

Rights and Property Rights: A Reflection Based on the Perspective of Young Marx

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Abstract

Modern Western political philosophy has formed paths around rights and property rights regarding the realization of individual freedom: early political philosophers emphasized the precedence of rights, and the category that best embodies individual rights is property rights. In contrast, the tradition of German political philosophy is to introduce rights from freedom, with rights as the external realization of inner ideas and property rights as the precondition and guarantee of human freedom. Young Marx explained the creation of property with the theory of alienation, pointing out that private property and money as the basis of civil society are the root of human alienation. Thus, Marx's communist vision of renouncing private property to achieve individual freedom based on the association of free men formed a different ideological progression from the rights paradigm.

Keywords

Rights, Property Rights, Civil Society, German-French Yearbook

1. Introduction

From the point of view of the history of ideas, the inviolable rights of the individual were established by modern philosophers, in which the revelation of the substantive meaning of the right to property became the maintenance and corroboration of individual freedom (Wood, 2019: pp. 17-31). In the context of ancient moral politics, Aristotle had understood property as an external good, and property as a quality must be limited for the achievement of human virtue (Aristotle, 1965: pp. 53-57). Even in the ancient Roman period, the right to property was regarded as a privilege and a right of special persons. It is not difficult to see that property as a representation of personhood presupposes the emancipation of man and the acquisition of freedom. Therefore, its concrete unfolding can

only be based on the modern theory of the state, which began with the recent liberal revelation of the rights of the person.

Rousseau emphasized the social definition of human nature, pointing out that slavery and domination in human development are the result of private property rights (Rousseau, 1980: pp. 25-30). Thus in *The Social Contract* that he sees the public will as the basis of all political rights, which can defend and secure the person and wealth of each bonded person with all common power. Hegel argues that Rousseau's formula of public will not only abolishes the hierarchy of existing institutions, but also sets up that if it is not a product of public will it is not allowed to exist. In the *Principles of Legal Philosophy*, Hegel distinguishes not only between natural rights and political science, but also between civil society and the state as a further concretization of rights (Hegel, 1961: pp. 197-204).

The fact that the young Marx had excerpted the writings of Rousseau and Hegel made political similarities between the three (Leopold, 2007: p. 271). Faced with the tension between the rights of man and the right to property, Marx argued for the liberation of human life from political or metaphysical otherness in the relationship between rights and property in the modern state, making man the sovereign with the highest goal among the state and law. A detailed account of this theory is embodied in two articles written by Marx for the *German-French Yearbook*: man as a class of existents is not to be politically free in the recognition of rights and the granting of property rights, but to be liberated from the social right to private property in civil society and from the political right constituted in the form of the state, to become his own legislator and to obtain a universal form of emancipation.

2. The Establishment of Rights and Property Rights in the Modern State

Since the modern era, Hobbes first developed natural law into a theory of rights, establishing the human basis of natural rights. Locke, along with Hobbes, was the main promoter of social contract theory, basing the right to property on natural rights and natural law, and then emphasizing property as a specific criterion of justice (Macpherson, 1962: p. 199). This system of rights centered on property and liberty dominated the emergence of human rights, and Rousseau went further by introducing natural rights into the social sphere, shifting the human basis of natural rights in the theory of natural human rights to the search for a social contract.

Hobbes, a philosophical proponent of absolutism, introduced the concept of the social contract, in which individuals transfer their liberties to a central, all-powerful ruler. As an absolute ruler, this ruler makes laws and enforces those laws. No one but the sovereign could restrict the owner's rights. But neither do citizens have the right to stop him. Hobbes' view of rights is not primarily a description of what property rights should be; the central element of rights that concerns him is a political freedom of choice related to the way humans live. For

Hobbes, fear of one's fellow man is an essential feature of human nature. Everyone must be fearful and suspicious of those around them, because everyone is too vulnerable to those around them. Thus, in the pursuit of a peaceful and comfortable life, and to secure the proceeds of one's labor, reason prompts men to enter into contracts, relinquish their right to self-government, and form states and authorize their behavior. The state "to use a definition, a personality in which a large body of men enter into a covenant of faith with each other, each authorizing its conduct, so that it may employ the powers and means of the whole in such a manner as it may deem conducive to the peace and common defense of all" (Hobbes, 1985: p. 132), and the problem of state lawmaking is how to contain this state of nature, and the law that performs this function as perfectly as possible is natural law. Thus, the right to property is entirely the product of contract, and to secure the performance of contract there must first be the coercive power of the state, and since the state itself is the product of contract, the right to property is an agreed right. By contrast, Locke's claim that the social state is governed by moral law is markedly different from Hobbes's state of nature.

