



Michael Fetik

Vernunft und Erfahrung im
Eigentumsrecht nach Kant,
dargestellt am Problem der Apprehension

Studienarbeit

Vernunft Erfahrung Eigentumsrecht Dargestellt Apprehension

Michael Fetik



Vernunft Erfahrung Eigentumsrecht Dargestellt Apprehension:

Vernunft und Erfahrung im Eigentumsrecht nach Kant, dargestellt am Problem der Apprehension Michael

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Note 1,0 FernUniversit t Hagen Fakult t f r Kultur und Sozialwissenschaften Sprache Deutsch Abstract Was bedeutet es nach Kant Eigentum an einem Gegenstand zu erwerben und warum kann ein solcher Gegenstand urspr nglich kein anderer als der Boden sein Auf den ersten Blick scheint es paradox zu sein wie ein empirischer Akt der Besitznehmung Apprehension des Bodens ein nicht empirisches Vernunft Recht begr nden kann Denn Kant zufolge handelt es sich bei der Rechtslehre um ein aus der Vernunft hervorgehendes System des Rechts das jedoch auf in der Erfahrung vorkommende F lle angewandt werden muss Wie es Kant gelingt dieses Spannungsfeld zwischen Vernunft und Erfahrung aufzul sen ist Gegenstand dieser Arbeit die somit das f r Kants Rechtsphilosophie im Zentrum stehende Problem der empirisch rationalen Doppelbedeutung rechtlich relevanter Handlungen im Rahmen des Eigentumsrechts behandelt Die Arbeit weist nach wie sich die einseitige Anma ung eigenm chtiger urspr nglicher Apprehension des Bodens vernunftrechtlich aufl sen l sst indem sie zun chst die Bedeutung des empirischen Akts der Apprehension f r Kants Erwerbslehre erl utert Kapitel 2 und sodann Kants Begr ndung im Sinne eines Vernunftrechts nachvollzieht Kapitel 3 Die Arbeit stellt die These auf dass die Apprehension des Bodens im Rahmen der primo occupatio Bem chtigung als Nahtstelle zwischen dem Noumenalen und dem Ph nomenalen nicht rechtskonstitutiv beim Eigentumserwerb ist sondern lediglich demselben seine inhaltliche Bestimmung zuweist Weiterhin wird aufgezeigt dass die Schwierigkeit erfahrungstauglicher und zugleich vernunft rechtsbew hrter Zueignung insofern aufgeht als sich der Grund des empirischen Erwerbstitels in der Idee eines urspr nglichen Gesamtbesitzes des Bodens der Vernunfttitel der Erwerbung dagegen in der Idee eines a priori vereinigten Willens wiederfindet Die Arbeit schlie t mit einem Fazit und der Einbeziehung kritischer Stellungnahmen zur Eigentumslehre Kants Kapitel 4

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