

Summary

“Der intelligible Besitz – und nicht Eigentum – als rechtsmetaphysischer Fundamentalbegriff in Kants ‘Privatrecht’”

by Ulli F. H. Rühl

The essay sets out to argue two main topics. Firstly it critically questions the general opinion of Kant establishing the concept of property. It shows that Kant’s concept of intelligible possession is not identical with property. The ‘rational right’ [Vernunftrecht] needs to have a term which defines what it means ›to have a right‹ in general. This key term does not only refer to property and physical objects.

Secondly the essay explains how Kant derives his understanding of ‘right’ as intelligible possession from the double meaning of the word ›possession‹ (physical/intelligible). He does this by using basic terms like ›mine and yours‹ and ›to have‹. Metaphysics is an ‘a priori cognition by concepts alone’. These rational concepts [Vernunftbegriffe] are ›mine/yours‹, ›to have‹ and ›possession‹ – and *not* property.