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Laura Eakes April 18, 2012

J.G. Fichte: Individual Liberty, Distributive Justice, and the Tensions of Civil Society

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Abstract

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Over the past two centuries, Fichte's name and philosophy have been appropriated as justification for the installation of a variety of antithetical political regimes. In his early years, he was portrayed as a German Jacobin and radical individualist for proclaiming the individual will as the ultimate arbiter of political activity. Yet, a little less than a decade later, he published a work of political economy advocating for a large state structure and various social entitlements. Some scholars have viewed this as proof of his inconsistency or as a manifestation of his general incomprehensibility; however, I contend that it is possible to see his internal coherence when viewed through the lens of property and individual liberty. What follows is an explication of Fichte's theory of property, which illustrates his consistency through his determination to provide the individual with a sphere of autonomy. Additionally, an analysis of Fichte's theory of property allows for comparisons to be made between liberal and socialist notions of rights to property, both of which have been mistakenly attributed to Fichte. In his attempt to secure distributive justice and a measure of individual liberty for all, Fichte constructed a largely self-sufficient national economy. While his closed commercial state has come under harsh criticism for its impracticality, it does bring up issues about property relations and the impact of global trade that still hold relevance today.

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Introduction

> *But they do not attach a definite and scientific meaning to the word. If all the circumstances in which they use this expression were brought together it might perhaps be possible to say what particular sense they annex to it; and it is quite possible that, in this sense, I may be a very decided democrat;--it is at least so far certain, that I would rather not be at all, than be the subject of caprice and not of law.*[1]

Misunderstood in his own time and through subsequent interpretations of his philosophical work, Johann Gottlieb Fichte has proven an enigma to scholars. Every manner of criticism has been leveled against him, and still historians and philosophers alike return to him for his seminal work on freedom and intersubjectivity. As indicated in the quotation above, Fichte has been derided through the attachment of his name to any number of political ideologies. In order to simplify Fichte for public consumption, labels have been erroneously affixed to aspects of his work. In this example, Fichte is responding to the attachment of his name to the principles of democracy. In the decades surrounding the French Revolution, this was a rather dangerous assessment of his views, and such nefarious appraisals have been continually leveled in successive waves of scholarship. Fichte's indignation stemmed not from the label itself—even though being a democrat was a much more radical position in the 1790's than it is today—rather, his frustration was in response to the inherent hollowness of the term. He said that potentially he was a democrat, but it would be much more useful to explain in what sense the term was applicable to his work. "And so I am a democrat! —And what *is* a democrat? …Am I a democrat in the foregoing sense of that word? They may

[1] William Smith, The *Popular Works of Johann Gottlieb Fichte* (Edinburgh: Robert Hardie and

indeed have neither heard nor read anything about me, since they settled this idea in their minds and wrote "democrat" over my head in their imaginations."[2] And so Fichte's legacy has not been much different than the reputation he experienced during his lifetime.

Fichte's name has been evoked and appropriated as justification for the installation of a variety of antithetical political regimes. Myriad attempts to overcome Fichte's complexity have generalized confusion for successive generations. Recently, however, there have been moves towards reclamation of Fichte's reputation and I intend to work in concert with these scholars who aim to understand Fichte and the implications of his philosophy for the modern day. In what follows, I reevaluate Fichte's work concerning individual liberty through the lens of property and distributive justice. This particular strategy will help illuminate Fichte's political philosophy insofar as these ideas not only represent his most original contribution to modern philosophy, but also remained of continual concern to him. The close connection among notions of property, liberty, and the state in the liberal tradition also points to the centrality of such a focus. Therefore, I argue that a contextualized consideration into the development of Fichte's theory of property illuminates the consistency he demonstrates in his determination to provide the individual with a sphere of autonomy.

A problematic and much debated aspect of Fichte's philosophy deals with the radical transformation his work underwent in the short time span of twenty years. Often conceived as a liberal individualist in his early years, he is notorious for

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[2] Smith, *The Popular Works,* 70-71.

supposedly laying the groundwork for socialism, nationalism, and even nazism in the second decade of his renown. In his later work he advocates a state of unprecedented size and power—seemingly a far cry from his early proclamation of the individual will as the locus and final arbiter of political activity. How can these divergent viewpoints be reconciled? Can this development be considered simply an intellectual repositioning? Was he overcoming youthful naiveté with more sophisticated philosophical work? Or was his intention obfuscated by seemingly antithetical political systems? In what follows, I contend that Fichte's determination to supply the individual with a realm of liberty provides the underlying coherence of his system.

Calling his philosophical system "the first system of freedom,"[3] J.G. Fichte has piqued the interest of a plethora of scholars intent on understanding the meaning behind the pen of the eccentric man himself. Philosophical scholarship on Fichte has tended to focus on his notion of the self-positing Ego and conditions for the possibility of self-consciousness while the historical and political literature revolve around and react to his alleged support of radical political regimes. He has been cast alternately as a liberal individualist, a radical anarchist, a socialist, a nationalist, a communist, and the father of Nazi-ism. It is undoubtedly impossible for a single thinker to wear all these different caps, but it underlines the high degree of disagreement to be found among the interpreters of Fichte's work. Among modern scholars, the refutation of Fichte's reputation as the father of National Socialism has

[3] Frederick C. Beiser, *German Idealism: The Struggle against Subjectivism, 1781-1801.* (Cambridge, Massachusetts: Harvard University Press, 2002), 273.

been generally accepted, but to this day he is notorious for being one of the more radical social and political thinkers of his time period.[4]

The liberal interpretation of Fichte's political philosophy is fairly common based on his defense of individual liberty, but among Fichtean scholars the viewpoint that holds him to be a liberal is held preeminently by Frederick Neuhouser, the man responsible for editing and writing the introduction to Fichte's *Foundations of Natural Right.* He readily admits in the introduction that "even though Fichte's theory remains squarely within the liberal tradition, it at the same time provides a framework for defending many of the ideas espoused by socialist thinkers in the following century."[5] On the face of it Fichte displays liberal tendencies; he declares man to have a set of rights that cannot and should not be violated in order to provide appropriate freedom for human agency. In Neuhouser's defense, Fichte's work on rights does look strikingly similar to that of the liberal Lockean school, but as David James points out "deliberately going no further than Fichte's account of these original rights…amounts to ignoring not only Fichte's attack on the formalism of other theories of natural right, which he reiterates in his account of original rights, but also his strictures concerning the idea of original rights."[6] Later on in the *Foundations,* Fichte refers to original rights as "a mere fiction," claiming there are "no original rights of human beings."[7] Although this would appear to be a glaring oversight by Neuhouser, it is simply a complex idea

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[4] F.W. Kaufmann, "Fichte and National Socialism," *The American Political Science Review* 36, no. 3 (June, 1942): 460-470, 460.
[5] Johann Gottlieb Fichte, *Foundations of Natural Right* (Cambridge: Cambridge University Press, 2000), xxviii.
[6] James, *Fichte's Social and Political Philosophy: Property and Virtue* (Cambridge, Cambridge University Press, 2011), 27.
[7] Fichte, *Foundations of Natural Right,* 102, see also James, *Fichte's Social and Political Philosophy,* 27.

that Fichte is positing. His denunciation of original rights is a theoretical problem. According to Fichte, original rights are rights that belong to an individual; however, it only makes sense to speak of original rights in reference to a multiplicity of people because that is when the lines delineating rights become readily apparent. In concert with his theory of intersubjectivity, Fichte finds that rights only emerge in a group setting; therefore, it is impossible to conceptualize individual rights as belonging inherently to an individual, or preceding the establishment of some sort of society. For Fichte, there simply can be no conception of original rights.

Even though Neuhouser refers to Fichte's thought as liberal on several occasions, his last words on the subject paint Fichte as a liberal socialist. Viewing Fichte's proposition to incorporate the traditionally liberal right to private property with the socialist preoccupation with economic justice, scholars like Neuhouser and Nomer have tried to put him in his own category, one in which he is believed to have created a hybrid concept of state called "liberal socialism." According to Nomer, reconciliation between liberalism and socialism is possible and they are, in fact, compatible.[8] He argues that if it is possible to demonstrate how Fichte reconciles liberalism with socialism then it is no longer necessary to debate between the two.[9] Although Nomer's idea is tantalizing and would seemingly solve the debate about how to best categorize Fichte, it is not helpful to combine the two terms, thereby making a separate category for him. It is problematic because both terms already

[8] This view, while not wildly popular, is held by a few others such as Peter Vallentyne and Hillel Steiner, eds., *The Origins of Left Libertarianism:. An Anthology of Historical Writings.* (New York: Palgrave Macmillan, 2007).
[9] Nedim Nomer, "Fichte and the Idea of Liberal Socialism," *The Journal of Political Philosophy* 13, no. 1 (2005): 53-73, 3.

denote specific schools of thought. For example, calling Fichte a liberal socialist potentially equates his understanding of the right to property with the liberal right to property, which he most certainly does not share. Even more importantly, blanket terms such as these fail to take seriously the push and pull between economic rights and rights to private property, neither of which can be understood using the term liberal socialism.[10]

Understanding Fichte's desire to combine the best of positive and negative freedom, Neuhouser also points out that Fichte includes both rights of non-interference and rights of entitlement—trademarks of liberalism and socialism respectively. However, it is highly confusing and ineffective to conflate the two political doctrines. Even though Fichte posits a number of personal freedoms that align with liberal ideology, he does not leave room for some of the more unfortunate consequences that accompany it. For example, within a liberal tradition, humans are free to die on the streets with no right to government intervention. However, Fichte defends basic entitlements that ensure a workable level of social conditions so as to provide for the possibility of agency. Undoubtedly it is tempting to label Fichte as a liberal socialist, but the words themselves lose meaning when they do not denote an axiomatic political ideology. Rather it is much more helpful to say that Fichte exhibits both liberal and socialist tendencies, but it is probably still best to avoid categories when discussing a philosophical giant who eludes facile classification.

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[10] James, *Fichte's Social and Political Philosophy,* 23.

