohibition on deception Fichte argues that if one brings about an incorrect belief in someone and that person acts on that belief, what follows is chosen not by him but rather by oneself.⁷³ Here it is clear that what is undermined is not the ability of the deceived to put whatever decision he arrives at into practice—that is precisely what is typically left intact—but instead his ability to make a decision that would be his own.

⁶⁵ Notice that what is at issue is not the availability of the means themselves. An agent could have access to means without property; what she could not have is knowledge of exactly what means are available to her. She could act, but she could not plan.

⁶⁶ J.G. Fichte 1971, IV: 291–3. Fichte here refers the reader to *Foundations* §11, reiterates the argument there, and asserts the moral obligation to support regimes of property as there defined.

⁶⁷ J.G. Fichte 1971, IV: 278.

⁶⁸ J.G. Fichte 1971, IV: 283, 287.

⁶⁹ J.G. Fichte 1971, IV: 291.

⁷⁰ J.G. Fichte 1971, IV: 290–91.

⁷¹ The main discussion of this last item comes later, at J.G. Fichte 1971, IV: 344–7; but there is a reference to that discussion at 291.

⁷² J.G. Fichte 1971, IV: 282–3.

⁷³ J.G. Fichte 1971, IV: 283, 287.

So both the property discussion in §11 of the *Foundations of Natural Right* and the discussion of duties concerning property in §23 of the *System of Ethics* link the function of property to the exercise of rational agency through the medium of knowledge. In the latter text the treatment of property is part of a larger discussion of the value of knowledge and the duty to promote and disseminate it, as integral to the promotion and development of the exercise of rational agency. This verifies the reading of §11 that I have suggested; but it also expands on the point in §11 in a way that is significant for a question that I have not yet directly addressed: that of why technological progress figures so centrally in Fichte's ethical theory. Before I turn to that question, let me make two further observations about the footnote to §11.

First, it is significant, especially in light of the question raised in §3 above, that in Fichte's wooded island example a forest fire would have exactly the same effect as an axe-wielding intruder. The example involves an intruder because the specific context is property rights, which, like all *rights*, govern only interpersonal interaction.⁷⁴ What Fichte does not assume is that there is any difference in kind between human and natural interference: if other individuals are more of a threat to our plans than natural forces, that is only because they are more unpredictable.⁷⁵ The picture is the same in the *Vocation*, where as I have said Fichte follows up his discussion of natural disasters with a discussion of manmade disasters.⁷⁶ There too, these are presented as the same sort of insult to the same human capacity. Man-made disasters are more destructive than natural disasters (because intended to be destructive, and because the technological sophistication that tames nature also arms human beings against one another); but again, the difference is in degree, not kind.

Second, notice that the knowledge at issue in Fichte's wooded island example, and the kind usually facilitated by property rights, is knowledge of particular facts concerning means at an agent's disposal for carrying out whatever ends she may form. Planning is, on the whole, difficult to pull off without firmly held beliefs about things like where one's bicycle is parked; and I take it that even someone who preferred a Lockean justification of property could agree that the institution brings with it a net gain in that sort of knowledge. (Notice that a bicycle-sharing program is itself a property regime, in Fichte's sense, and that the question of what sort of property regime is best, where bicycles are concerned, would for him be settled by facts about what sort best facilitates the making of plans in which bicycles typically figure, all else being equal.)

⁷⁴ J.G. Fichte 1971, III: 55.

⁷⁵ J.G. Fichte 1971, III: 115–16.

⁷⁶ J.G. Fichte 1971, II: 269.

