



## The Politics of German Idealism: Law and Social Change at the Turn of the 19th Century

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Why should any normative political theorist engage with history if normative principles are timeless? Apart from this worry, there is also the danger of assuming that historical problems map onto the present. *The Politics of German Idealism* should be read with these questions in mind. Despite the distance separating us from the Germany at the turn of the nineteenth century, Christopher Yeomans shows his readers that some historical questions remain important. He does this by treating the political philosophies of Kant, Fichte, and Hegel as projects that ‘should be understood as ways of conceptualizing social reality that are philosophical expressions of the way society conceptualizes itself’ (p. 6). He does so by relating primary sources to their unique context.

The study is divided into three parts. Part I consists of chapters 2 and 3 and discusses provisionality of right and legal standing in Kant and Hegel. Part II investigates private law and some of its institutions with chapters on family, property, and inheritance in chapters 4 through 6. Part III on public law provides a discussion of Fichte’s threefold contributions to political philosophy, a discussion of Hegel’s theory of estates (*Stände*) and the state in chapters 7 and 8. Finally, chapter 9 contains a brief systematic conclusion which shifts the focus from institutions to salient features.

Chapter 1 introduces the historical context of German Idealism in the ‘*Sattelzeit*.’ This notion refers to the connections of concepts, institutions, and history in the approach of ‘*Begriffsgeschichte*’ advanced by Reinhart Koselleck (pp. 1–2). Yeomans defines politics narrowly by referring to a state’s power to enforce laws in the process of state-building (p. 1). Yeomans thus pushes back against the persistent prejudice against German philosophy that it is apolitical. He emphasizes the social and structural dimensions in order to trace and refine the emerging distinction

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between state and society. He argues for a refined notion of society between an old corporate society and the emerging ‘civil-social perspective,’ which Yeomans uses to avoid the loaded term ‘bourgeois’ (p. 8). In the structural dimension, the ‘What is law (*Recht*)?’-question (p. 12) receives special emphasis.

Chapter 2 undertakes an extensive exposition of Kant’s conception of provisionality of private law (pp. 23–24). Yeomans shows how Kant’s view of society partially remains grounded in the empirical history of feudal society, e.g., in placing greater emphasis on the household (*Hausstand*) rather than the nuclear family or the fact that Kant allows for some kinds of private jurisdiction (pp. 44–51). Yeomans argues that the feature of provisionality in Kant is an expression of the interconnection of synchronic and diachronic considerations and, thus, a combination of Kant’s theory of right and his philosophy of history (p. 52). Chapter 3 shows that these considerations are the basis of Hegel’s attempt to understand legal reforms in Prussia as well. Yeomans shows how historicism and pluralism are connected in Hegel’s theory of legal responsibility (pp. 63–80). In Yeomans’ Hegel, varieties of legal standing express and intertwine three dimensions: right to knowledge, right to intention, and right to insight into the good.

Part II engages with case studies on the family, property, and inheritance. Yeomans argues that Kant, Fichte, and Hegel each start from different points of view, which are civil–social, corporate–social, and governmental. In these three chapters, Yeomans elaborates that each philosopher analyzes each institution from a different perspective. The sequence of these three chapters works particularly well together because ‘inheritance lies at the intersection of family structure, individual property rights, and the economic structure of society’ (p. 138). Yeomans presents clear readings on all three institutions and describes how the three perspectives interact with each other. However, this part of the book would have benefited from an overview which summarizes each institution and each philosophers’ view. This would have provided a clearer account of the achievements of Yeomans’ methodology and would have more clearly highlighted differences between each perspective.

