

THE first compact of persons entering with each other into a legal relation, and which we have called the property-compact, is the true original basis of that relation, and hence is equally the basis of what is usually called civil law. To exhaust our present investigation, therefore, all we need to do is to analyze that compact thoroughly.

The conception of original rights we have shown to be that of a continuous reciprocal causality between the person and the sensuous world, which causality is dependent solely upon the will of the person. In the property-compact each person has assigned to him a determined sphere of the sensuous world, as the exclusive sphere of his reciprocal causality; but with these two conditions, to wit, that he will not disturb the freedom of all others in their sphere, and that he will protect them by his contribution against the attacks of any third party.

Firstly: A sphere is assigned to him for his freedom; nothing more. This sphere contains certain objects, determined by the freedom assigned to him. *His right of property to these objects extends, there-*

---

*fore, as far as the freedom assigned to him extends, and no further.* He receives them only for a special use, and he has only the right to exclude every one else from this special use and from what might be injurious to this special use. The object of the property-compact is a determined activity. (This appears, indeed, already, from what we have said previously. For the fundamental ground of all property is, that I have subjected something to my end. But what end? This question each one has to answer when entering the property-compact, which compact must be throughout determined and determining. It is only this declared and recognized end and purpose in the objects which that compact guarantees; and the property of the object extends no further than to the attainment of this end.)

But these ends may be very different in the use of one and the same object, and hence also in the use of different objects. The question is, whether all possible ends of a citizen may not be subordinated to a single one?

The person, in acting, always presupposes his own future existence; the object of his present acting always lies in the future; and he is a cause in the sensuous world only in so far as he proceeds from the present to the future moment. Freedom and continued existence are essentially united, and he who guarantees the one necessarily guarantees the other. *Present activity includes the future.*

---

Nature has destined man, who alone concerns us here, for freedom, that is, activity. Nature attains all her ends, and hence must also have made arrangements to attain this one. What arrangements could she contrive to incite man to activity?

If we presuppose that each man has wishes in the future, then nature could attain that end by making the possibility of a future for him *dependent upon his present activity*. The wish for a future, on the other hand, would involve the necessity of present activity. The future would be conditioned by present activity; in the present activity the future would necessarily be contained.

But since it is possible that there may be men who have no wishes in the future, and since, moreover, the desire for a future is grounded only in present activity, which present activity is itself again grounded in the desire of a future; and since the contrivance of nature would, therefore, be a faulty circle, it is necessary that she should unite both in a third present moment, and this is *Pain*. The present pain, threatening continued existence, involves both present activity and the wish for and the possibility of a continued existence. This pain is *hunger and thirst*; and we thus discover that the need of nourishment is alone the original incentive, as its satisfaction is the final end of the state, and of all man's life and doing; of course, only so long as man remains under the guidance of nature, and does not arise through freedom to a higher existence. This need of nourishment is, therefore, the

---

highest synthesis, which unites all contradictions. The highest and universal end of all free activity is, therefore, that men may live. This end each one has, and the guarantee of freedom involves this guarantee. Unless he attains it, freedom and the continued existence of his person will be impossible.

We thus obtain a more special determination of the exclusive sphere of freedom, guaranteed to each in the property-compact. To be able to live is the absolute, inalienable property of all men. A certain sphere of objects is guaranteed to a person exclusively for a certain use ; but the ultimate end of that use is, that he shall be able to live. The spirit of the property-compact is the guarantee of this end, or of life. It is the fundamental principle of every rational form of government, that each person shall be able to live from the results of his labor.

Each individual has made this agreement with all others, and all have made it with each. Hence, all have promised to all that their labor shall be the means to attain this end, and in the state organization provision must be made to realize this purpose.

Again : all right of property is based upon the agreement of all with all : that each will acknowledge the possessions of the other, provided the other will acknowledge his. But as soon as any one can no longer live from the results of his labor,

---

that which belongs to him is no longer his ; the agreement with him is, therefore, completely annulled, and he is no longer legally bound to respect the property of any one else. Since this insecurity of property is to be avoided, all must in law and by agreement give him of their possessions sufficient to live from. From the moment that any one suffers distress, that part of the property of each citizen, which is necessary to remove that distress, no longer belongs to them, but in law and justice belongs to the suffering individual. The original compact should make provision for such a repartition of property among the sufferers, and this contribution to the distressed is as much condition of all civil rights as the contribution for common protection. Each one retains possession of his property only in so far, and on the condition that all other citizens can sustain their lives from their property ; and if they can no longer sustain their lives therefrom, his becomes their property : of course, in such proportions as the state government may determine. The government is responsible for this as well as for all other branches of state administration ; the poor citizen has an absolute claim to support.

The principle established was this : Each one must be able to live *from the results of his labor*. Labor is, therefore, the condition of being able to live, and when this condition has not been fulfilled the right also does not exist. Since all are respon-

---

sible for the support of all who can not live from their labor, they necessarily also have the right to watch that each labors sufficiently ; and this right of supervision they transfer to the government. No one has a legal claim to the support of the state until he has shown that he has done within his sphere all that was possible for him to do in order to make his living ; and that, nevertheless, he was unable to do it. But since, even in the latter case, the state could not permit him to die, and would be, moreover, liable to the reproach that it had not compelled him to work, the state necessarily must be intrusted with the right of supervising the manner in which each citizen administers his property. Precisely as there must be no poor man in a rational state, so also must there be no idler. A legal exception to the latter result will appear hereafter.