But there is another way in which control facilitates the knowledge required for planning: it facilitates the discovery of the empirical regularities on which all causal reasoning is based. It does so at the level of individual inquiry (insofar as the scientist, to have confidence in the outcome of her experiments, must also, *e.g.*, have confidence that her lab is not being covertly used as a performance space after she goes home in the evenings); but more importantly it does so at the collective level, where science and technology stand in a dialectical relationship. Discoveries spur technology, making it possible to answer new questions experimentally, leading to new discoveries, and so on. This dialectical interaction of scientific knowledge and technological control is not at issue in the *Foundations of Natural Right*, where the topic is the property rights of individuals against other individuals, the division of a sphere of action possibilities that is assumed fixed. But it is a prominent theme in the *System of Ethics*, where Fichte addresses the question of what the collective attitude toward non-rational nature as a whole, and toward the expansion of the sphere of possible actions, should be. There he argues for the moral importance of collective support for basic scientific research, careful to insist that not only applied sciences, but every inquiry that contributes to the understanding of anything that could affect human capabilities at any point in the future, is justified in this way. And he explicitly underlines the relation between technological progress, knowledge, and what it is possible to will.⁷⁷

In the literature on Fichte's ethics, as I have said, Fichte's idea that technological progress aimed at increased independence of nature is a necessary end of rational agency has been met with either incomprehension or disdain. (The other components of the moral end described in §2 have by contrast seemed relatively uncontroversial.) Some of the motivation for that disdain may be concern that this aspect of Fichte's theory is somehow objectionable from an environmental point of view. But there can be no genuine worry here, as becomes evident as soon as one poses clearly the question of whether, *e.g.*, global warming, pollution, deforestation or loss of species diversity actually expand human capabilities, or constitute ways in which humanity makes its projects (both those of the current, and those of all future, generations) less susceptible to derailment. Fichte need not deny that technology misused can undermine rather than advance material

⁷⁷ In a passage that appealed especially to Feuerbach, Fichte writes: 'We can actually do everything we can will: just not straight away, most of the time, but only in a certain order. (For example, people say: a human being cannot fly. But why shouldn't he be able to? It's just that he can't do it immediately, in the way that, if he is healthy, he can walk immediately. But of course he can raise himself up into the air by means of an air balloon, and move around in it with a degree of freedom and purposiveness. And what our age is yet incapable of doing, because it has not yet discovered the means required—who says that human beings in general are incapable of it? I hope that an age like ours does not take itself to be humanity in general.)' (J.G. Fichte 1971, IV: 94–5; *cf.* L. Feuerbach 1848 p. 101)

independence. Indeed he argues that it can and often does, using the example of weapons of war, in the *Vocation*.⁷⁸

The concern that is most often explicitly articulated, however, is with the idea that such control can be *itself* a necessary end—as opposed to a contingent, possibly dispensable means to the achievement of whatever other ends an agent may have.⁷⁹ But notice that Fichte need not establish that control is an end *in itself* in order to establish that it is an end partially constitutive of rational agency and a genuine and independent source of moral demands. For that it suffices to establish that rational agency that aims at its own exercise (even in purely internal deliberation) must also thereby aim at its own material independence. And it seems to me that Fichte’s argument does succeed in establishing that.

The argument (to summarize) is this:

- (1) An agent with an interest in the exercise of her capacity rationally to set ends ought (*ceteris paribus*) to have an interest in the obtaining of any conditions necessary for the exercise of that capacity.
- (2) (Relevant) knowledge is a condition necessary for the exercise of the capacity rationally to set ends.
- (3) Control of (some part of) the environment is a necessary condition of (relevant) knowledge.

Therefore,

- (4) An agent with an interest in the exercise of her capacity to set ends ought (*ceteris paribus*) to have an interest in control of (some part of) her environment.

⁷⁸ The sort of environmental-ethical ground on which one would have to stand in order to have any leverage against an attitude toward to technology like Fichte’s (which, it is worth underscoring, is very like the attitude toward to technology that we express in our everyday behavior) is very deeply unappealing. It would involve appeal either to the sacredness of nature (and so be part of a theologically-based ethics) or to the value (not to us or for us, but all on its own) of the preservation untouched of all or part of the natural world (and it is not at all clear what acceptable ethical principle could have that consequence). There are good arguments for the value of the preservation untouched of some landscapes, and of the diversity of species, among other examples, but these arguments are based on the value of those things to and for us (including, importantly, their aesthetic value, and their value to and for future generations). But Fichte can embrace such arguments. Deep ecologists and followers of the late Heidegger will still disagree; but I have become convinced that there is simply no plausible principle informing such views. Thanks to David Plunkett for much discussion of this issue. On a related point: Fichte can also take on board the objection pointing out the danger, to human autonomy, of the hegemony of instrumental reason (*cf.* M. Horkheimer and T. Adorno 2002).

