

David James

Fichte's Social and Political Philosophy: Property and Virtue.

Cambridge: Cambridge University Press 2011.

234 pages

US\$80.00 (cloth ISBN 978-1-107-00155-8)

James' thoughtful and well-researched book offers a unified approach to such diverse and seemingly unrelated political writings of Fichte as the 1796-1797 *Foundations of Natural Right* (*FNR*), the much neglected 1800 *The Closed Commercial State* (*CCS*) and the 1808 *Addresses to the German Nation* (*AGN*). James seeks primarily to challenge Neuhausser's interpretation of Fichte as a liberal political thinker, by arguing that Fichte advocates the state's extensive redistribution of goods and lands based on the subordination of the right to good and land ownership to the right to live from one's labor. In doing so, James provides a viable alternative to the dry and highly technical treatment of Fichte's transcendental deductions which one typically finds in the literature. He also shows that Fichte is far from spinning '*a priori* state and legal systems out of his own head' (5), but has a genuine appreciation of *Realpolitik*. Most importantly, James brings out the relevance and potential challenges of Fichte's political philosophy for current political and economic thinking.

In Chapter 1, James argues for an anti-liberal interpretation of Fichte's theory of right and state in the *FNR* by showing that Fichte's concept of property (which, by the modern natural law tradition, is supposed to be the state's business to protect) is not only broader than the modern day liberal conception of it, but also carries thoroughly anti-liberal implications. By the modern day liberal conception, property designates some good or land which one has the right to dispose of as one pleases and from the use of which one has the right to exclude others. Fichte's discussion of right and property in the first part of the *FNR* naturally lends itself to this interpretation, because he characterizes right in terms of one's obligation to recognize another's 'sphere of freedom', and property as based on one's consent not to infringe on another's sphere. However, James thinks that this assumption is unwarranted, given what Fichte subsequently says in his discussion of the civil contract in the second part of the *FNR*. Fichte characterizes the object of property contract as 'a particular activity', property 'in the broadest sense of the word' as 'a person's rights to free action in the sensible world in general,' and the 'first and original' form of property as 'an exclusive right to a determinate free activity' (34-5). From Fichte's denunciation of the nobles' accumulation of land, James argues that his former talk of 'sphere of freedom' should be taken metaphorically, and that he regards the right to live from one's labor as more fundamental than the right to any good or land ownership. In this way, an unlimited accumulation of goods and lands amounts to a violation of right when it deprives someone of the means to work for his living, and the state is warranted in redistributing goods and lands to ensure that everyone has the means

to work for a living.

Though James definitely succeeds in showing that the political and social order which Fichte advocates ‘is very different in kind to a liberal one in any meaningful sense of the word’ (7), it might still help to approach Fichte’s political thought ‘in terms of some of the central tenets of modern day liberalism’ (6). After all, as James recognizes, Fichte’s most basic intention is to secure an individual’s ‘free agency in the sensible world’ (43), and even the most fundamental right to live from one’s labor is justified as a means to it.

In Chapters 2 and 3, James turns to Fichte’s attempt to work out the political and economic implications of his theory of property for ‘actual existing states’ in the *CCS*. The second chapter connects various facets of Fichte’s theory of state with the socialist ideas of the contemporary French radical Gracchus Babeuf. Before doing so, James provides an extensive discussion of the difference between the theory of property of the 1793 *Contribution towards Correcting the Public’s Judgment of the French Revolution* and that of the *FNR*. Contrary to popular perception, there is nothing in the *Contribution* that links Fichte with the radical phase of the French Revolution. Rather, it is in the theory of state of the *FNR* where radical ideas are endorsed. But instead of accounting for the shift in Fichte’s views in terms of his response to different phases of the revolution, James argues that it results from ‘a process of internal development’ (59). The goal of the earlier and later theories is the same; the earlier theory’s failure to realize the goal leads Fichte to develop the later theory. For example, Fichte argues against state ownership of land in the *Contribution*, not because he thinks that the right to land ownership is fundamental, but because he believes that in a free market, a feudal lord’s land will in time be more equitably distributed among several people. He then revises his views when he sees that a free market does not ensure such a distribution. The last section of the chapter qualifies Fichte’s Babouvism by introducing the traditionalism characteristic of his account of the ethical community in the 1798 *System of Ethics* (*SE*).

Chapter 3 considers Fichte’s response to Kant’s views on the rights of nations, cosmopolitan right and global peace expressed in *Perpetual Peace*. According to James, Fichte largely adopts Kant’s views in the *FNR*, but comes to identify a crucial difficulty that leads him to a radical rejection of Kant’s cosmopolitanism in the *CCS*—namely, the possibility of indirect coercion based on one-sided economic dependence. Kant endorses international commercial relations as long as they obtain between mutually consenting parties. However, when one party is economically dependent on the other, it is not clear that the disadvantaged party enters into the relation voluntarily. Since there are no state and common laws to regulate these relations, contingent threats to a state’s regulations can be forestalled only by cutting off its nation’s trade and commercial ties with other nations. James argues from the fact that Kant makes the political right to vote conditional on economic independence that Kant is not oblivious to one-sided economic dependence. Rather, it is precisely his ‘uncritical acceptance’ of it that leads him to downplay the

practical problems it poses and prevents him from exploring solutions to them.

In the last two chapters, James examines the complex shifting relations of morality to right in Fichte's political thought. Chapter 4 begins with a recapitulation of Fichte's familiar separation of right from morality in the *FNR*: the sphere of right secures the formal freedom of individuals' agency in the sensible world based on sheer self-interest, whereas the sphere of morality demands individuals' moral autonomy based on a sense of duty. Despite their fundamental difference, by a careful consideration of Fichte's account of the ethical community in the *SE*, James argues that right and morality stand in reciprocal relations. Fichte claims in the *SE* that the 'end of reason' requires that society be organized into professional estates with each individual contributing to its realization through performing the duties belonging to his estate. The relation of right is a means for morality, because the organization of society into professional estates presupposes it. On the other hand, James devotes much space to showing that morality is a means to right. First of all, he detects a social form of virtue, which he compares at great length with Hegel's concept of rectitude, in Fichte's discussion of one's professional duties. He then identifies yet another 'heightened form' of social virtue in Fichte's account of the ephorate and the state official, comparing it this time with Robespierre's *vertu publique*.

James stresses that the dependence of right on morality is contingent, that 'it is conceivable that a given state, in which relation of right existed between human beings, could sustain itself even though it is based entirely on self-interest...' (157). But it is unclear how he can also maintain that 'some individuals at least will need to possess the type of virtue which Robespierre has in mind if condition of right is to be sustained and even if such a condition is to be introduced in the first place' (146-7).

Having demonstrated the political relevance of morality for Fichte, James goes on in the fifth chapter to trace what he calls the 'complete moralization of politics' in the *AGN*. James approaches the *AGN* as an attempt on Fichte's part to live out the ideal of the scholar as he casts it in the 1794 lectures published under the title of *Lectures on the Vocation of the Scholar (LVS)*. According to James, the German national education Fichte promotes in the *AGN* marks a radical departure from the Jena theory of right, because it undermines formal freedom in its aim to bring up individuals who will not fail to do what morality demands. From the perils of the moralization of politics (as illustrated by Robespierre's subscription to state-sponsored terrorism), James concludes that Fichte's Jena theory of right and state should be preferred over his attempt at a moral renewal of the German people. Sandwiched between James' discussion of the *LVS* and the German national education is also a highly original and interesting defense of Fichte's blatant misuse of history in the *AGN* to support his thesis of the originality of the German language along Nietzschean lines.

KienHow Goh

Independent Scholar