Other scholars like Reinhold Aris avoid the problem of a single categorization by breaking up Fichte's thought into divisions that supposedly reflect his changing views of the best political order. In his book *History of Political Thought in Germany 1789-1815*, Aris divides Fichte's philosophy into four main categories: his early period when he was an "extreme individualist and follower of the doctrine of Natural Law,"[11] his second period when he was modifying his views on Natural Law, his third period when he "gave up his liberal point of view and developed the first socialist theory ever put forward in Germany,"[12] and the latest period in which "under the spell of Napoleon, he expounded a national doctrine."[13]

Another scholar, famous for his work on Hegelian thought, has proclaimed Fichte's work to be "a set of doctrines in evolution."[14] Writing in the late 1960's, George Armstrong Kelly thought it most appropriate to divide Fichte's work into three periods—his Jacobin, transition, and nationalist periods, respectively. In the same manner as Aris, Kelly describes the evolution of Fichte's thought as an "aggressive liberalism" that develops towards the "communitarian socialism" of *The Closed Commercial State.*[15] Both Aris and Kelly are quick to point to external factors such as the French Revolution and the Napoleonic Wars to explain Fichte's radical changes. Aris even likes to point to the psychological factors Fichte must have dealt with as a lowly tutor of non-bourgeois origins, unappreciated by his mentor Immanuel Kant. While these events were undoubtedly important and are still given

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[11] Reinhold Aris, *History of Political Thought in Germany from 1789 to 1815* (New York: Russell & Russell, Inc., 1965), 108.
[12] Ibid, 109.
[13] Ibid, 109.
[14] George Armstrong Kelly, *Idealism, Politics, and History: Sources of Hegelian Thought* (Cambridge: Cambridge University Press, 1969), 189.
[15] Kelly, *Idealism, Politics, and History*, 191.

credence by modern Fichtean scholars like Anthony La Vopa, they are certainly not exclusively responsible for the development of Fichte's philosophy.

Frederick Beiser, Daniel Breazeale, Tom Rockmore, and Anthony La Vopa make up the new wave of scholars interested in revamping and reassessing Fichte's sullied image. Instead of positing three or more phases of Fichte's thought, contemporary scholars have increasingly shifted towards a two-part format—the Jena period (1794-1799) and the post-Jena period, with considerably less focus on the few years of work published before he gained a seat at the University of Jena. Additionally, the newer of scholarship is much more content to avoid labels and simply analyze his thought as an entity unto itself. In his book *Enlightenment, Revolution, and Romanticism,* Beiser lays out his understanding of Fichte's ideal political regime while deftly avoiding the suffocating constraint of political ideologies. "His ideal society is neither the free-for-all advocated by liberals nor the estatist hierarchy championed by the conservatives. Rather, it is a community where each was devoted to the self-realization of all and all to the self-realization of each. The main aim of society is not simply to prevent one person from harming another but to satisfy all the needs of everyone."[16] Recognizing the individual parts of Fichte's work for what they are and avoiding the strain imposed by ideological categorization, Beiser's addition to the modern wave of Fichtean scholarship is invaluable.[17] La Vopa too has provided a much more in-depth biographical account of Fichte that paints his contributions in a much more positive, much less dogmatic

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[16] Frederick C. Beiser, *Enlightenment, Revolution, and Romanticism: The Genesis of Modern German Political Thought, 1790-1800,* (Cambridge, Massachusetts: Harvard University Press, 1992), 59.
[17] Admittedly, even he could not entirely avoid categorization. The chapter on Fichte is in Part I of his book in the section entitled "Liberalism."

light. Instead of being swayed by older literature, these scholars have attempted to bring Fichte's name back to prominence for his work on political, economic, and social themes that still hold relevance to this day.

In 2011, two newcomers to the school of Fichtean scholarship, David James and Isaac Nakhimovsky, published prodigious monographs independently of one another.[18] This resurgence of interest in Fichte from more than one side indicates that his work still holds significance for modern day. David James' work on property and virtue has helped shed a new light on Fichte's complicated and often misunderstood development of freedom, especially as it relates to the political and moral spheres. His differentiation between Fichte's conception of a sphere of right and a sphere of morality is particularly useful for trying to unlock the basic aims of Fichte's political philosophy. Isaac Nakhimovsky's work is equally invaluable as it deals primarily with one of Fichte's lesser-known works in the English-speaking world, *The Closed Commercial State.*[19] Nakhimovsky's book immerses the reader in the eighteenth-century debates about the best way to develop a peaceful community of nations. Both scholars attempt to restore Fichte's reputation and revitalize the debates about Fichte's continuing significance. In keeping with this contemporary scholarship, I intend to avoid ideological pitfalls and assess Fichte's development of property as it relates to his understanding of natural rights, individual liberty, and the ideal political regime.

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[18] James has no citation of Nakhimovsky and Nakhimovsky only cites an article by James but not his new monograph.

[19] Presumably, this is due to the fact that there has yet to be a complete translation of *The Closed Commercial State* from German to English. However, a complete translation is due to come out in April 2012, edited by Anthony Curtis Adler.

While there is not a poverty of secondary and primary sources in English translation, it is worth noting the limitations of the argument made in this particular paper. In order to understand the development of Fichte's theory of property, I relied on partial translations of *The Closed Commercial State* as there has yet to be a full translation from German. Additionally, the general lack of German sources limits the conclusions that can be made here. However, while this topic still deserves further research, hopefully what follows is a convincing case for Fichte's underlying continuity while also pointing towards potential interpretations of his ideas about individual liberty, property rights, and distributive justice.

Historians and philosophers alike have attempted to analyze the problems presented by Fichte's work and have come to a number of disparate conclusions. One reason for the differing outcomes may be a reflection of the different analytical approaches. With the intention of making this a study in the field of intellectual history, I am guided by the underlying assumption that the text in question has meaning that is best understood in the context of its particular time and place in history. However, I approach this study aware of the fact that Fichte himself would have considered this particular method disagreeable. He claims to have discovered universal truth, a truth that transcends historical placement. Therefore, Fichte, along with proponents of the philosophical approach may potentially regard this as a failure on my part to take Fichte's philosophy seriously. However, conscious of these hazards, I intend to proceed historically and contextually to understand Fichte's thought. One advantage of contextualizing Fichte's work is hopefully to avoid the distortion of modern ideologies in order to understand him as he

understood himself. National Socialism is one of the most well known modern ideologies ascribed to Fichte's philosophy, most notably with the proclamation by historian Robert Nisbet that Fichte's works were "truly seminal" in respect to National Socialism.[20] However, these are not the only modern ideologies to have had a teleological tug on Fichte's fundamental aims. Socialism, liberalism, nationalism, communism, anti-Semitism, totalitarianism and anarchism have all done their best to obscure the initial meaning behind Fichte's philosophy. Undoubtedly, the roots of modern political ideologies can be traced back in history, and some to the late eighteenth and early nineteenth century, but when the ideological labels impose a set of assumptions and connotations, they only serve to confound.[21]

Political philosophy, intent on uncovering the true nature of political things, is naturally at odds with the historical discipline. History deals in concrete realities as opposed to metaphysical abstractions. However, the two are inextricably linked—without historical knowledge of the realization of a variety of political institutions, questions of the just life and the best way for humans to live together could have never been raised. Conversely, it is impossible to speak of the state and nature of humankind without the questions raised by political philosophy.[22] Therefore, the universal questions should not be abandoned in favor of pure historicism, but some fusion is perhaps the most appropriate for understanding the events of the past in order to prepare for the future.

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[20] Robert A. Nisbet, *History of the Idea of Progress* (New York: Basic Books, 1980), 276.
[21] William D. Sunderlin, *Ideology, Social Theory, and the Environment,* (Lanham, Maryland: Rownman & Littlefield Publishers, Inc., 2003), 16.
[22] Leo Strauss, *What is Political Philosophy?* (Chicago: The University of Chicago Press, 1988), 57.

Chapter I—A Radical Concession of Individual Freedom

> *Most of the complaints which I have heard against this system have turned on the assertion that it derogated too much from the freedom (licentiousness and lawlessness) of men. I am thus far from preaching anarchy.*[23]

Coming of age during the Revolutionary Era when the rights of man were beginning to replace aristocratic and ecclesiastical ones, most of Fichte's earliest writings are political. In fact, his *Contribution toward Correcting the Judgment of the Public about the French Revolution* made him infamous, renowned as a German Jacobin, even though he was truly only in favor of a moderate revolution.[24] Undeniably, his timing was poor. He began writing the *Contribution* in the wake of Louis XVI's execution while Paris was embroiled in the sans-culottes movement. However, unlike some of his fellow scholars who openly worked in support of revolutionary France such as George Forster and Friedrich Cotta, Fichte was uninterested in joining forces with the radical Jacobins.[25] In fact, the *Contribution* is completely devoid of any hint of the Jacobin political agenda or that of any of the protagonists of the democratic revolution. Fichte's problems stemmed from his declaration that individual rights antedate state formation, and that the state itself is only the means through which a perfect society can be established.[26] He argued that the establishment and perpetuation of private property and social order preceded state institutions; therefore, when a state was no longer satisfying but instead contravening basic human needs, it was the right of the individual to leave it. Giving

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[23] Smith, *The Popular Works,* 71.
[24] Anthony J. La Vopa, *Fichte: The Self and the Calling of Philosophy, 1762-1799* (Cambridge: Cambridge University Press, 2001), 83.
[25] Ibid, 84.
[26] Isaac Nakhimovsky, *The Closed Commercial State: Perpetual Peace and Commercial Society from Rousseau to Fichte* (Princeton: Princeton University Press, 2011), 20.

no place or power to the state, Fichte's words rang of anarchy. But if Fichte were a radical revolutionary, he undoubtedly would have attempted to supply some manner of support to the sans-culottes. The status of outsider that he so despised in his early life provided him a critical distance from which he could criticize the ills of society.[27] Before the *Contribution* was published, he recognized the value of his marginality; however, in spite of this realization, he made no effort to throw his weight behind the cause of the Jacobins.[28] Therefore, his defense of individual rights and condemnation of state power should be viewed as a philosophical thought project, not the writings of a budding radical. He was contributing his own views to the ongoing debate about state power and natural rights. The inherent contradiction between his exaltation of the individual, not the state, as the core of civil society combined with his lack of revolutionary activity indicates that Fichte was probably attempting to strike a balance between the two extremes of caprice of the individual will and the absolutism of pre-Revolutionary France. In this case, the context is particularly useful for illuminating the nature of Fichte's intentions.