⁷⁹ Neuhouser, for example, argues that what it must mean for a subject to have such independence is that the subject is able to accomplish its own purposes unhindered by natural impediments. But then those purposes, whatever they are, and not control over nature, are that subject’s final end (F. Neuhouser 1990 p. 142). Elizabeth Anderson has also pressed an objection along these lines, in conversation; and John Martin Fischer has pointed out that many ends central to human life involve, precisely, absence of control.

The argument is valid. Since by ‘the exercise of her capacity rationally to set ends’ Fichte means only the exercise of the internal, psychological capacity described in §1 above (the exercise of formal freedom in the formulation of rational *plans* of action), and since control of the environment is not assumed to be itself a part of this capacity, the argument is non-question-begging. Moreover, the premises seem true. I take it that (1) is the least controversial. (I do not propose to defend it, since I doubt I could come up with anything to say in its defense that would be more plausible than (1) itself.) In §1 above I discussed Fichte’s claim that empirical knowledge is required for the exercise of the practical reflection that is part of rational agency (*i.e.*, premise (2)). This seems to me similarly unproblematic. Lack of knowledge in a particular sphere leaves reflection with nothing on which to operate, and thus limits the rational ends that can be set in that sphere. And as I have just argued, there are two intuitively distinct kinds of empirical knowledge about which premise (3) is uncontroversially true, and both of them figure in practical deliberation: knowledge of particular facts, and general causal knowledge. Control is required for possession of both sorts of knowledge, in the ways I have described.

As I have said, this argument does not support the conclusion that progress toward independence in the sense defined in §2 is, all on its own, an end in itself. But I take it the same could be said about the elimination of all action on maxims unsuitable for universal legislation in a kingdom of ends. These ends are valuable only when they are the ends of rational agents acting conscientiously; on that Kant and Fichte agree. The argument does, however, support the conclusion that independence is valuable not merely as a means to the achievement of some particular, arbitrary ends (but not others), nor merely as a means to some privileged but non-obligatory end like happiness or wellbeing. Although it is not, all on its own, an end in itself, material independence is nevertheless an obligatory end, its pursuit a categorical imperative.⁸⁰

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To summarize, then, what I hope to have explained (and to have made at least minimally plausible): Fichte’s claim is that the control component of self-sufficiency (problematized at the end of §2) is a constitutive end of rational agency because knowledge is a condition of possibility of end-setting, and control is a condition of possibility of knowledge (§4), and this interest in control extends beyond the ordering of interpersonal interaction to encompass interaction with the natural world (§3).

Fichte’s claim that self-sufficiency (now in the broad sense that includes all of the components of the moral end outlined in §2) is our ‘absolute final’ end

⁸⁰ J.G. Fichte 1971, IV: 10, 54, 153, 155, 191.

appears stronger, but in fact is not. It simply amounts to the claim that, beyond the perfection of the exercise of rational agency and the expansion of its scope, there is no further end that a rational agent must, *qua* rational agent, have. He does not offer any arguments in support of that, and may simply mean to fall back on Kant's arguments against the other material principles of ethics on offer—the principle of happiness, the theological and ontological principles of perfection—all of which (he can say with Kant) presuppose the heteronomy of the will. Of course those arguments have not been universally convincing, and I do not see in Fichte anything with which to supplement them; but that on its own should not undermine the claim's appeal from a Kantian perspective. The strongest Kantian objection to the view as I have presented it would instead come from Kant's argument that *all* material principles presuppose heteronomy and that an autonomous ethical principle must be purely formal. A full answer to this objection would rely on an account of why autonomy might be thought to require formal principles, and is beyond the scope of this paper, but I believe that such an answer can be given.⁸¹

