The **standard** is consistency with property rights

For an agent to act freely it must first understand the concept of free action, that it can act in response to reasons, which explain a course of action without causally necessitating it. This culminates in reciprocal limitations on freedom. **Neuhouser[[1]](#footnote-1)**

The deduction's second theorem (§3) makes one of the Foundations's most original and exciting claims, and it is essential to Fichte's project of showing that rights are necessary conditions of self-consciousness. Its claim is that ascribing to oneself free efficacy (or agency) in the sensible world requires ascribing the same capacity to other rational beings. Fichte argues here that in order for a subject to be conscious of its own agency, it must first find that agency, as an object for its consciousness, in the external world. The thought here appears to be that the subject cannot come to an awareness of itself as practically free simply by seeing the results of its agency in the world, for in order to act freely, it would first have to know itself as free. The subject, then, must learn about its freedom in some other manner; it must somehow experience itself as free prior to any actual instances of its agency. Fichte's claim in §3 is that the only possible solution to this problem is to suppose that external evidence of one subject's agency is provided by another free subject. This occurs through a “summons” that one already formed subject makes to another. The summons is a call to act, a call to realize one's free efficacy, which takes the form of an imperative: You ought to "resolve to exercise your agency" (§3, III). Fichte concludes from this that the freedom of one subject (which includes consciousness of its freedom) requires the existence of others; free individuality is possible only in relation to other subjects, and so intersubjectivity is a necessary condition of self-consciousness. As Fichte sums up his result in the first Corollary to §3: "The human being . . . becomes a human being only among human beings;... it follows that if there are to be human beings, at all, there must be more than one. From here Fichte moves to the final step of the deduction of the concept of right (§4). Its claim is that positing the existence of other rational beings requires thinking of oneself as standing in a particular relation to them, a relation that turns out to be the "relation of right." The argument behind this claim is that in order to be conscious of myself as a free individual, I must be able to distinguish my own free agency from that of the other subjects whose existence I necessarily posit (as established in §3). According to Fichte, this requires "ascribing exclusively to myself a sphere for my free choice" (§4, II), a sphere to which other free beings have no access. But, given that I share the external world with other free beings, this is possible only if my individuality is recognized by those beings as setting limits to their own free agency. (And the same, of course, is required of me in relation to them if they are to attain consciousness of themselves as free individuals.) This recognition is more than just a theoretical acknowledgment of my status as a free being; it also requires that I be treated as such by other subjects or, in other words, that my free agency acquire a real and protected existence in the external world. But this is nothing more than the requirement that I possess a set of rights that are respected by others, which is what Fichte means by "standing in a relation of right" to other rational beings.

Recognition of property is the way in which you recognize other as a free agent, which is the basis for further claims. **Scharding[[2]](#footnote-2)**

Within the state, citizens engage in relations of right—mutual respect for one another’s practical agency—with one another; only breaches of rightful relations permit the state to act coercively. But rightful relations necessarily involve property: each citizen is entitled to own (i.e., to have exclusive possession of) certain material goods (NR [127], p. 115). Unlike mere (non‐exclusive) possession—e.g., X holding an object in his hand that Y could subsequently (a) hold in his hand or (b) throw into a deep pit such that no person could hold it 66 again, whether or not X consents to (a) or (b)—property gives a physical expression of a person’s influence on the world. This is so because property depends for its existence on the recognition of other free people: in order for X to own something, Y must recognize that X has exclusive control over the thing and that Y may not interfere with it without X’s express permission. Moreover, property is associated with individual free action: Y recognizes that X has property only because Y also recognizes that X is not any old creature but is a free person entitled to certain protections of that freedom, including exclusive possession of the external objects X needs to carry out his free activities (so long as the external objects are not also needed by other free people whose claims are more pressing)(NR [130], p. 117). In this sense, property provides a physical mark of a person’s influence on the world (i.e., via his free activities). Respecting other people’s property, along with enjoying others’ respect for one’s own property, constitute rightful relations among citizens.

The process of denying it in a round implies its truth. **Ostrowski on Hoppe**[[3]](#footnote-3)

"[A]rgumentation is a conflict-free way of interacting ... a mutual recognition of each person's exclusive control over his own body must be presupposed as long as there is argumentation." 112 Hoppe summarizes the complete argument as follows: Whenever a person claims that some statement can be justified, [s]he at least implicitly assumes the following norm to be justified: "Nobody has the right to uninvitedly aggress against the body of any other person and thus delimit or restrict anyone's control over [her] his own body." This rule is implied in the concept of justification as argumentative justification. Justifying means justifying without having to rely on coercion. In fact, if one formulates the opposite of this rule, i.e., "everybody has the right to uninvitedly aggress against other people" . . . then it is easy to see that this rule is not, and never could be, defended in argumentation. To do so would in fact have to presuppose the validity of precisely its opposite, i.e., the aforementioned principle of non-aggression.

That negates – **A.** Living wage laws says that employer property cannot be used for certain ends, i.e., it says that Kantian property ownership is not total since it denies the employer’s right to do anything else with money that they must use to pay employees

**B**. A duty to provide for the poor cannot be satisfied by regulation, only redistributive taxation. **Rodl**

A duty of the state to support the poor does not necessarily entail the regulation of property. State support of the poor requires, first and foremost, taxation and redistribution, and taxation does not represent a regulation of property. Certainly, it might be said that both intervene in the results of private interaction. But the mode of intervention is rather different. Taxation reduces wealth which results from acquisition; regulation restricts the right to use acquired property. Taxation does not change the content of the essential right of property, namely the right to any use, including alienation. It does not even touch on the right to the property’s value.33 In the usual case, taxes do not refer to any particular property item. But the same is even true in the case of property taxes.34 Even if a highly valuable property item is taxed, then the item’s value remains untouched. Property tax is not a percentage taken from the item’s value. One has to pay taxes simply because one holds such a valuable item. Thus, not even property taxes are a regulation of the right of property.

1. Frederick Neuhouser “Introduction to Foundations of Natural Right by Johann Fitche” Cambridge University Press (2000) [↑](#footnote-ref-1)
2. Scharding, Tobey K. "Individual Differences and Political Equality Two Reconciliations." [↑](#footnote-ref-2)
3. A SYMPOSIUM ON DRUG DECRIMINALIZATION: THE MORAL AND PRACTICAL CASE FOR DRUG LEGALIZATION. SPRING, 1990 18 Hofstra L. Rev. 607 [↑](#footnote-ref-3)