Another issue with Fichte's early work is his promotion of the unilateral abrogation of the social contract, which many have characterized as his streak of anarchic individualism. Although this characterization is not entirely unfounded, it is still worthwhile to consider in context. In German natural law theory, the social contract was installed to impose order in an unruly society. In contrast to the Lockean tradition of protecting individual rights, the German natural law tradition sacrificed individual liberties in order to ensure security through the institution of a

[27] La Vopa, *The Self and the Calling of Philosophy,* 104.
[28] Smith, *The Popular Works,* 65.

supreme authority.[29] This theory increasingly served as a justification for absolutism.[30] However, German natural law theory post-Kant was revised in such a way as to give authority only to states that protected inalienable human rights.[31] Fichte's defense of a unilateral abrogation of the social contract should be viewed in the context of an evolving German natural law theory. Consistent with his character, Fichte carried this theory to its ultimate conclusion; he urged individuals to leave the state that they felt obstructed their access to natural rights. As we will later see, establishing a society in which every citizen is guaranteed natural rights became something of a preoccupation for Fichte.

Also within the *Contribution*, Fichte laid out his radical critique of the European state system.[32] The disavowal of European power politics shared a base with Robespierre and other radical revolutionaries, but Fichte's desire to escape the "enlightened cosmopolitanism" that resulted in a European war machine is much more akin to the later humanitarian vision of society coming from thinkers like Herder and Saint-Just.[33] In a lecture from his early period (1793-4) entitled "Concerning Man's Vocation within Society," Fichte laid out his ideal society in which men cooperated symbiotically to attain morality and happiness. In this same essay, he expounded his theory of the state, which was radicalized by the German press. Fichte's struggles were not unlike those of the modern politician; the mass

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[29] Michael Bertram Crowe, *The Changing Profile of the Natural Law* (The Hague: Martinus Nijhoff, 1977), 242.
[30] La Vopa, *The Self and the Calling of Philosophy,* 84.
[31] Crowe, *The Changing Profile of Natural Law,* 244.
[32] Nahkimovsky, *The Closed Commercial State*, 18.
[33] Ibid, 21.

media twisted his words, painting him as a German Jacobin and a radical individualist even though he exhibited decided aspects of his later political theory.[34]

> You see how important it is not to confuse society as such with that particular, empirically conditioned type of society which we call 'the state.' Despite what a very great man has said, life in the state is not one of man's absolute aims. The state is, instead, only a *means for establishing a perfect society,* a means which exists only under specific circumstances. Like all those human institutions which are mere means, the state aims at abolishing itself. *The goal of all government is to make government superfluous.*[35]

Even in this early period through his negative critique, strong undertones exist of his later positive social philosophy concerning individual liberties.

Fichte's preoccupation with freedom and individual liberties can be heard resoundingly throughout his entire body of work. His release from Spinoza's deterministic philosophy was brought about by Kant's proof of a realm of human freedom, and at this realization, he was overjoyed.[36] La Vopa argues that this transformation was not entirely due to Kant's logic or the sheer strength of the argument, but was actually a reflection of Fichte's inner being.[37] Before Kant, Fichte was a despairing but unflinching determinist, resigned to a world order of natural causation and it was with this outlook that Fichte approached Kant's critiques. Although the *Critique of Pure Reason* failed to topple his worldview, he conceded to his friend Weisshuhn that reading the *Critique of Practical Reason* effected a radical epiphany.[38] The idea of absolute freedom was proven, and this provided him with a

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[34] Nakhimovsky, *The Closed Commercial State,* 20.
[35] Ibid, 20.
[36] Smith, *The Popular Works,* 37.
[37] La Vopa, *The Self and the Calling of Philosophy,* 76; see also Smith, *The Popular Works,* 13.
[38] Read La Vopa *The Self and the Calling of Philosophy,* 74-79 for an insightful explication of Fichte's reception of Kant's critiques.

mission when he was on the edge of despair, "a symbolic route out of his social isolation."[39] In a letter to his friend Achelis he shared his joy at encountering Kant's works—"The influence of this philosophy, and particularly the moral part of it…upon the whole spiritual life, and particularly the revolution which it has caused in my own mode of thought, is indescribable…I now heartily believe in the Freedom of Man…"[40] Properly equipped with Kant's philosophy, Fichte strove to act in the world that he was now convinced included a realm of complete moral freedom. With the establishment of a noumenal sphere of morality came the possibility for virtue and duty. A free person was not limited to his or her own base nature, but could contemplate what ought to be done and act upon it. This epiphany affected more than simply his philosophical studies. In a letter to his fiancée, he wrote, "I have accepted a nobler morality, and instead of occupying myself with outward things, I employ myself more with my own being. This has given me a peace such as I have never before experienced…"[41] He also reported that he was taking great strides towards becoming an effective master over his natural urges. He was exercising his newfound freedom over determinism in his daily life.

La Vopa argues that Fichte's personality and social development reinforced any rational preoccupation that he had with the notion of human freedom. His Protestant upbringing influenced his relentless search for the possibility of morality within human beings. Without Kant's noumena-phenomena distinction, individuals lacked the agency required to realize a moral existence. But perhaps a more telling

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[39] La Vopa, *The Self and the Calling of Philosophy,* 78.
[40] Smith, *The Popular Works,* 37.
[41] Ibid, 40.

measure of Fichte's personality was his unyielding determination to follow the philosophy he considered the most logical. Until his encounter with Kant's critiques, Fichte was resigned to live a life devoid of human freedom and therefore bereft of the potential for morality. Undeniably, reason and strength of argument was of preeminent importance, and until Kant, he had yet to discover a more convincing argument than that of Spinoza and the determinists.[42] This feature of Fichte's personality is too often overlooked, as he is remembered in history as overly enthusiastic and emotional, the polar opposite of the calm, detached Immanuel Kant. Engelbrecht described him as a man who "preaches the doctrines of freedom and righteousness with the fervor of a Franciscan friar. He is an Apostle of Freedom and Morality. His purpose is not so much to convince the intellect as to stir the emotions and incite action…Fichte's philosophy is in reality his religion."[43] Comparing Fichte's fervor to that of a man overcome by religion is not entirely without justification. Fichte did preach his philosophy with unwavering conviction, but his was a conviction stemming from belief in the rationality of his point of view. The agitation of emotion often impedes the intellect, but in Fichte's case, his elation was caused by the enthusiasm he felt about the strength and ultimately, the validity of his philosophical argument.

When dealing with Fichte's notions of freedom, it is helpful to understand the differences between his two primary conceptions. Like Kant, Fichte differentiates between two notions of freedom in his philosophy, namely freedom of the will

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[42] Smith, *The Popular Works,* 13.
[43] H.C. Engelbrecht, *Johann Gottlieb Fichte: A Study of his political writings with special reference to his Nationalism,* (New York: AMS Press, 1968), 29.

(Wille) and freedom of choice (Willkür).[44] Freedom of the will is a concept that corresponds to the law of reason and is established by Fichte to be a condition of individuality.[45] Only through the consciousness of the pure will can his other notion of freedom be established. Willkür is a concept indicating the freedom to do or not do something, or as Kant would say, the ability to choose between good and evil.[46] The relation between the two is apparent; Wille cannot be the same as Willkür because Willkür establishes the agency to act in concert or in opposition to the law of reason. Fichte claims that freedom of choice arises from the consciousness of the Wille; as the consciousness of moral law asserts itself, so does the realization of freedom as a choice. Moral freedom (Wille) is the freedom to fulfill duty, and when people choose to follow moral law, they adhere to a universal principle, but freedom stemming from Law requires efficacy.[47] Freedom to choose among ends and act in the world is the more problematic notion of freedom that Fichte chooses to explore in his political discourses.[48]

To illustrate what he means by freedom of choice (Willkür), he conceives of a thought experiment.[49] Picture a steel spring. It reacts with an action when acted upon, and yet a spring is not ascribed freedom. Why? Because the spring is acting of necessity. It has no choice but must react a certain way to external forces. Therefore, freedom must consist of the ability to choose to act between two

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[44] Kelly, *Idealism, Politics, and History,* 109.
[45] "It is absolutely impossible that I ascribe a Recht (law) to myself without also ascribing one to a being outside me." La Vopa, *The Self and the Calling of Philosophy,* 308.
[46] Frederick C. Beiser, *German Idealism: The Struggle against Subjectivism, 1781-1801.* (Cambridge, Massachusetts: Harvard University Press, 2002), 274.
[47] La Vopa, *The Self and the Calling of Philosophy,* 308.
[48] Beiser, *German Idealism,* 274.
[49] Ibid, 274.

opposing courses. Then he reverses the thought experiment. Would a steel spring be considered free if it never acted according to necessity but just reacted randomly and not in accordance to any physical laws whatsoever? The answer is no—even here the spring is not ascribed freedom. Again it has no choice; although it is not acting of necessity, it is simply acting at random. Fichte concludes that freedom must not only exclude necessity but also exclude random acts of chance.[50] Reason and choice are intricately tied up in his notion of freedom—so much so that a steel spring could never be attributed this quintessentially human characteristic. However, while Fichte understands freedom as a human quality, he recognizes that not all actions are necessarily free actions. Sometimes necessity or external forces do not allow for freedom of choice to be realized.

The way in which Fichte chooses to sum up his conception of freedom is in the word self-determination (Selbstbestimmung).[51] The word itself indicates two things: first, that a self exists before any action and that the self is independent of any determinations it might make. And second, that the self acts in concert with its essence whichis determined entirely by its own choice.[52] Fichte's theory of self-determination indicates that activity is what determines an agent's essence. However, two things separate Fichte's theory of self-determination from other theories, including the existentialist concept of radical freedom.[53] For one, he operates according to the conclusion that there is no such thing as a fixed human nature. Also, he understands any act of self-determination as necessarily an act of

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[50] Beiser, *German Idealism,* 275.
[51] Ibid, 276.
[52] Ibid, 277.
[53] Ibid, 277.

rational choice where there are at least two options. Self-determined acts can never be acts of necessity, because like with the example of the steel spring, freedom excludes necessity.

