

Gabriel Gottlieb, ed. *Fichte's Foundations of Natural Right: A Critical Guide*. Cambridge University Press 2016. 288 pp. \$99.99 USD (Hardcover ISBN 9781107078147).

In this inspired collection of twelve essays, a group of top-notch researchers bring analytical rigor to bear on the *Foundations of Natural Right*, the principal treatise on political and legal philosophy published by Fichte during his Jena period. As editor Gabriel Gottlieb makes clear, the volume is not, as one might surmise from the subtitle, 'an introduction for first time readers,' but aims instead to chart 'new lines of interpretation, analyzing carefully Fichte's arguments and central concepts, and thoughtfully engaging the developing scholarship' (5).

The anthology is outstanding in four respects. First, while many past commentators have offered what Gottlieb calls 'transitional readings' of the text, that is, as a stage in the path of historical development from Kant to Hegel, the contributors to this volume seek to consider Fichte's views in their own terms instead. Second, on account of the contributors' strong analytical background and training, the volume has an unprecedented vitality and inventiveness that are distinctive of Anglo-American scholarship. Third, the contributors are on the whole more interested in the first half of the text than the second. This is not surprising given that the ideas advanced in the first half (e.g., recognition, the summons) are more philosophically daring and consequential. But it is also ironic given Johann B. Erhard's dismissal of the part of the text as 'total raving' (10). Fourth, the volume should still be of interest not only to philosophers but also to political and social theorists, if only because, as Gottlieb does not fail to note, the *Natural Right* is the ultimate source of an intersubjectivist tradition in political and social theory which came to be immensely influential through Hegel's *Phenomenology of Spirit* and *Philosophy of Right* (3-4). By all accounts, the volume is required reading for all advanced students of Fichte's political and legal philosophy.

Although the chapters are not grouped under sub-headings, they can in fairness be discussed under three groups. First, there are those essays that consider the import of the separation of right from morality that is definitive of Fichte's approach to natural right in the text. I take the essays of Angelica Nuzzo, Frederick Neuhouser, James Clarke, and David James to belong to this group. Second, there are those essays that offer unique insights and interpretations of a cluster of concepts and themes for which the *Natural Right* is renowned, namely, recognition, the summons, education, other rational beings, and the body. This group includes Allen Wood's reconstruction of the deduction of other rational beings, Paul Franks' excavation of a possible source of inspiration for Fichte's conception of the summons, Gottlieb's elucidation of the difference between the self-positing of the pure I and the upbringing of the individual I, and John Russon's investigation of the various mediating functions of the body. Third, there are those chapters that focus on the more conventional areas of political and legal philosophy, such as property, coercion, the social contract and human rights. This group includes Wayne Martin's analysis of the deduction of property, Michael Nance's reply on Fichte's behalf to the Hegelian objection that the stipulation of coercive laws does not square with the deduction of the relation of right in terms of free reciprocal interactions, Dean Moyar's nuanced treatment of Fichte's relationship with the social contract tradition, and Jean-Christophe Merle's consideration of his position on human rights. I will discuss a couple of essays from each of these groups.

In her essay, Nuzzo compares the systematic place and function of right in Kant's metaphysics of morals and Fichte's *Wissenschaftslehre*, a task complicated by the fact that the latter was in transition from the 1794-95 *Foundations of the Entire Wissenschaftslehre* to the 1798-99 *Wissenschaftslehre nova methodo*. Nuzzo stresses that while Kant's Doctrine of Right is part of a pure practical philosophy that is 'independent of all psychological and anthropological considerations,' the practical part of the foundational portion of Fichte's first Jena *Wissenschaftslehre* already 'covers a

broad range of psychological functions that determine subjectivity in its individuality' (13). The theory of right which belongs to the science of the practical as its real, concrete part develops this incipient 'transcendental anthropology' even more comprehensively, showing how the very possibility of self-consciousness is dependent on 'its *individuality*' and a '*plurality* set in a net of reciprocal relations' (17). Neuhausser presents a revised version of an earlier essay of his on the separation of right from morality that is so definitive of the theory of right of Fichte's Jena period. As he sees it, the significance of the signature move is to be sought in a 'realization of the impossibility of understanding the rational significance of the sphere of right ... solely in terms of its relation to moral autonomy' (32). Ultimately, it stems from a new-found appreciation of *personhood* as 'an end in itself, valuable independently of its relation to morality' (50). For, as Neuhausser goes to some length to show, the relation of right is legitimized for Fichte as a safeguard for the efficacy of the '*arbitrary*' (39) choice of ends on my part that is constitutive of my determinacy as a person.

Arguably, the most ambitious and exciting essay in the collection is Franks' attempt to explain the genesis of Fichte's concept of the summons in terms of the logic of the kabbalistic concept of *zimzum* (contraction). Franks does not claim that Fichte has any first-hand knowledge of the kabbala, but relies on Jacobi's popular account of Lessing's putative Spinozism as a link. On the account, Lessing saw Spinoza's *ein sof* as the Godself of the kabbalah. According to Jewish tradition, divine self-limitation is a precondition for divine creation (and what is the same, revelation). Such a communicative act 'initiates an activity whose end is reciprocal recognition' (110). Similarly, the Fichtean summons can be seen, Franks suggests, as 'a self-restraint of infinite force' (112) that aims at the reciprocal recognition of the two parties. When Fichte sought an alliance with the realism of Jacobi's bent, he sought to overcome a nihilism that threatens not only the existence of mind-independent objects, but also that of the I by denying that it stands in any second-person relation to a You. The deduction of the summons allows him to overcome a nihilism of the latter sort. Russon provides an illuminating account of the body as a condition both for the I's experience of itself as an I and for the experience of a summons. Especially interesting is his contention that the body has to '[function] as the medium of the communication of our intentions,' i.e., 'as language' (155), in order for property relations to be possible. Property itself is based on mutual recognition, and mutual recognition is impossible unless *every* bodily interaction between free beings takes the form of communication (153-54).

In his turn, Martin directs attention to the significance of Section 11 of the *Natural Right* in laying the foundation for Fichte's subsequent treatment of private property (*Eigentum*) in Section 18-19 by providing what he (Martin) calls a 'transcendental deduction' of it. Martin cautions that what Fichte means by *Eigentum* need not be what we ordinarily understand by 'private property' – privately as opposed to publicly owned articles – since the term *Privateigentum* was already in use during his time. The deduction merely establishes our right to apply the highly abstract '*unschematized category*' of 'a "sphere of efficacy" where [we] can get to work, making changes in accord with [our] judgment' (173), without providing us with the schema for which to do so. To this extent, it leaves open the possibility of the legitimacy of what we ordinarily understand by public property—so long as it is so structured as to allow for 'individual fair possession sufficiently robust to sustain both an opportunity for individual work (in Fichte's sense) and the recognition and attribution of its products' (175). Moyer utilizes Fichte's account of 'the unification contract' to bring out what he saw as the inherent tensions and instability of what he calls 'holistic contractualism.' First of all, he distinguishes the standard atomistic contractualism of the likes of Hobbes and Locke from the more peculiar holistic contractualism of the likes of Rousseau. What is characteristic of Fichte's unification contract is that it begins on an atomistic foothold (by each individual giving his voluntary consent to its terms), but quickly gets transformed into a holistic union (with each

individual committing himself to the good of the whole). In this way, it embodies the dilemma faced by every holist who wants to remain a contractualist.

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