Locke regarded property as a fundamental right. However, property does not arise by contract, as Hobbes argues, but is based on super-positive natural law. From the right of self-preservation established by natural law, Locke argues that the basis for preserving oneself and obtaining life are the goods of life, which are prepared by God in the form of "common property". What we need to do is to bring these "common goods" into the purview of the individual in a private way, "in order to be of use or benefit to a particular person" (Locke, 2005: pp. 17-18). Thus, in *Two Treatises of Government*, Locke, starting from the equality of rights, finally establishes the justification of the inequality of private property through three stages: the state of nature before the invention of money, the state of nature after the invention of money, and political society. Locke justified the inequality of private property through three stages—the state of nature before the invention of money, the state of nature after the invention of money, and political society. With his theory of labor, Locke took an entirely new approach: man has the right to possess a part of nature for the purpose of self-preservation in nature, and by working on natural things, man brings a part of himself into the object. Without labor, natural goods would have little value. The water in nature does not belong to anyone. But the water in the pot has become undisputed property. Similarly, the value of land comes primarily from labor. But in Locke, the acquisition of property has its limits, i.e., man can no longer consume what he has acquired from nature through his labor. For the formation of wealth, the possibility of exchange and the institution of money are decisive. By exchanging the fruits of his labor, for example, apples for nuts, man gets something less perishable. This he can have, even if he does not make direct use of it. Through the monetary system, an agreement was made among people that the custody of property could be indeterminate. Of course, Locke himself recognized the limi-

tations brought by the acquisition of labor as property. It cannot break through the finite quality of goods and labor as a limited manufacturing activity. Therefore, political society also has to set the limits of property rights: 1) to the extent that the goods obtained are for our enjoyment only and are not to be wasted or allowed to decay; and 2) to the extent that what is left over when property is taken does not affect others (Locke, 2005: pp. 20-21). Beyond these two settings, no valid possession of property arises. In fact, these two limits as restrictive conditions are rather a direct consequence and concrete manifestation of labor as a direct consequence of its finiteness.

According to Rousseau, the formation of property leads to the departure of man from the primitive state: competition and antagonism on the one hand, and the opposition of interests on the other, as well as the hidden desire to always earn one's own at the expense of others—all these evils are the first effects of property and the inseparable corollary of the inequality produced. In Rousseau's republican form of government, civil liberties are limited by the public interest. Thus, democratic decisions can interfere with the distribution of income, and progressive taxation can produce greater distributive justice. The man who has only what is simply necessary need not contribute at all; the taxation of the man who has excess can, if necessary, amount to more than the total amount of what he needs. In the same way that Locke had a major influence on the American Constitution, especially the Virginia Bill of Rights of 1776, Rousseau's writings had an impact on the French Revolution. Article 17 of the Declaration of Human and Civil Rights states that property is a sacred and inviolable right, and that no one shall be deprived of it unless public necessity, as prescribed by law, clearly requires it, and just compensation has been previously made. It follows that Rousseau is not talking about the right to property as a natural right in the Lockean sense, but as a right rooted in the social state and established by the social contract, as Ryan says, "Rousseau is concerned with how any natural 'right' is different from a true fully-fledged right. Thus, where Locke merged the initial right of enjoyment and the right to property in the state of nature, Rousseau did not merge them" (Ryan, 1984: p. 55).

3. The Paradox of Rights and Property Rights

Rousseau further developed Locke's theory of "labor rights" and emphasized that individuals could privatize their property within certain limits through their labor. He pointed out that the right to property is not only the foundation of civil society, but also the most sacred right of citizens, which is even more important than freedom (Rousseau, 2003: p. 25). Therefore, civil society should protect citizens from the violation of their property rights, and private ownership is not only recognized by law but also necessary for society. In his previously completed, *A Discourse on Inequality*, which pointed out that the root of all inequality was private ownership, and that in his conception of the "political community", the right to property was preserved as the most important right of citizens.

As a result of Rousseau's understanding of private property and private ownership, he pointed out the contradiction between the state of nature and the state of society, between public will and individual freedom. Rousseau believed that only through labor could man appropriate what he created. Through labor, people legitimize their private possessions and therefore enjoy personal property as a natural right of man. Although the process of privatizing property through individual labor does not infringe on the interests of others, the legal private appropriation requires certain procedures and conditions, and must be limited to satisfying one's own subsistence needs.