Fichte's conception of self-determination does not mean that he understands all humans to be necessarily free due to their ability to choose. Rather, he admits that his understanding of self-determination is more of a formal principle.[54] Humans are entirely subjected to necessity at birth, and there are a number of environmental factors that escape an individual's control. However, he does conclude that human beings are endowed with the capacity to conceive purposes and act according to them, and that it is this distinctly human ability to make ends correspond with rational activity that forms freedom.[55] Naturally there is a struggle to bring nature and necessity under human control, and Fichte recognizes that only when there is no outside force causing a decision to be made of necessity humans can be truly considered free.[56] Humans live in nature, a realm of necessity and determinism, so unfortunately complete independence and freedom is unattainable. However, Fichte sought to remedy this injustice through the formulation of a just state based on his understanding of freedom—a freedom that excludes necessity and includes choice.

Kant's philosophy effected a radical change in Fichte's outlook. He was no longer resigned to determinism; he knew that humans could be happy due to their capacity for freedom. Therefore, Fichte did not want to impose restrictions, but to

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[54] Beiser, *German Idealism,* 277.
[55] James, David, *Fichte's Social and Political Philosophy,* 25.
[56] Beiser, *German Idealism,* 278.

allow people to find happiness and morality independently. Fichte understood the just state not to be one that imposed morality, but that allowed human beings the possibility of achieving it. He said, "I am now thoroughly convinced that the human will is free, and that to be happy is not the purpose of our being, --but to deserve happiness."[57]

Another important theme to understand in relation to Fichte's philosophy is his establishment of the concept of right. In theory, Fichte declares the concept of right to be one in which "…each member of the community lets his own external freedom be limited through inner freedom, so that all others beside him can also be externally free. This is the concept of right."[58] However, he immediately acknowledges the difference between theory and practice, saying that just because such a community ought to be established does not necessitate its existence.

Fichte's rule of right is a doctrine of morality indicating the best way for humans to live together, but he is not content to stop at the theoretical level. For philosophy to be useful, in Fichte's eyes, it must be applicable. However, this is the point at which many scholars have disagreed that Fichte's work is anything more than an impractical, unworkable thought project. Fichte himself would have been incredibly disturbed at this characterization of his work since he had the highest disdain for those "…theorists of right [who] are content to philosophize formally about the concept of right, and—as long as their concept is merely thinkable—care very little about how the concept can be applied."[59] Therefore, in order to prove the

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[57] Smith, *The Popular Works*, 40.
[58] Fichte, *Foundations of Natural Right*, 10.
[59] Ibid, 92.

internal consistencies of Fichte's seemingly antithetical political orders, I intend to examine his theory of property, which I believe will be able to illuminate how he tried to bridge the gap between theory and practice. The development of Fichte's property law has implications for his understanding of freedom and the sphere in which men should be able to act. Through an examination of the political concept of property, it should become clear how Fichte intended humans to interact in the empirical world; and hopefully, by viewing Fichte's conception of the good political order through the lens of property, distortions based on fluid terms such as liberalism or socialism can be eliminated.

Chapter 2—The Property Contract

> *And so we arrive at a more detailed description of the exclusive use of freedom that is granted to each individual in the property contract. To be able to live is the absolute, inalienable property of all human beings. We have seen that a certain sphere of objects is granted to the individual solely for a certain use. But the final end of this use is to be able to live. The attainment of this end is guaranteed; this is the spirit of the property contract. A principle of all rational state constitutions is that everyone ought to be able to live from his labor.*[60]

In the *Foundations of Natural Right*, Fichte's most well known book of political philosophy, he establishes what many scholars have considered a radical theory of state that is at odds with his concept of right.[61] Writing in an epoch tinged with revolutionary fervor, Fichte posited a social order based on a contract that all men could enter and leave of their own accord. Here I argue that, in spite of the characterization of this period of his work as radical individualism bordering on anarchy due to his desire that the individual be bound in no way, his vision of a social contract in the *Foundations* is actually restricted in part by the establishment of his theory of property.

Although Fichte's political philosophy is distinct from the conceptions of earlier philosophers, it does bear a surface resemblance to John Locke's vision of a state whose purpose was to ensure the protection of natural rights, specifically right to property.[62] However, the external similarities do not guarantee that Fichte's thought on private property was inherently liberal. It is extremely seductive to

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[60] Fichte, *Foundations of Natural Right*, 185.
[61] Admittedly there is tension here because Fichte's theory of mutual recognition requires that one must be part of a community in order to recognize oneself as free and yet the contract that he sets up in the *Foundations* presupposes the freedom of men to act even before they agree to enter into said community.
[62] James, *Fichte's Social and Political Philosophy*, 21.

interpret Fichte's conception of right and property this way but it only serves to occlude the rather illiberal restrictions he places on individual freedom of choice.[63]

Understanding Fichte outside of any larger ideologies involves a close examination of his biography, as the facts of his life are useful for illuminating his later political attitudes. Unlike most of his predecessors, Fichte was of non-bourgeois origins and frequently struggled to support himself financially. In a letter to his future wife, Johanna Rahn, Fichte professed his current state of poverty, but refused her financial gifts. "I have indeed no money by me at present, but I have no unusual disbursements to make, and I shall have enough to meet my very small regular expenses till my departure. I seldom come into difficulties when I have no money."[64] In his early years, Fichte's inability to gain notoriety and financial security through his philosophical endeavors allowed him to commiserate with the plight of the common man. His earliest political writings bear the sting of wounded pride, undoubtedly stemming from a lack of recognition in intellectual circles as well as from his mentor, Immanuel Kant.[65] It is this very anonymity that frustrated Fichte to no end as a young scholar, but as he aged, he began to appreciate the position that his relative marginality afforded him.[66] Furthermore, his financial hardships alerted him to the injustice of political systems that could not support the basic needs of its citizens. Born to a father who struggled to support his large family through his ribbonmaking craft, Fichte's philosophy was imbued from the very beginning with an understanding of the injustice inherent in a state of great socio-economic

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[63] James, *Fichte's Social and Political Philosophy*, 25.
[64] Smith, *The Popular* Works, 22-23.
[65] La Vopa, *The Self and the Calling of Philosophy,* 81. See also, Smith, *The Popular Works,* 49.
[66] La Vopa, *The Self and the Calling of Philosophy,* 104.

stratification.[67] To say that his philosophy was "his form of social revenge," is a bit melodramatic, but his early life did seemingly inform his later political work, and not least where matters of property were concerned.[68]

Beyond his frustration at his want of fortune, Fichte professes a deep-seated disgust with society for equating money with success. "…gold is useless; --hence, I have always despised it. Unhappily it is here bound up with a part of the respect which our fellow-men entertain for us, and this has never been a matter of indifference to me."[69] Recognition from his fellow men was significant to Fichte and he was noticeably aggravated by the fact that money provided entrance into the upper echelons of society. It is unsurprising then that Fichte would become one of the foremost proponents of a political system that provided a central place to economic justice.

As previously stated, Fichte could not conceptualize original rights because original rights belong to individuals, and yet the question of right only emerges among a group of people.[70] In this same vein, Fichte proposes his view of property in the first section of the *Foundations of Natural Right*. Property does not exist prior to human relations, but emerges among men who have recognized their own freedom through limiting their sphere of action.[71] Therefore, property is based, not on physical force, but on consent among equals and signifies that an individual has the right to possess a certain thing for a given amount of time, including the ability

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[67] Robert Adamson, *Fichte* (Edinburgh: William Blackwood and Sons, 1923), 9. See also, Beiser, *Enlightenment, Revolution, and Romanticism,* 74.
[68] Beiser, *Enlightenment, Revolution, and Romanticism,* 75.
[69] Smith, *The Popular Works,* 23.
[70] Fichte, *Foundations of Natural Right,* 102.
[71] Ibid, 9.

to include or exclude others from the benefits of his own private possession. However, because recognition among equals is the manner in which property emerges, the next question Fichte raises is what to do when certain men fail to uphold their end of the agreement—namely, what should be done to ensure men respect each other's property? Ultimately, Fichte decides that a powerful state is best equipped to coerce men to uphold their consensually enacted deals.[72]

Fichte's desire for people to be able to act freely and effectively in the world has implications that spread throughout his work, but is particularly important for an understanding of his idea of property. Fichte is operating with a broad conception of property not entirely unlike the definition Locke lays out in his *Two Treatises of Government*—"for the mutual *Preservation* of their Lives, Liberties and Estates, which I call by the general Name, *Property.*"[73] In keeping with Locke's liberal theory, Fichte too considers property to be the ability to keep oneself alive, the ability to interact in a relation of right with other beings, and the most common understanding of property—the ownership of land and goods.[74] However, the traditional understanding of property as land holdings is one he battles fiercely. It is undoubtedly a necessary inclusion in any definition of property, but it is far from being the sole definition in Fichte's mind. Broadening property to more than just land ownership serves to extend equality and citizenship to more people than the noble, aristocratic classes. He argues that in a government where property is defined solely as estate holdings, the majority of men are effectively excluded from

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[72] Fichte, *Foundations of Natural Right,* 28.
[73] Locke, *Two Treatises of Government*, 350.
[74] James, *Fichte's Social and Political Philosophy,* 31.

government and citizenship even if there is no law explicitly denying them entry.[75] Therefore, Fichte posits an understanding of property that can be understood more generally as an external thing or condition that facilitates a person's ability to act effectively, and therefore freely, in the real world.[76] Without this, Fichte's definition of freedom as having the ability to shape the world according to one's own ends fails.[77]

Self-preservation is a very real, very important aspect of Fichte's understanding of property and freedom in that it is the intrinsically human drive that conditions all forms of experience. The ability to conceive and pursue ends in the sensible world is altogether unimportant if basic preservation is still at issue.[78] It should come as no surprise then that Fichte posited this radical but certainly not unimportant right as one of the most basic of all rights; namely, the ability to subsist from one's labor.[79] Here he forces issues of economic justice to the forefront and goes beyond the traditional scope of natural rights.