I recognize that there is much else to object to in what I have said here, and that much remains unclarified. In fact Fichte does not unam-

⁸¹ Of the moral principles described as 'principles of heteronomy' at 4:441–45, only the principle of happiness appears to be targeted by Kant's argument against material principles at 5:22–26. In that argument Kant takes a 'material principle' to be a principle that *both* has as its content some end to be brought about, *and* has as its determining ground some desire (typically, the desire that the end be brought about) that has its source in sensibility. But not all principles that have the first characteristic also have the second (*cf.* D. Cummiskey 1996 ch. 3); and this argument seems not to touch the two principles of perfection mentioned in the *Groundwork* passage. In fact the ontological principle of perfection is dismissed (at 4:443) on grounds of *emptiness* in the *Groundwork*, and Kant does not explain why it should be thought a principle of heteronomy. One conjectures that it would be heteronomous in virtue of being based on a conception of human nature as something given. Kant's emphasis on its emptiness would reflect his conviction that there is no conception of human nature sufficiently contentful to be used as a foundation for morality, which in turn is based on his view that it is the nature of rational beings to make themselves what they are over history ('everything that goes beyond the mechanical arrangement of his animal existence the human being produces entirely out of himself' (I. Kant 1900- 8:19)). But notice that Fichte agrees with Kant that human nature is very much a product of human creativity; and his material principle is not based on an antecedently given conception of human nature in anything like the way an ontological principle of perfection would be (assuming the conjecture is right). Instead it is based on an idea (in the Kantian sense of 'idea') of self-sufficiency that is the product of practical reason (practical reason's idea of its own independence from everything that is not practical reason). It is not clear why such a principle could not be a principle of autonomy. In fact, although it falls afoul of the criterion for formality articulated at 5:22–26 by prescribing an end, if we follow interpreters like Reath in thinking that 'a formal principle for Kant is a principle that is constitutive of some domain of cognition or rational activity ... a principle that both constitutively guides that activity and serves as its internal regulative norm' (A. Reath 2013), then we can take Fichte's principle to be formal *while* being end-based. This seems to be what Fichte himself has in mind when he contrasts his system of ethics with 'material' systems (at J.G. Fichte 1971, IV: 174). And since it is only in this wider sense of 'formal' that it seems possibly true that only formal princi-

biguously answer many of the questions that spring immediately to the mind of the contemporary reader. He does not tell us, in any systematic way, how the imperatives of protecting individuality and expanding material self-sufficiency are to be balanced against one another, or against non-political associative duties, in practical deliberation.⁸² He has no clear position on aggregation. Nor does he tell us how, exactly, we are supposed to get from judgments about outcomes to judgments about actions.

But the texts do support univocal answers to some important questions; and they make it clear that two of the main sources of discontent with consequentialist ethical theories would at the very least take less acute forms in the face of Fichte's. First, on Fichte's account any community of right would be very strongly egalitarian,⁸³ and the distribution of capabilities and opportunities amongst individuals would be determined, in very large part, by the laws. So the aggregation question would arise only in a constrained area against a background of broad material equality; and that means that any answer to it an interpreter could plausibly offer on Fichte's behalf would likely survive objections from an egalitarian direction. Second, the

ples can be principles of autonomy, it is far from clear that there is a Kantian objection to be made here.