Part III develops Yeomans’ approach through analyses of Fichte and Hegel. Yeomans’ argument is that their political philosophies operate stereoscopically to zoom in on how institutions function from different perspectives synchronically and diachronically. Chapter 7 is perhaps the most ambitious chapter of the entire book. In just over twenty pages, Yeomans argues that there are three distinct political philosophies to be found in the writings of Fichte: ‘an ideal theory in his *Foundations of Natural Right*, a non-ideal theory in his *Closed Commercial State*, and an educational theory of progress in his *Characteristics of the Present Age and Addresses to the German Nation*’ (p. 161). With this claim, Yeomans places the emphasis on the historical trajectory expressed in Fichte’s work in the 10-year span between 1796 and 1806 over Fichte’s respective philosophical change of direction in comparison with Kant. Chapter 8 advances the substantive claim that Hegel models his theory of the state on the basis of his archaic theory of estates (*Stände*). Yeomans argues ‘that for Hegel, the estates are *social preconditions* for legal and political practices, forms of *political participation* in their own right, and conditions of possibility of *moderate government*’ (p. 184). This claim is as compelling as it is controversial. Yeomans observes that Hegel attempts to achieve in one work, the *Philosophy of Right*, what



Fichte elaborates over the span of ten years (p. 204). This makes clear why Hegel's theory of state remains relatively opaque: there is simply too much going on in just one text. Yeomans avoids this problem by focusing on the supposed influence of the estates on Hegel's theory of the state.

In Chapter 9, Yeomans outlines three salient features that are 'the crucial theoretical resources that Kant, Fichte, and Hegel have contributed to our own political theorizing' (p. 216). Whereas the previous chapters sketch institutions, Yeomans now highlights three features of provisionality, pluralism, and historicism as productive for contemporary political theorizing. Provisionality, according to Yeomans, refers to a basic problem within any institutional design: 'That problem is the co-presence of two different kinds of normative claims: the reasonable local and partial claims to particular objects, choices, and statuses, on the one hand; and the final, systematic, and equal system of such claims in a fully just state' (p. 216). The feature of provisionality is crucial as it shows how different normative considerations need different perspectives.

Pluralism might sound surprising as a feature of German Idealist political philosophy. Yeomans pleads for a plurality of perspectives for contemporary theorizing (p. 220). He argues that reflecting on Kant, Fichte, and Hegel allows us to flesh out the implications of juridical, economic, and political perspectives. Historicism, however, sounds more familiar when linked to German Idealism. But Yeomans shows that this is more complex than meets the eye. According to him, the political philosophy of German Idealism proposes 'a two-strand historicism that combines the diachronic philosophy of history with a synchronic articulation of historical experience' (p. 220). This double perspective brings not only an awareness of social change but can also account for the direction and pace of these processes (p. 222).

Unfortunately, this last chapter is also the shortest in the book. A longer explication of the three salient features would have strengthened Yeomans' methodological contributions and his plea for German Idealist political philosophy as relevant for contemporary theorizing substantively. For example, Yeomans could have addressed the problem of private authority, which he mentions in reference to recent work by Elizabeth Anderson (p. 13, 50), from the perspectives of provisionality, pluralism, and historicism which he develops throughout the book.

Even though Yeomans notices himself that the focus of his study is the domestic context and that he will 'have almost nothing to say about cosmopolitanism, race, or colonialism' (p. 12), this choice is strikingly at odds with the importance of international affairs and global history in the thought of his main subjects. Of course, no study can achieve to contribute to every contemporary debate but topics like the construction of race, the rise of global political economy, or the viability of a federation of states to secure peace would highly profit from being analyzed with the help of these three salient features. Kant's later political writings, Fichte's appendices to *Natural Right* and the *Closed Commercial State*, or Hegel's conception of world history would certainly warrant such a treatment.

To conclude this review, we should return to the two initial worries mentioned above: Who would benefit from reading this book? The audience for this work would be too narrowly defined by mentioning only those with interests in German Idealism or the history of philosophy. Beyond these groups, this book should be of



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interest for anyone who engages with normative political questions between past, present, and future. This aspiration means that Yeomans sits in-between intellectual history, history of political philosophy, and normative political theorizing. This is a position where more scholarly engagement should be found. Yeomans sets a remarkable example by showing not only the historical relevance of some complex debates but also by displaying the contemporary relevance of Kant's, Fichte's, and Hegel's philosophy for our own political and social problems. What is more is that Yeomans succeeds in bringing together these three political philosophers without making them sound *unisono* and without flattening distinctions between their philosophical and political perspectives.

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