In keeping with traditional liberal thought, Fichte regards the right to live as the most important, inalienable property right of human beings. Logically, one cannot separate one's life from one's being. Therefore, the right to be able to live from one's labor, a function of self-preservation, is the highest form of property right. It supersedes all other property rights that individuals enter into civil society to protect. The right to life is inseparable from the human being and therefore can

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[75] James, *Fichte's Social and Political Philosophy,* 33.
[76] La Vopa, *The Self and the Calling of Philosophy,* 305.
[77] Fichte, *Foundations of Natural Right* 9, See also, James, *Fichte's Social and Political Philosophy,* 25.
[78] James, *Fichte's Social and Political Philosophy,* 33.
[79] Fichte, *Foundations of Natural Right,* 185.

be said to be the only property right one possesses before entering any form of civil contract.[80] All other property rights, such as the right to material objects and the right to be self-determining, can only be established through the mutual consent of other rational beings in the formation of a civil contract.[81]

In the *Foundations of Natural Right*, Fichte lays out his tripartite civil contract, beginning with the citizens' property contract. In this first section, citizens declare what they consider their rights and freedoms to be and all agree to respect one another's property through limiting their own sphere of freedom in relation to one another. "*Therefore, each individual pledges all of his own property as a guarantee that he will not violate any of the others' property.*"[82] However, Fichte understands that an agreement among men, even one based on their own self-interest, is still not enough to ensure that it will be upheld at every juncture. For this reason, Fichte institutes a coercive force in the second portion of the civil contract "since individuals neither can nor will rely merely on the good will of others."[83] This second section of the contract, called the "protection contract", is not based on the protection of property rights by an outside force, but by the same citizens who agreed to respect each other's property in limiting their own spheres of action in the first section of the civil contract. Fichte's intention in using an internal coercive force to safeguard property rights is shown when he states his desire to transform the individual's relation to other's property from a negative to positive will. "Each person not only promises—as he did in the first contract—to refrain

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[80] James, *Fichte's Social and Political Philosophy,* 35.
[81] Ibid, 28.
[82] Fichte, *Foundations of Natural Right,* 170. (his emphasis)
[83] Ibid, 171.

from violating the property of everyone else, but now also promises to help protect everyone else's property against possible violations by any *third* party."[84]

Even though the second part of the civil contract transforms the role of each citizen from the negative role of refraining to act to the positive role of pledging to protect through action, there is still no complete assurance that the civil contract will be upheld. "Thus we remain, as before, in a state of insecurity and dependence on the good will of others, a will upon which we are neither inclined, nor obligated, to rely."[85] As soon as the protection clause is transgressed, the citizen's property contract is also nullified, leaving the civil contract completely void. However, Fichte institutes a third contract through which he intends to assuage the difficulties presented in the first two sections. In the unification contract, Fichte establishes a state authority, which he hopes will minimize the chance that the civil contract will be broken. Upon entering into the state, each citizen implicitly agrees to uphold both the first and second parts of the civil contract and is persuaded to do so through the power of the state. By pledging their property and enforcement capabilities to the state, the state in turn protects property, and this cycle perpetuates itself so long as the citizens continue to contribute.

> Thus, if I fulfill my duties as a citizen continually and without exception (which obviously entails that, in relating to other individuals, I do not transgress the limits to my freedom prescribed by law), then as far as my public character is concerned, I am simply a participant in this sovereignty, and as far as my private character is concerned, I am simply a free individual, but never a subject.[86]

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[84] Fichte, *Foundations of Natural Right*, 171.
[85] Ibid, 174.
[86] Fichte, *Foundations of Natural Right*, 179.

Therefore, through his tripartite civil contract Fichte establishes the protection of property through the reciprocal interaction among citizens and also establishes the people of the state as the only sovereign to whom they are each individually subject.

The application of Fichte's civil contract becomes problematic when he indicates that the entire contract would be rendered null and void to any person who was unable to subsist from his labor after he had entered into a state pledging to protect his property rights. This is a crucial point in uncovering the relationship among property, distributive justice, and liberty in Fichte's thought, in a space between liberalism and socialism. As he states, "…if someone is unable to make a living from his labor, he has not been given what is absolutely his, and therefore the contract is completely canceled with respect to him, and from that moment on he is no longer obligated by right to recognize anyone else's property."[87] For Fichte, any rational state constitution must necessarily provide for the welfare of its citizens since the one inalienable right possessed by human beings is the right to life and derivatively, the right to subsist from one's labors. If basic human needs such as hunger and thirst are not taken care of in some way, then the suffering human being is no longer in civil society with other rational beings.[88] The starving human reverts to the state of nature characterized by scarcity in which he is no longer bound by the laws of the state but simply must do what he can in order to survive. In order to remedy the potential instability that the rogue human could cause the state, Fichte proposes redistributive measures—in his words, "a repartitioning of property."[89]

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[87] Ibid, 185-6.
[88] Ibid, 185.
[89] Fichte, *Foundations of Natural Right,* 186.

Each citizen must give up a portion of their own property until the suffering party has enough to live on. This is a necessary part of any civil contract according to Fichte, because so long as one or more are unable to live off of their possessions, then no one is able to enjoy safely all their own property rights. In such cases, property ceases to belong to its previous owner and reverts to being the property of the commonwealth.[90]

Fichte is, however, unforgiving to those who are not pulling their own weight; he is not suggesting the creation of a welfare state to take care of those unwilling to work, but just for those unable to support themselves from their work.

> Since all are responsible for seeing to it that each person can live off his own labor and would have to subsidize him if he were unable to do so, they all necessarily also have the right to check and see whether each person in his own sphere labors enough to make his own living; and they transfer this right to the state power, which is ordained to look after the rights and affairs of the commonwealth. No one has a rightful claim to assistance from the state until he has demonstrated that he has done everything possible in his own sphere to look after himself and has still not been able to sustain himself.[91]

The state order Fichte envisions is defined first and foremost by his belief that all men should be able to survive off the fruits of their labors. Self-preservation, the most important, unalienable right, is not one that leaves a human once they enter into a civil society. Rather, they give up their right to enforce the law of nature on their own with the expectation that the state will be able to provide them with their most basic needs. Therefore, Fichte finds distributive justice to be an important quality that should characterize any rational political order.[92]

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[90] Ibid, 186.
[91] Ibid, 186.
[92] Fichte, *Foundations of Natural Right,* 187.

Scholars such as Kelly and Aris have portrayed Fichte as a liberal thinker and radical individualist in his early years, but as can be seen above, Fichte is far from being simply a liberal individualist in 1796 when the *Foundations of Natural Right* was first published. Undeniably, Fichte presents a broad conception of property that falls in line with that of the liberal Lockean school, but his theory takes a definitive turn in an alternate direction when he denies individuals the absolute right to dispose of their own property as they please.[93] The modern liberal conception of property bestows upon individuals with the ability to include or exclude others from the fruits of their own labors. Part of the freedoms granted to individuals in a liberal society includes the freedom to starve to death if one is unable to provide for oneself. Fichte considers denying humans the most basic right of survival to be a perversion of the natural order. Therefore, a law enforcing the redistribution of property enables all citizens to enjoy the basic human right to life and such a law is a necessary complement to any rational society. Undoubtedly this would reduce the economic stratification that characterizes modern liberal democracy. The redistribution of property would not prevent another human from being able to subsist from his labor, but it may prevent said person from enjoying the spoils to the same degree that modern liberal orders allow.[94] Evidently, Fichte is not the liberal that he has been portrayed as in previous scholarship. He undeniably displays some characteristics of liberal thinkers but to categorize him as a liberal only serves to conflate him with the traditional Lockean school that characterizes modern liberal democracies.

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[93] James, *Fichte's Social and Political Philosophy,* 34.
[94] Ibid, 36.

Another deviation from the conception of property rights in a liberal political order can be seen through Fichte's explication of property's dual nature. According to Fichte, there are two types of property—that which the state has control over and that which is not subject to state supervision but is under the sole ownership of the individual.[95] Ownership of the products of nature can almost never be considered an individual property right for the simple reason that the state must be able to use and redistribute nature's goods as need requires. The individual right to land ownership is always secondary to the state's right to distribute its goods as it sees fit.[96] Additionally, Fichte restricts the traditional notion of property rights, saying, "Each person possesses property in objects only insofar as he needs such property to pursue his occupation."[97] Private ownership of objects as well as land potentially hinder the state's ability to protect the property rights of its citizens. Fichte's regard for ensuring the livelihood of all citizens requires that limitations be imposed upon rights of possession. Essentially, Fichte's theory of property only justifies exclusive right to the use of an object just as long as it is necessary in order for people to be able to make a living for themselves.[98] This is undeniably opposed to the liberal conception of property rights that include exclusive ownership over objects and the derivative right to include or exclude people from the benefits of one's property and the freedom to dispose of it as one sees fit.

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[95] Fichte, *Foundations of Natural Right,* 223.
[96] Ibid, 224.
[97] Ibid, 187.
[98] For a good explanation of how this would effect agrarian occupations, see James, *Fichte's Social and Political Philosophy,* 38.

The only form of property over which Fichte believes the state has no rights is money.[99] Absolute property, also known as the money that is exchanged for goods and services, is the exclusive property of the individual, and only with this possession can man choose to exclude other members of the state and to dispose of it as he desires. Fichte can consider money as the only absolute form of individual property because presumably, the state will have already taken everything from the citizen that it needs. The state requires the individual to cede his or her exclusive ownership over land and objects in order to allow for all citizens to be able to make a living. Once a citizen has paid taxes, all obligation to the state ceases and the individual is allowed to consider the leftover money the exclusive property of him or herself—"what remains after taxes have been paid is, in consequence of the state contract, pure property…money is *absolute, pure property, over which the state no longer has any rights at all."*[100]

It would make sense to assume that after one has gained possession of money, the only form of absolute property, that one would be able to dispose of it as one pleases. However, even here Fichte imposes some limitations in order to insure each man's inalienable right to be able to live from his labor. For example, Fichte denounces mindless consumption, saying that anyone who buys something must be in a position to make use of it.[101] He goes even further than chastising individual consumers by imploring sellers to be mindful of what they are doing when they are disposing of their goods—"since a seller's cash proceeds…are not at all subject to

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[99] Fichte, *Foundations of Natural Right,* 209. See also, James, *Fichte's Social and Political Philosophy,* 9.
[100] Fichte, *Foundations of Natural Right,* 209. (his emphasis)
[101] Ibid, 223.

state supervision, but since the state must see to it that he has a secure means of subsistence, the sale can take place only if it will not jeopardize the seller's livelihood or render him a burden to the state."[102] The state, charged with insuring the livelihood of all its citizens, must make sure that none of its citizens unwittingly deprive themselves of the means to provide for themselves through over-speculative business practices.

