

## THE HOUSE.

The state is obliged to protect all absolute property, as specified above, and to guarantee to each citizen its secure possession. But all these things, and particularly money, can not in any way be designated as belonging to such and no other persons. In the case of land, corner-stones or wooden posts designate property, which can, therefore, be described on the record-books of the governments as belonging to such or such an individual; but all dollar-pieces look alike, and must look alike, since they are intended to change owners; how then can property in them be specified?

Again, the state can not take notice at all of how much money each citizen possesses; and even if it were possible for the state to do so, the citizen need not suffer it. But how can the state protect that whereof it does not know, and which, in its nature, is wholly undeterminable? If the state is bound to afford this protection to the undetermined, that undeterminable property must be inseparably connected with something else which is determined and which is expressly posited as the *symbol of all absolute property*, thereby being removed altogether from the supervision of the state. This determined something must be visible, known and determinable through the person of the owner.

This determined something, with which the undeterminable property is to be connected, may be of two natures, as will appear immediately. The

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state has guaranteed to each citizen who has paid his contributions the full *use* of all his manufactured, built, or bought possessions. By this guaranteed use the state has characterized or determined property. It is, therefore, to be presupposed, until the contrary is proved, that that which a person immediately uses is his ; for in a well-administered state it is not to be assumed that a person should be making use of any thing against the will of the law. Immediate use, however, connects articles with the body. Hence, whatsoever a person carries in his hands or on or upon his body, belongs to such a person. Money, which I carry in my hands or in my clothes, is *mine*, as the clothes are mine to which the money is attached. (The Lazzaroni always carry all their absolute property on their body.)

Not only that which I use immediately, however, but also that which I intend for future use, is my absolute property. Now it is not to be assumed, nor can it be required, that I shall always carry it all on my body. Hence, there must be a surrogate of the body, whereby that which is connected with this surrogate may be designated as my property absolutely by reason of thus being connected with it. Such a surrogate we call the *house*, using the word in its widest significance as designating equally the room which a person has rented, the trunk of the servant, etc. My house is immediately under the protection and guarantee of the state, and through its means all that it contains. The state

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guarantees me against all violent entrance into my house. But the state knows not and has no right to know what is in the house. Hence, the single objects in it, *as such*, are under my own protection and under my own absolute control. In like manner all my actions in the house are under my own absolute control, provided their effect does not extend beyond the house. The supervision of the state extends to the lock upon the door, and there begins mine own. The lock is the boundary line between the power of the government and my own private power. It is the intention of locks to make possible self-protection. In my own house my person is sacred and inviolable even to the government. In civil cases government has no right to attack me in my house, but must wait till I am upon public ground. In our investigation of *Criminal Law*, we shall see how this sacred *house-right* may be lost.

The house designates and determines my absolute property. Something is my absolute property, because it has got into the house—of course with the knowledge and consent of the government. The fact of my having a house and something in it is the best proof, in a state such as we are describing, that I have completed my obligations toward the state, for the state first appropriates what I owe to it.

If I am absolute master and protector in my house, using the word as described above, then every thing that enters my house stands under my authority and my protection.

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No one has the right to enter my house against my will. Even the state can not compel me to extend this permission, since even the state can not enter against my will. In the house we are no longer under the supervision and guarantee of the government, but under our own supervision and protection, and hence we enter each other's houses, so far as our personal security is concerned, on trust and faith in each other. Whatsoever occurs in the house is a private affair, and may be forgiven by the injured party; but whatsoever occurs publicly is a public crime, and can not be so forgiven. In the house a tacit agreement of mutual personal security is presupposed. Whosoever violates this agreement becomes *infamous*, that is, untrustworthy for all future time.

(Thus, indeed, has a deep-rooted moral sentiment decided long ago among all nations. Everywhere it is considered infamous, if a landlord insults his guest, or a guest his landlord in his own house. Everywhere secret theft has been held to be infamous to a degree which never was attached to open and bold robbery. Perhaps the latter is quite as dangerous as the former; and hence this general opinion is not inspired by egotism. But robbery is bold, and opposes, confessedly, force to another force, which is not deceived; whereas theft is cowardly, using the confidence of the other with a view to violating it.)

Whatever is in the house—cash, furniture, victuals, etc., (except the goods of the merchant)—is be-

yond the supervision of the state, and hence the right of property to such articles is not immediately guaranteed by the government. If I lend my money to the other on his word, and he denies the loan, I have no redress from the state, since our contract was not concluded under the guarantee of the state, and since I can not, therefore, legally prove the debt. But if I take his note—the state having announced such a note to be a legal proof of the debt—then the state owes me protection and redress against him. Contracts concluded upon mere trust and faith admit of no legal redress; their violation is punished solely by loss of character.

#### GOOD NAME.

The honor or character of a citizen is constituted by the opinion of his fellow-citizens, that he is faithful and trustworthy in all cases which are beyond the reach of the state; for where the state extends its power of compulsion, trust and faith are not taken at all into consideration.

The government has neither the right nor the power to command that the citizens shall trust each other; for the state is the very result of distrust; nay, it is even the *object* of distrust, as shown in the constitution.

But neither has the government the right to prohibit trust and confidence. True, it has a perfect right to decree that none of its own affairs shall be transacted on the basis of trust and confi-

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