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Review of Arthur Ripstein, Force and Freedom

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Force and Freedom

Arthur Ripstein

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Arthur Ripstein's *Force and Freedom* is a major accomplishment; there is something to be learned from virtually every page. Ripstein's goal is to reconstruct and defend Kant's argument in the *Doctrine of Right*, the first part of *The Metaphysics of Morals*. The *force* in Ripstein's title is political force, the state's entitlement to make its citizens do or refrain from doing certain things; the *freedom* is the right of individuals to be independent of the choices of others. Kant's account of the relation between force and freedom thus understood is novel and striking, and repays close attention. According to the standard view, exemplified among others by Mill and Rawls, there is at best a *contingent* relation between legal and political institutions and conditions of justice: if people were only nicer to one another there would be no need for such institutions in the first place. The state is needed because, given the nature of creatures like us, such institutions will most likely lead to happiness (Mill) or justice (Rawls) in the long run. So we have a trade-off: justice is purchased with coercion, and at the expense of freedom.

According to Kant, however, this gets things backwards. For Kant, genuine freedom consists in being independent of the choices of others. But such independence is possible only if there is in place a legal and political order that can determine and police the boundaries of such interactions. Absent such an order, my ability to set my own ends will always be subject to the purposes and choices of others, which is to say that I will not be *sui juris*, that is, I will not be my own master. Consequently, in Kant's view genuine freedom is only possible against the backdrop of an effective legal order. The relation between force and freedom is therefore a *necessary* one.

Ripstein, like Kant, begins with what Kant calls the innate right of humanity, the "only original right belonging to every man in virtue of his humanity." That right is "*freedom* (independence from being constrained by another's choice), insofar as it can coexist with the freedom of every other in accordance with a universal law" (*The Metaphysics of Morals*, Cambridge, Cambridge University Press, 1996, p. 237). Notably, Kantian freedom is relational, and concerns one's ability to determine one's own purposes; it says nothing about one's ability to achieve any particular end. In addition to the innate right to humanity, that is, freedom, I can also *acquire* rights: rights to external objects (property), rights to another's choice to perform an action (contract), and rights to persons akin to rights to things (status). The acquisition of such private rights, however, is possible only in a rightful condition, a condition in which a legislative power makes clear the scope and extent of my acquired rights; in which an executive power enforces the boundaries of those rights; and in which a judiciary resolves disputes about unclear cases. A rightful condition, in other words, is nothing more nor less than civil society.

Readers of this journal will likely be most interested in chapters 6 through 10 of *Force and Freedom*, where Ripstein discusses the transition from the state of nature to a rightful condition, and analyzes various principles of public right. The delightful chapter 8, "Roads to Freedom," is characteristic of the book as a whole: sophisticated, illuminating and, to this reader at least, very plausible. Imagine a fenced-in rectangle divided into thirds, with each third owned by a different individual (call them Left, Centre, and Right, respectively). And suppose Left wishes to visit Right. To do so Left must get permission to cross Centre's property. But that is just to say that Left is not genuinely free, since his ability to determine his own purposes and ends depends in part on Centre's choices. Left is not his own master because it is not

up to him where he goes, or how he gets there. The solution, says Kant, are public roads. Public roads are part of a rightful condition not because they make life easier for individuals. Rather, public roads are part of a rightful condition because they are necessary for freedom: without such public thoroughfares individuals would be forever dependent on the choices of others, and so would fail to be *sui juris*. A similar strategy can be seen in chapter 9, in which a Kantian argument for taxation and state-provided welfare is advanced. What is striking about these arguments is their progression from abstract principles concerning freedom to the conclusion that the state is required to maintain certain institutions or provide certain public goods in order to safeguard the independence of individuals from the choices of others.

There is much more in *Force and Freedom*, including fascinating discussions of property, contract and consent, punishment, and the right to revolution. But perhaps Ripstein's greatest accomplishment in *Force and Freedom*—beyond showing Kant's argument in the *Doctrine of Right* to be both coherent and plausible—is to make that argument come alive for contemporary readers. *Force and Freedom* should be required reading for anybody wishing to understand Kant's legal and political philosophy; it should also be read by all those interested in general questions concerning the relationship between freedom, coercion, and justice. There can be little doubt that this is the book against which all other interpretations of Kant's legal and political theory will be measured.

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Gendering the Nation—State: Canadian and Comparative Perspectives

Yasmeen Abu-Laban, ed.

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This is an excellent collection. While its main focus is clearly on gender and the state, the book makes important contributions to our understanding of nationalism, comparative politics, neoliberalism, postcolonialism, risk society and the role of transnational actors and NGOs. The collection clearly establishes that analyzing gender is not just a matter of “adding” insights to existing analyses but that gendered perspectives often fundamentally challenge the way in which traditional categories and analyses are constructed. As Yasmeen Abu-Laban makes clear in her introduction, the collection “is a response to a disciplinary incompleteness in political science” (4).

All the chapters are of high quality but some are particularly noteworthy. Jill Vickers reminds Western readers of the subtle, complex and different articulations between gender and the construction of nation—states in various parts of the world, problematising some key Western concepts in the process. For example, she points out that constructions of the nation—state that see it as founded on a public/private divide with no basis in kinship relations do not work when it comes to analyzing many non-Western societies. She also points out that women's role in reproducing everyday nationalism, for example, via forms of subjectivity, tends to be neglected in conventional studies. Vickers therefore cautions about universalizing tendencies in both some Western political theory and Western feminism. Nonetheless, she argues convincingly that “women's mediations between modernity and the stability of the traditional, which anchors people to the past despite rapid change, may be a common element in the midst of much variability in gender/nation relations” (39). Indeed, she uses this insight to analyze women's political activism in societies ranging from India to Quebec.