Because the object of Fichte's theory of property is primarily to guarantee the individual right to live off of one's labor, the state is granted an unusual amount of power in comparison to the rights granted to a state in a traditional liberal regime. In order to ensure this most crucial property right, Fichte rules out the absolute private ownership of lands and goods, and to a great extent, private ownership of the means of production.[103] Resource redistribution is state prerogative, upon which the only constraint is that the redistribution should not hinder the ability of another to live off of one's own labor. Therefore, Fichte posits a theory of property that only grants exclusive use of an object so long as it is necessary. His theory does allow for one absolute form of property, namely money, although even here the individual is subject to restraints on how it can be used.

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[102] Fichte, *Foundations of Natural Right,* 223.
[103] James, *Fichte's Social and Political Philosophy,* 43.

Chapter 3—Expansion of the Property Contract in *The Closed Commercial State*

> *It seems to me that the duties and rights of the state have in turn been too narrowly constricted. It is not exactly incorrect, and it even admits of good sense, to say that the state has nothing more to do than maintain and protect everyone in his individual rights and property: but often it is tacitly implied that property exists independently of the state, that the state has only to consider the condition of its citizen's goods as it encounters them, and not to ask about the juridical principle of their acquisition. Contrary to this opinion I would say that it is the purpose of the state first to* give *to each his own, first to* establish *him in his property, and then to* protect *him in it.*[104]

Fichte further expounds his theory of property and distributive justice in a work entitled *The Closed Commercial State*, which he himself regarded as his "best, most thought-through work."[105] The development of Fichte's political philosophy in his later work can be viewed simultaneously as the natural expansion of the principles laid out in the *Foundations of Natural Right* and also as his response to the ongoing debates in the European political sphere. In a letter to his publisher, Friedrich Cotta, Fichte declared his new work to be based on an idea that came out of his work on natural right a few years earlier. His intention in this new manuscript was to "draw up the necessary commercial constitution of a thoroughly rightful and rational state" and "to show how existing states can raise themselves to this constitution."[106]

Spurred by the publication of Kant's essay on perpetual peace, the great minds of Europe at this time were increasingly concerned with the possibility for the existence of a peaceful community of nations. Fichte too desired to enter the debates about how to "tame intensifying interstate competition, relieve mounting

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[104] Nakhimovsky, *The Closed Commercial State,* 158.
[105] Ibid, 6.
[106] Ibid, 103.

class conflict, and bring about the moral transformation of modern political and economic relations."[107] The debates about how to pacify modern Europe were undoubtedly on the forefront of Fichte's mind as he composed a radical defense of man's right to subsist fom his labor. War was inevitable, Fichte thought, until the causes for war were eliminated. "It has always been the privilege of philosophers to groan about wars. The author likes them no more than anyone else, but he believes that he realizes their unavoidability in present circumstances, and considers it impractical to complain about what cannot be avoided. If war is to be eliminated, the basis of war must be eliminated."[108] His vision for a closed commercial state serves not only to display his ideal community, but also highlights the problems confronting an increasingly competitive modern Europe.

Fichte's overarching goal in composing *The Closed Commercial State* was to show how to establish a model society through the implementation of the social contract he previously elaborated in the *Foundations*. Even though he was trying to implement a perfect republic, he was unwilling to place it in a vacuum. Instead, in order to show the possibility for the real existence of such a state, he placed it in the center of the international order and addressed all the problems a newly budding modern state would face if it were to emerge in modern-day Europe.[109] Therefore, the primary focus of Fichte's *Closed Commercial State* is international economic rivalry and the importance of economic success for state survival.

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[107] Nakhimovsky, *The Closed Commercial State,* 7.
[108] Ibid, 81.
[109] Ibid, 61.

Fichte stressed that the European trading system had been corrupted irrevocably by the rise of the international state system and the inequality of resources that Europe had in comparison to the outside world. "Europe has a great advantage over the other parts of the world in trade. It acquires their forces and goods without furnishing anything near an equivalent in its own forces and products…"[110] Viewing this as an anarchic and ultimately untenable situation, Fichte proposed the closed commercial state as a viable political alternative.

Fichte's frustration with modern-European nation-states surfaces as he explains the title in the very beginning of the book.

> The juridical state is formed by a closed crowd of men which submits to the same laws and the same supreme coercive power. This crowd of men should now be limited to mutual commerce and industry among and for themselves, and whoever has not submitted to the same legislation and the same coercive power ought to be closed off from participation in these relations. It would thus form a *commercial state* and indeed a *closed commercial state*, as it now forms a closed juridical state.[111]

In his view, supporting a state of commercial anarchy was as ridiculous as supporting a state of political anarchy. The end result of such a system could only be a Hobbesian war of all against all. What follows in the book is a brief history of modern European commercial relations in which Fichte opposed the contemporary theory that the rise of commerce was facilitating the emancipation of European states, ultimately allowing for the realization of the natural rights of man. Fichte took the more pessimistic view, saying that commercial relations since the Romans

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[110] Nakhimovsky, *The Closed Commercial State,* 73.
[111] Ibid, 131.

have only served to intensify geopolitical competition.[112] For Fichte, such a climate is not conducive to securing the natural liberty of human beings. Fichte's solution centers on the theory of property he explicated in the *Foundations*. It is arguably a more complicated answer than the Hobbesian one of submitting to a common sovereign, but hopefully his unique solution will become clear in what follows.

First however, we turn to the philosophical expansion and continuity of his theory of property. The foundation of *The Closed Commercial State* is the theory of property that Fichte expounded in his declaration of natural right of a few years earlier, namely that all men have the right to subsist from their labor. Not unnaturally, this focus and the resultant types of state intervention required to establish such a situation and fulfill such a demand, has left scholars with the conclusion that Fichte was an unabashed socialist. However, in spite of his egalitarian ideals and promotion of the state, Fichte's focus was entirely on the individual. ("My first principle establishes man as an independent being.")[113] He never wavered from his declaration that social relations among men could only be established upon mutual consent. Hegel even described Fichte as an heir to "the anti-socialistic system of natural right," that "posit[s] the being of the individual as the first and highest thing."[114] Hence, Fichte proposed a state and laid out a plan for state regulation that was first and foremost in line with the independence and natural right of the individual human being.

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[112] Nakhimovsky, *The Closed Commercial State,* 104.
[113] Beiser, *Enlightenment, Revolution, and Romanticism,* 60.
[114] Nakhimovsky, *The Closed Commercial State,* quoting Hegel, "On the Scientific Ways of Treating Natural Law," 133.

Again, as in the *Foundations*, Fichte stressed the natural right to self-preservation and all that such a right entails. "The end of all human activity is to be able to live; and all whom nature has given life have an equal claim on this possibility of living."[115] Therefore, in order to secure his right to life, every man has an equal right to the bounty of the earth. Labor does not mark it off as the exclusive property of the worker; individual property can only be established through the mutual consent of other human beings. It is probable that such consent would only be extended in an environment in which no one's existence was being threatened. Thus, the continuing right of every man to his own self-preservation is the necessary condition for the consent that would allow for the introduction of exclusive property rights.

Fichte understood that such principles were sustainable in small communal societies, but he wanted to establish something of greater scope and population, much more akin to a modern European state than to a tribal community. Societies of communal property were relics of the past, overthrown by the division of labor and modern needs; however, Fichte rejected his contemporaries' acceptance of material inequality as a byproduct of modern civil society. He was unwilling to let the problem of economic stratification and of individual self-preservation take care of itself. Engaging with Adam Smith's work on political economy, Fichte said, "It is not proper for a constitution completely conforming to right to say, 'all that will just arrange itself, everyone will always find work and bread, and let good fortune take care of it.'…If the state abandons these classes of the people to chance, it gives them

[115] Nakhimovsky, *The Closed Commercial State,* 136.

absolutely nothing."[116] Securing the lives of individuals becomes a communal effort. Every man must give up his natural freedom to acquire perpetually in exchange for inclusion in the property contract that will provide every man the ability to live off of his own labor. Fichte understands that there is no such property contract in the state of nature, and so man must give up certain liberties in order to join a state that will provide for them. But the act is rational at its core and grounded in self-interest—because I want to maximize my freedom to accomplish my own ends, I agree to a compact of mutual self-restriction.[117] However, those that are unwilling to give up their access to perpetual acquisition should not feel bound by the social contract Fichte constructs, but are free to go.

> They have therefore not at all renounced their right to the property of others. No right permits the state to impose laws on their industry and determine their relations with the other classes of the people. They are free in every respect, deprived of laws as well as right, without rules or guarantees; they are half savages in the bosom of society. Because of the complete insecurity in which they find themselves, they cheat and steal—it is true that it is not called theft, but profit—they cheat and steal, as long and as well as they can, from those who cheat and steal from them in turn, as soon as they are the stronger. They go on doing this as long as possible, and set aside as much as they can in case of the necessity from which nothing secures them. And in all of this they do nothing beyond their most perfect right.[118]

Fichte views modern capitalism as an anarchic commercial state in which people lie in wait to take advantage of the weaker party—and he admits that this is perfectly within their right! However, his disdain is readily discernible and he seemingly regards this system of commerce to be as backwards as feudalism. Man is free to do

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[116] Ibid, 139.
[117] La Vopa, *The Self and the Calling of Philosophy,* 311.
[118] Nakhimovksy, *The Closed Commercial State,* 140.

as he chooses, but truly civil commerce would involve limitations on natural urges. Is that not the standard by which all other forms of social maturity are judged? Fichte's drive to control commerce is undergirded by the Enlightenment era thought that proclaimed the value of rationality in restricting the passions.