⁸² There are some clear priority relations between duties. For example, there is a clear priority relation between self-regarding duties concerning deliberative integrity and those concerning external freedoms. (It would make no sense to sacrifice my deliberative capacities in order to expand my causal powers—powers to carry out plans I would no longer be in a position to form.) And the (apparently lexical) priority of political duties settles some *prima facie* conflicts. (Where an action is forbidden by a rightful and coercively enforced law, its contribution to, say, the advancement of science becomes deliberatively irrelevant.) But of course there are cases of genuine conflicts. (For example, where a violation of the deliberative integrity of one could save many lives or facilitate some important scientific breakthrough, it may be justified on this picture.) Fichte's optimism leads him to minimize the significance of these conflicts. Those he discusses involve thwarting another agent's evil intention by interfering with that agent's physical or deliberative integrity (and in this case he argues that the former is preferable to the latter). But given his account of the content of these duties, it seems hard to rule out the possibility of such conflicts even in a community of the good-willed.

⁸³ It is interesting to see why this is. For both Kant and Fichte a system of right is a distribution system for freedom and constraint, and they treat property relations as one way among others of distributing freedom amongst agents. Fichte was a quite radical egalitarian, and he thought that no property regime could be rightful in which some individuals could not support themselves from their property. Kant, by contrast, thought such a situation no obstacle to a state of right. Part of the explanation for this difference is that Kant thought of property relations as part of a system for distributing freedom from interpersonal interference only; whereas Fichte thought of them as part of a system for distributing freedom from interference (that is, opportunities for action) full-stop. Of course one might think that even construed as Kant construes them, property relations should come with a stronger presumption in favor of equality. Cf. G.A. Cohen 2011a and 2011b for an argument to this effect.

central place of deliberation in his moral philosophy, and the central role he gives to individuality and its protection in his doctrine of right, give Fichte the materials for a fairly robust account of patient-centered constraints.

But it is clear that Fichte does take on some of what have traditionally been seen as the costs of consequentialist ethical theories. He sees the moral end as the source of reasons that are agent-neutral at the ground level (sees all agent-relative reasons as being derivative); and he admits that where it figures directly in practical deliberation, it does so in a way that tends to erase distinctions between persons. This is true from the perspective of both agent and patient. So, first, although his theory can justify fairly robust protections for individuals, it cannot justify the non-minimizing agent-centered restrictions deontologists typically support. Whether he realizes the extent of his departure from Kant on this issue is not entirely clear. He does attempt to defend the Kantian prohibition on lying (albeit with a weak argument that looks, in fact, consequentialist in form⁸⁴); but he also argues that what should matter to a moral agent is that moral progress be made, and that it is of no special importance that the agent of that progress be oneself rather than someone else.⁸⁵ That sentiment is of course at odds with the sentiment behind agent-centered restrictions. A second consequence of Fichte's theory is that it cannot justify a general moral right to resist large sacrifices that would confer greater benefits on others. He is well aware of this consequence, and in fact argues that morality requires treating one's own good and that of others as strictly on a par, and even that one should regard oneself as having no moral claim on resources beyond what one needs in order to function as an effective agent of the moral end.⁸⁶

⁸⁴ J.G. Fichte 1971, IV: 282–291.

⁸⁵ J.G. Fichte 1971, IV: 232.

⁸⁶ He at several points claims that one should forget one's own interests entirely in one's pursuit of the moral end (*e.g.* at J.G. Fichte 1971, IV: 255, 259ff, 265, 269); and justifies the duty of self-preservation instrumentally (one must continue to exist in order to continue to pursue the moral end; and the moral task is never finished (J.G. Fichte 1971, IV: 261, 269)). But for the most part he advocates treating one's own good strictly on a par with the good of others. He argues, for instance, that the preservation of others' lives should be as close to one's heart as one's own, since from the point of view of morality all lives are of equal worth (J.G. Fichte 1971, IV: 279, 282). He concludes that there is no right to abstain from risky rescues: one should put one's own life at risk to save others at risk whom one encounters (J.G. Fichte 1971, IV: 281). One should act in defense of another's life or freedom just as one would act in self-defense (J.G. Fichte 1971, IV: 300). It is likewise a duty to protect others' property from attack just as one would one's own (J.G. Fichte 1971, IV: 298). And if some lack property adequate to support themselves, duty is not limited to giving them what one cannot oneself use, but demands hard work, thrift and limitation of one's own consumption in order to help them in a private