The property-compact comprises, therefore, the following acts :

1. All state to all what they intend to live from. This holds good without exceptions. He who can not state this can not be a citizen of the commonwealth, since he can not be forced to respect the rights of property of the others.

2. All permit to each this occupation, exclusively, in a certain respect. Each one must expressly state his occupation ; and hence no one becomes a citizen in general, but becomes, at the same time, entitled to a certain occupation. There must be

---

no undeterminedness whatever in a state organization. Each, of course, has possession of objects only so far as the ends of his occupation require it.

3. The end of all this labor is, to be able to live. All guarantee to each that his labor will achieve this end, and guarantee this end with all their means. These means belong to the rights of each, which the state must protect. The agreement in this respect is as follows: Each promises to do all that is in his power to do, in order to make his living from what has been ceded to him as his property and rights; and in consideration of this promise, all others, or the state, promise to cede more to him, if he should not be able to make his living therefrom, guaranteeing this promise by obliging themselves to furnish contributions. Hence, precisely as the original compact provides for the erection of a protective power of government, so must it also provide for a supporting power. In other words, the state government must not only protect the citizens, but must also support the poor.

The arrangement contrived by nature to compel us to free activity is as follows:

Our body is an organized product of nature, and the progress of organization goes on in the body uninterruptedly. Nature proceeds herein in two modes: Either the body takes in organic matter, and nature first organizes that matter in the body; or the body receives matter already organized, and nature merely further organizes it in the body.

---

Moreover, nature may either bring herself the matter to be organized within the sphere of causality of the body, or may arrange the body so as to betake itself by free activity to the materials needed by it. The latter condition occurs in beings that are articulated for free movement; and, since nature would seem to rise to greater perfection in these latter bodies, it seems not unlikely that both conditions should go together; that is, that articulated bodies should be able to supply their organization only from organized matter. Without investigating here why and by virtue of what laws this is so, we content ourselves with stating the simple fact that it is so. The plants are formed from inorganic matter; at least, matter which appears inorganic to us; whilst animals feed from the organized products. What seems to be an exception to this rule is none. When animals swallow earth, stones, or sand, etc., it is not to derive nourishment therefrom, for these materials are not digested, but to expel injurious ingredients from the body.

It may also be possible, that articulated creatures again, on their part, supply their organization from other articulated creatures, or eat meat. It seems, indeed, as if these meat-eating creatures occupied, likewise, a higher stand-point of organization.\*

\* Quite the contrary doctrine to that of the vegetarians, yet undoubtedly more plausible. Such improper generalizations are, however, all faulty. Since all matter is organic, all creatures are meat-eating; and whether we eat only small animals, in vegetable food, or big ones, in animal food, is all the same.—TRANSLATOR'S REMARK.

---

Man is evidently made to supply his nourishment from both spheres of organized nature.

It is a condition of the continued existence of the state, that a sufficient amount of food should be on hand ; for otherwise men would be forced to emigrate.

All organization proceeds according to laws of nature, which man can learn and direct or apply, but which he has not the power to change. Man may place nature in the known conditions of the application of her laws, sure that she will not fail then to apply them ; and by doing so, man exercises the power of promoting and increasing organization. It seems likely that nature will need such assistance from man in places where men congregate through freedom, which freedom nature could not have taken into consideration in arranging herself. If this is a fact, then the promotion of organization is the fundamental basis of the state, since it is the exclusive condition on which men can live together.

Man will find it requisite, first of all, to promote the organization of plants, in order to feed himself and the animals. Plants are fixed to the ground so long as their organization lasts. It seems, therefore, probable that many men will devote themselves exclusively to the cultivation of plants ; and such a right must be admitted, since the existence of the state depends upon its exercise.

All organization progresses according to certain laws, and must not be interrupted in this its pro-

---

gress. In each cultivated part of the plant kingdom, therefore, every thing must remain precisely as the cultivator has designed it to be ; and hence the ground, which he needs for this cultivation, must be exclusively granted to him for that specific purpose.

#### PROPERTY IN LAND.

Land is the common support of mankind in the sensuous world, the condition of man's existence in space, and hence of man's whole sensuous existence. The earth in particular, considered as a mass, is not at all a possible object of property ; for it can not, as substance, be submitted to any possible exclusive end of a person ; and it is not lawful for any one, according to our above results, to exclude all others from the use of a thing without assigning himself a use for it. Even if some one should say : the earth is useful to build houses upon, he already ceases to speak of it as a substance, modifies it, and uses it as an accident. Hence, the right of the agriculturist to a fixed piece of ground is solely the right, exclusively to raise products upon it and to exclude all others from doing the same, or from using it for any purpose which would conflict with that use.

The agriculturist, therefore, has not the right to prevent another use of his property, provided it does not conflict with his own. He has not the right, for instance, to prevent others from using his

---