One major problem that Fichte touched on in the *Foundations* but further explicates in *The Closed Commercial State* is the problem of possession. Even though the state must ultimately maintain its dominion over the bounty of the earth, exclusive property in the form of a viable occupation must be had by individuals in order to avoid anarchy. [119] "It is thus clear, that not only the farmer, but every inhabitant in the state must have an exclusive property, because without that he cannot be bound to recognize the property of the farmer, nor can he rightfully be prevented from driving him from his field and robbing him of his fruits."[120] Scarcity situations are not conducive to peace and so Fichte's solution was to provide everyone with a productive career. However, there is a vast disparity between the requirements of property for agrarian and non-agrarian work. Most of Fichte's previous metaphors have invoked the agrarian sector of society because it is one in which the state controls distribution and also because it is an absolute necessity in a closed commercial state. He was unwilling to stymie the progress of modern civilization by purporting that all people return to the fields; therefore in order to have non-agrarian professions, he is forced to address the issue of property and possession for those careers not dependent on goods from the state. The state was

[119] And it must be a useful one. Fichte famously stated in the *Foundations* that it was no right to be a tailor in a land where everyone went naked, 185.
[120] Nakhimovsky, *Fichte's Social and Political Philosophy,* 140.

in control of land distribution and the farmer relied on the state for the exclusive rights over the means by which he can make his living. Fichte asked, "What then might this exclusive property of the non-farmer (the manufacturer and the merchant) be, in return for which they might have ceded the property right over the land to the farmer?"[121] Skilled labor requires knowledge that can never be possessed nor distributed by the state—it is the exclusive property of the individual inherently. So how can the property contract be considered valid for those whose right to property is at the mercy of others, namely, the state? Fichte's answer is to rethink the way in which property is conceived. Instead of understanding it as a possession to be had, it should be considered as a right from which others can be excluded. This formulation works for Fichte, because it is only relevant to speak of property rights in terms of two or more people. It is in situations of conflict that questions of right emerge. For example, Fichte claims that a man isolated on an island has no property rights but is free to take as much as he pleases. [122] Redefining the notion of exclusive property made room in the property contract for secure occupations for the non-agrarian sector and it was this connection that would ultimately allow the state to flourish. "Only through this protection does the state bind them to itself."[123]

A change that Fichte exhibits in his development from the *Foundations* to *The Closed Commercial State* is observed and criticized by Ludwig Hestermann. In a critique of Fichte's work on political economy entitled *Open Commercial State*,

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[121] Nakhimovsky, *The Closed Commercial State,* 141.
[122] Ibid, 145.
[123] Ibid, 141.

Hestermann concludes that Fichte lost sight of his foundational principle.[124] Initially, his sole reason for including a right to property in his conception of natural right was as a means to ensure everybody's survival, as a way to provide individuals with the opportunity to provide for their own self-preservation. Hestermann argues that Fichte's intention to provide a ubiquitous right to life has transformed into a preoccupation with distributive justice.

Another statement that Fichte makes in the beginning of *The Closed Commercial State* has led scholars like Nakhimovsky to claim that Fichte has altered his project. Restating his views from his work on natural right, Fichte asserts, "The end of all human activity is to be able to live." Then he goes on to say, "Within the scope of the doctrine of right, the end of all free activity is the possibility and agreeableness of life."[125] Thus the question becomes, is Fichte attempting to secure a sphere of activity for each or to secure life? Undeniably, his project has been transformed from the initial argument for the liberal notion of a natural right to life to include a right to live from one's labor. Hestermann alleged that he distorted natural liberty in his quest to pursue a more comprehensive view of justice. To some, this represents a break, an inconsistency in Fichte's work. But I argue, against scholars like Hestermann, for a consistency within Fichte's overall project. Recall previously when Fichte called for a unilateral abrogation of the social contract. His idea seemed radical, but when viewed in context, it was revealed to be the ultimate conclusion of his prescription of complete freedom of the individual will. Fichte's ideas were radical, but consistently so. He was the type of man who always rode the

[124] Ibid, 131.
[125] Nakhimovsky, *The Closed Commercial State,* 143.

train to the last stop, which makes the attachment of his name to radical political regimes all the more understandable. Fichte's consistency is one embedded in his personality; he almost always took things to their ultimate conclusions. That helps explain why, as a young man he was dissatisfied with the Kantian dualism. He reveled in the idea of a sphere for freedom and morality, but spent his life's work attempting to create an all-encompassing system of philosophy, his *Wissenschlafslehre.*[126]

The argument for Fichte's consistency is not a new one. One of Fichte's contemporaries, Johann Goerg Rist, expressed his fear of Fichte's hypothetical state, saying he "could not submit again [his] free sense" to the "iron force that [Fichte] wanted to impose on all conditions for the sake of consistency." Fichte's struggle for internal coherence often resulted in work that demonstrated a frightening element of authoritarianism. The imposition of positive liberty, the enforcement needed to support the artificial creation of a sphere of individual freedom, has led scholars like Isaiah Berlin to single out Fichte's philosophy as the clearest example of a moral dictatorship. However, if we view Fichte's total project through Berlin's famous distinction between "positive" and "negative" liberty, a paradox presents itself. Fichte's immediate project was based on Berlin's conception of negative liberty—the non-interference principle to which liberal societies subscribe.[127] But in order to realize the spheres of individual freedom and natural rights, Fichte ultimately resorted to coercion and the principles of positive liberty.[128] *The Closed Commercial*

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[126] La Vopa, *The Self and the Calling of Philosophy,* 305.
[127] Isaiah Berlin, *Four Essays on Liberty,* (Oxford: Oxford University Press, 1969), 122.
[128] La Vopa, *The Self and the Calling of Philosophy*, 318.

State required a high degree of state control over the economic sphere, but such interference was not to force morality on the citizenry, as Berlin had feared. Fichte had long ago given up on the idea that morality could be imposed.[129] He understood the firm line between moral freedom and freedom stemming from the concept of law. The freedom to act dutifully, or rather not to be hindered in one's strivings for morality was Fichte's vision of moral freedom; but in his writings on natural right, he established that one must assume a world of universal egotism, not one based on the good will of the collective. Through positing this worst-case scenario, Fichte arrived at an independent concept of law, which stated, "I must in all cases…limit my freedom through the concept of the possibility of [the other's] freedom."[130] Fichte was using Berlin's conception of positive liberty—just not in the way Berlin thought he was. Through the creation of a closed commercial state, Fichte was attempting to reverse the loss of independence that man experienced upon the expansion of the division of labor within modern civil society.

[129] Ibid, 308.
[130] La Vopa, *The Self and the Calling of Philosophy,* 309.

Conclusion

> *Almost a decade ago…the Germans were counseled to make themselves independent of world trade and to establish a closed commercial state. This proposal ran contrary to our habits, but particularly to our idolatrous worship of coined metal, and was passionately attacked and pushed aside…May we see at last, although all those swindling theories of international trade and manufacture are fit for the foreigner…they have no application for the Germans; that…their internal self-sufficiency and commercial independence are the second means to their salvation and thereby the salvation of Europe.*[131]

Fichte's foray into the debates surrounding the potential for perpetual peace among a community of nations left some critics decrying him as a socialist or totalitarian, but his theory of state brings up relevant contemporary issues about national self-sufficiency, property relations, and the resounding effects of capitalism and the impact of global trade. Fichte's conclusion that property relations would be best insulated from the pressures of globalization through the construction of a largely self-sufficient national economy has been criticized harshly for its impracticality. Historically, isolationist behavior has been shown to hinder economic development and for many countries, a completely autarkic society is impossible even though mass production has taken large steps in the past two centuries.[132] But undeniably, Fichte's closed commercial state was an ambitious attempt to secure distributive justice and a measure of individual liberty for all people.

At the time Fichte's *Closed Commercial State* was published, Europe was awaiting a denouement. The wars of the French Revolution led to a period of stasis

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[131] Nakhimovsky, *The Closed Commercial State,* 169.
[132] Charles S. Tippetts, *Autarchy: National Self-Sufficiency,* (Chicago: The University of Chicago Press, 1933), 17.

in which an opportunity for a transformative peace settlement emerged—but it disappeared almost as quickly as it came.[133] During the formative period of Fichte's work on the idea of a closed commercial state, Prussia still enjoyed political independence and the German states were following a policy of neutrality against French expansion into central Europe. Ultimately, such a policy failed as Prussia was overtaken by Napoleon in 1806.[134] In his *Addresses to the German Nation,* Fichte cautioned the German people against traversing the same path that the French took. He expounded a theory that the Germans have traveled a unique path through history, one that has bestowed them with the types of endowments that make it possible to follow a path different from that of the French.[135] The dramatic developments of the early nineteenth century have led scholars like Kelly and Engelbrecht to note that Fichte's philosophy took another big turn, this time in the direction of nationalism. Indeed, his philosophy did reflect the changing political climate, but not so much as to negate what he had worked out in his prior political thought. In fact, he never forgot about the propositions he made in *The Closed Commercial State*, proven by the fact the he continued work on his monetary proposals in unpublished manuscripts until he died in 1814.[136]

Fichte's consistency can be seen in his drive to provide a sphere of freedom to the individual even in his later works that prescribed a copious measure of government intervention. Along with famed historian Otto von Gierke, I argue that

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[133] James J. Sheehan, *German History: 1770-1866*, (Oxford: Clarendon Press, 1989), 242. See also, Nakhimovsky, *The Closed Commercial State,* 168.
[134] Sheehan, *German History,* 248.
[135] Nakhimovsky, *The Closed Commercial State,* 170.
[136] Ibid, 168.

Fichte "never broke away altogether from his previous system of ideas."[137] Despite the fact that his ideal regime required coercive measures from the government, Fichte never gave in to a fully communitarian view. The individual and the prescription for a measure of liberty never left his work. Therefore, I contend that Fichte's concern with providing a sphere of individual freedom shows the consistency of his system. No matter the external factors shading his work, the fixation on freedom never left him.