In his own day, his ethical theory was most notorious for its demandingness.⁸⁷

These will seem, to some Kantians, to be unacceptable costs of Fichte's approach. I do not agree, but that is because I do not see any specifically Kantian arguments for the non-minimizing agent-centered restrictions that consequentialists cannot accommodate, nor any convincing, specifically Kantian response to the demandingness worry.⁸⁸

There is, though, one cost of Fichte's approach that seems to me real. We see it as soon as we set Fichte's admission that formal freedom comes in degrees that vary with an agent's social situation alongside his Kantian view that rational agency is that in virtue of which human beings have a dignity that is beyond price. The fundamental Kantian equality of moral agents as such is linked to the characteristic Kantian claim that the complete absence of power to accomplish anything it sets out to do subtracts nothing from the value of the good will.⁸⁹ Fichte must give up that characteristic claim if he is to defend, in the way he does, both the importance of material independence as a moral ideal, and the importance of material equality in

capacity, and political activism toward the end of inhabiting a state that eradicates this sort of inequality (J.G. Fichte 1971, IV: 297).

⁸⁷ See M. Kosch forthcoming for a discussion of this literature.

⁸⁸ I understand that this is a minority position. But it seems to me that a Kantian's main complaint with utilitarianism should be not with its consequentialism but with its welfarism. (By 'welfarism' I mean the view that the goodness of a state of affairs depends ultimately on (something about) the set of individual utilities in that state (e.g. what the sum of them is, what that of the median person is, what that of the worst-off person is, etc.) and where an individual's 'utility' is that individual's well-being on his own conception of well-being (whether this is cashed out in terms of subjective states or desire-satisfaction)—*cf.* A. Sen 1979.) The Kantian thought that normative principles can be justified only by being shown to be constitutive of free rational agency does not preclude a normative principle that is consequentialist in form (on which, that is, one ought to promote certain ends, and there are no basic agent-centered constraints on the promotion of those ends, nor any basic priority of negative over positive duties). The same is true of Kantian internalism. Cummiskey has argued at length for these points (*cf.* D. Cummiskey 1996 Ch. 1–2). Fichte's theory is an object lesson in their plausibility. Non-minimizing agent-centered restrictions cannot be justified by the Kantian injunction not to treat people as mere means to arbitrary ends, for there is no reason for people (*qua* patients) to prefer unjustified to justified (otherwise equivalent) harms, and 'no reason to suppose that public adoption of a non-minimizing-restriction rule confers more inviolability on human beings, as a class, than would the adoption of certain minimizing-violation-permitting rules' (J. Brand-Ballard 2004). Nor does it seem that agent-centered restrictions can be justified 'from the inside-out' (*cf.* S. Darwall 1986) on Kantian grounds in a way that is not question-begging: it is plausible to think that one's own moral integrity is harmed by the violation of such restrictions only if one assumes that morality includes them; but that was the point to be proven. On Kantian solutions to the demandingness worry, see D. Cummiskey 1996 Ch. 6, 8.

⁸⁹ I. Kant 1900- 4: 394.

political philosophy.⁹⁰ So the very move that allows Fichte to derive the moral importance of external limitations from the dependence of formal freedom on environmental factors requires giving up the fundamental Kantian equality of moral agents as such. Here it is less obvious that Fichte's view is truer to the spirit of Kantian moral philosophy than the Kantian letter. But even here, it seems to me, looking at Kantian ethics through a Fichtean lens can help us to sort out what the different components of the spirit of Kantian ethics in fact are, and may result in some surprises.⁹¹

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⁹⁰ Kant can mount at most a weak defense of egalitarian institutions (cf. T. Pogge 2002 153ff.). Fichte has a stronger basis than Kant on which to argue that some measure of socio-economic equality is a requirement of right (cf. A. Wood 2008, ch. 11). But that basis comes with this cost, which to some might seem too high (cf. S. Shell 1986 p. 156).

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