Viewing his allowances of liberty through the development of his theory of property has many benefits, but one major problem. His two primary works on distributive justice and political economy were written within a few years of one another. Proving the consistency of Fichte's total system is difficult when examined through works that span only a few years.[138] However, I contend that it is easiest to see the sphere of liberty he desired for the individual through his theory of property and his theory of state. In his earliest works, his desire to provide an unlimited amount of freedom left him with the reputation of a radical. Yet in his later period when he put numerous restrictions on the realm of the public and private through the institution of his property theory, the thrust of his work was still to maximize freedom, but this time through the provision of work. Fichte's continuities are internal. The intentions and driving forces behind his work keep his philosophy comprehensible.

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[137] Otto Friedrich von Gierke,, *Natural Law and the Theory of Society 1500 to 1800: with a lecture on the ideas of natural law and humanity*, (Boston: Beacon Press, 1957), 133-134.
[138] It is worth noting that the *Foundations of Natural Right* and *The Closed Commercial State* are usually considered as parts of separate periods of his thought, divided by the loss of his professorship at the University of Jena.

Fichte's political theory has been interpreted a variety of different ways, but his work on property distinctly shows how unique his political prescriptions really were. The best categorization modern scholars, like Nomer, can come up with is liberal socialism, but Fichte's theory of property proves that his work is neither truly liberal nor socialist. The statist economy of Fichte's *Closed Commercial State* appears to be socialist because the state controls and distributes the means of production, but unlike a socialist, Fichte was obsessed with leaving a sphere of freedom to the individual.[139] He never fully adhered to the communitarian ideas of Babeuf that left no space for private property.[140] Fichte provided room for private property—whatever was left after the individual gave part of his surplus to the good of the whole. Admittedly the allowance is small, but it is enough to provide the individual with a vehicle to exercise freedom. The right to modify things within an exclusive sphere gave the individual the necessary amount of liberty to interact freely with other beings and exercise choice.

Within the Lockean tradition, property is individuated and altered through an investment of labor. The resulting modification marks the property off as the exclusive possession of the modifier. In this way, Fichte's definition of property echoes liberal theory, but not explicitly. Fichte sought to define property in such a way that labor would not result in exclusive ownership. Therefore, he altered the emphasis—the right to property became the right to appropriate nature and live

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[139] William N. Louck, *Comparative Economic Systems*, (New York: Harper & Brothers, 1943), 306, which states, "socialism refers to that movement which aims to vest in society as a whole, rather than in individuals, the ownership and management of all nature-made and man-made producers' goods used in large-scale production, to the end that an increased national income may be more equally distributed…"

[140] La Vopa, *The Self and the Calling of Philosophy,* 320.

from the fruits of such activities. This slight difference has surprisingly enormous implications. Ensuring a right to property, as in liberal theory, carries the risk of reducing human beings to objects. For instance, a right to property can include the right to make other people instruments or service objects, which essentially removes efficacy from the individual. Liberal right to property has the potential to transform the less well to do into the pawns of their superiors. The "liberty" guaranteed by a liberal society can potentially remove the individual's ability to act freely in the world. To reduce people to human material is arguably more oppressive than Fichte's ideal political regime. Striving to eliminate the oppressive burden of natural inequality, Fichte altered the emphasis from a right to property to a right to labor in order to eradicate the social hierarchy that emerged based on a person's power or lack thereof. In Fichte's view, the best and most just political order was one in which "even in commerce each would remain a purpose, and no one would become the means of another in any way."[141] This idea was later taken up by John Rawls in *A Theory of Justice* when he argued for the fair equality of opportunity, and criticized the liberal system, saying "within the limits allowed by the background arrangements [those required to maintain equal basic liberties and fair equality of opportunity], distributive shares are decided by the outcome of the natural lottery; and this outcome is arbitrary from a moral perspective."[142]

The Closed Commercial State was published during an era when Adam Smith's work on political economy was surging in popularity among German

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[141] La Vopa, *The Self and the Calling of Philosophy,* 326.
[142] Carl Knight and Zofia Stemplowska, eds., *Responsibility and Distributive Justice,* (Oxford: Oxford University Press, 2011), 3.

intellectuals.[143] Aware that he was going against the grain of prevailing thought on political economy, Fichte admitted in his introduction that his theory of state may "remain without effect in the real world."[144] Though his theories were never implemented, they have provided history with a critical standard and potential alternative to popular free market ideology. Notable readers such as Rahel Varnhagen took Fichte's critique of the prevailing mode of thought on political economy to be an invaluable thought project, not unlike that of Rousseau's *Emile.*

> Through Rousseau's *Emile* we learn how an entire world would have to be arranged in order to raise a child into a man who is healthy in every sense; but he also shows us how far away we are from this condition and that we can only aim for very small incremental steps in education. Fichte shows us in his *Closed Commercial State,* likewise through a condition that must not be fulfilled, what would have to be done for a state is one could close off all others or arrange them too…It is wrong not to thank the authors, but to think that one is refuting them merely by demonstrating what is impossible, which they themselves have made clear.[145]

As a scholar known for his penchant for action, Fichte undoubtedly would have cringed at Varnhagen's characterization of his work as pure theory.[146] However, liberal democratic societies with their free market economies have not yet managed to secure perpetual peace, so perhaps it would be worth re-considering Fichte's prescriptions for pacification among a community of nations theoretically, if not practically.

Throughout his work, Fichte demonstrated a remarkable passion for internal coherence, which often resulted in seemingly radical political formulations. It is my

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[143] La Vopa, *The Self and the Calling of Philosophy,* 327.
[144] Ibid, 320.
[145] Nakhimovsky, 164.
[146] Kelly, *Idealism, Politics, and History,* 186.

contention that Fichte demonstrated consistency that can be seen through his ambition to provide the maximum amount of freedom to all individuals of a given state. Driven by a personality fixated on freedom and justice, Fichte created a system of freedom that reflected his inner being. As William Smith stated in his memoir on Fichte, "…the peculiarities of Fichte's philosophical system are so intimately bound up with the personal character of its author, that both lose something of their completeness when considered apart from each other."[147]

[147] Smith, *The Popular Works,* 72.

Bibliography

Primary Sources:

Fichte, Johann Gottlieb. *Foundations of Natural Right: According to the Principles of the Wissenschaftslehre [Grundlage des Naturrechts nach der Principien der Wissenschaftslehre, 1796-97].* Edited by Frederick Neuhouser. Translated by Michael Baur. Cambridge: Cambridge University Press, 2000.

Locke, John. *Two Treatises of Government.* Edited by Peter Laslett. Cambridge: Cambridge University Press, 1988.

Smith, William. *The Popular Works of Johann Gottlieb Fichte.* Edinburgh: Robert Hardie and Company, 1942.

Secondary Sources:

Adamson, Robert. *Fichte.* Edinburgh: William Blackwood and Sons, 1923.

Aris, Reinhold. *History of Political Thought in Germany from 1789 to 1815.* New York: Russell & Russell, Inc., 1965.

Beiser, Frederick C. *German Idealism: The Struggle against Subjectivism, 1781-1801.* Cambridge, Massachusetts: Harvard University Press, 2002.

-------- *Enlightenment, Revolution, and Romanticism: The Genesis of Modern German Political Thought, 1790-1800.* Cambridge, Massachusetts: Harvard University Press, 1992.

Berlin, Isaiah. *Four Essays on Liberty.* Oxford: Oxford University Press, 1969.

Breazeale, Daniel and Tom Rockmore. *After Jena: new essays on Fichte's later philosophy.* Evanston, Ill.: Northwestern University Press, 2008.

Crowe, Michael Bertram. *The Changing Profile of the Natural Law*. The Hague: Martinus Nijhoff, 1977.

Engelbrecht, H.C. *Johann Gottlieb Fichte: A Study of his political writings with a special reference to his Nationalism*. New York: AMS Press, 1968.

Gierke, Otto Friedrich von. *Natural Law and the Theory of Society, 1500 to 1800: with*

a lecture on the ideas of natural law and humanity, Boston: Beacon Press, 1957.

Kaufmann, F.W. "Fichte and National Socialism." *The American Political Science Review* 36, no. 3 (June, 1942): 460-470.

Kelly, George Armstrong. *Idealism, Politics, and History: Sources of Hegelian Thought.* Cambridge: Cambridge University Press, 1969.

Knight, Carl, and Zofia Stemplowska, eds. *Responsibility and Distributive Justice,* Oxford: Oxford University Press, 2011.

James, David. *Fichte's Social and Political Philosophy: Property and Virtue*. Cambridge: Cambridge University Press, 2011.

La Vopa, Anthony J. *Fichte: The Self and the Calling of Philosophy, 1762-1799.* Cambridge: Cambridge University Press, 2001.

-------- "The Revelatory Moment: Fichte and the French Revolution." *Central European History* 22, no. 2 (Jun., 1989): 130-159.

Louck, William N. *Comparative Economic Systems.* New York: Harper & Brothers, 1943.

Nakhimovsky, Isaac. *The Closed Commercial State: Perpetual Peace and Commercial Society from Rousseau to Fichte.* Princeton: Princeton University Press, 2011.

Nomer, Nedim. "Fichte and the Idea of Liberal Socialism." *The Journal of Political Philosophy* 13, no. 1 (2005): 53-73.

Nisbet, Robert A. *A History of the Idea of Progress.* New York: Basic Books, 1980.

Paret, Peter. *The Cognitive Challenge of War: Prussia 1806.* Princeton: Princeton University Press, 2009.

Sheehan, James J. *German History: 1770-1866.* Oxford: Clarendon Press, 1989.

Strauss, Leo. *What is Political Philosophy?* Chicago: The University of Chicago Press, 1988.

Sunderlin, William D. *Ideology, Social Theory, and the Environment.* Lanham, Maryland: Rowman & Littlefield Publishers, Inc., 2003.

Tippetts, Charles S. *Autarchy: National Self-Sufficiency*. Chicago: The University of Chicago Press, 1933.

Vallentyne, Peter, and Hillel Steiner, eds. *The Origins of Left-Libertarianism: An Anthology of Historical Writings*. New York: Palgrave Macmillan, 2007.