On this basis, Rousseau lists the distribution of private property as the main problem of the ideal society. In his view, the ideal society does not require absolute equality of property for everyone, but requires that the difference between rich and poor is not too great. Thus, he pointed out that a social contract could preserve private ownership in the "ideal community" and that the meaning of the contract was to protect citizens and their wealth. By establishing a state system of government that preserves the public will through the social contract, the selfishness of Bourgeois in civil society can be suppressed, and the dialectical unity of individual freedom and political virtue can be accomplished. Rousseau's critique of civil society ultimately recognizes that civil society will inevitably fall into "the inevitable universal domination of a certain lower class" which "may lead to the permanent degradation of mankind", and he identifies and names this lower class "identify and name this lower class: the bourgeois" (Bloom, 2007: p. 193). The bourgeois is considered by Rousseau to be an inferior class because of the complete loss of natural needs and the total control of desires, which are in opposition to the common good. Therefore, Rousseau expected the formation of a competent citizen and a new social culture from the political design of the social contract theory, believing that the polity established through the social contract would be an organism with strong political authority, "a strong whole with a high authority... capable of completely stopping any movement of individuals or parasitic classes aimed at separating from the whole. movement from the whole" (Volpe, 1993: p. 91). Rousseau's response to and discussion of political modernity extends the dichotomy between citizen and citizen in modern political philosophy to the dichotomy between civil society and the political state, which also constitutes Hegel's inherited critique of Rousseau.

Hegel shows his criticism and rejection of the modern state which aims at protecting private property on the basis of classical republicanism and the philosophy of unity, and points out the negative significance of the right to property. Hegel first grasps the reasons for the shift from antiquity to modernity and the contradictions of modernity in terms of the philosophy of history. The change of the Roman political system led to the loss of political freedom of the Romans, which in turn led to the change of the spirit of the times and eventually gave rise to modernity. In the classical republic, the people were in a state of political freedom: "In public life as well as in private or family life, every man is a

free man, and every man lives by the laws he has made” (Hegel, 1970: p. 208). In modernity, the state becomes, first of all, a mechanical state: the affairs of the state are determined and coordinated by one or a few individuals, and the rest of the people serve the mechanical state only as “individual cogs”, not free to participate in the affairs of the state at all, but only to produce their own values in relation to others. The people are subordinated to special interests, and all activities and purposes are centered on the individual, while the concept of the whole and the state has no place in the minds of the people. This led to the loss of political freedom of citizens, and only the right to secure property was considered the most important thing. At the same time, he also pointed out that Rousseau’s demonstration of the substantial form of community through the concept of public will would lead to agnosticism in purpose.

In his *Principles of Legal Philosophy*, Hegel revisits the “foundations of rights” and distinguishes between natural rights and political science, and likewise between civil society and the state as a further concretization of rights, while distinguishing a class of mass disenfranchisement, or the danger to social stability posed by the “untouchables”. In this way, the concept of civil society in the Hegelian sense prepares for the political idea of freedom of conscience and egalitarianism, and the natural legitimacy of subjective freedom of the individual has been established in every respect, although there is still always a tension between it and objective freedom in his theory. Civil society is a state of history dominated by special interests, and both civil society and the state are links in the self-logical movement of the Absolute Spirit, whose theme and ultimate goal is to reveal the Absolute Spirit and to gradually bring it to self-consciousness through the course of history, i.e., its awareness of the nature of its own freedom. “The unity of the particular and the universal in the state is the basis of everything” (Hegel, 1961: p. 261), and this “modern state” is not the result of individual freedom and labor abstraction in civil society, but is regarded as the precondition of both. Therefore, civil society is a historical state with an end point in Hegel’s philosophy of history, and the movement of civil society to revert to itself essentially deviates from the revolutionary nature of Hegel’s dialectic, and casts a mystical color on civil society and the modern state.

4. Marx’s Revelation of the Limits of Rights and Property Rights

Influenced by Rousseau’s conception, radical intellectuals were demanding a kind of popular sovereignty. While both the French and American revolutions of the 18th century conceived freedom, equality and sociality in opposition to the ecclesiastical position, taking an explicit oath of sovereignty as a starting point, the absolutism of the Prussian state, by contrast, was clearly based on a reaffirmation of faith. Since the defeat of Napoleon in 1814 and the dissolution of the Rhine Confederation, the restored Prussian regime completely denied and suppressed the principles and values of the republican party introduced by Napole-

on's occupation of the Rhineland and Religious oppression, political oppression, and the socialist ideology of the Egalitarian Society that had emerged left Germany with the emancipation problems of liberalizing the political order, establishing free trade, and establishing civil rights. This provided the background for Marx's thinking about the practical possibilities of German emancipation.

Whether order is achieved through the social contract or rationality through the state, rights are the product of law, which makes private rights an important element in law, and the legal system with private law at its core embodies this feature. At the same time, private law places special emphasis on the private and contractual nature of rights. In it, various rights in rem, by nature, embody the private nature of the attribution of rights, while claims embody the contractual nature of such property. On the other hand, the private nature of rights in political implication indicates that they are not related to the political life of the state, but are merely a definite relationship between private individuals; and contractualization also indicates that each individual is an equal, free subject of property, rather than a so-called political hierarchy. The concept is clarified through Marx's evaluation of previous theorists; human rights based on private property rights bring about conflicts between egoists, and when they are in conflict, who decides who? Marx intended to show that it is not possible to deny private property in the abstract, as the Young Hegelians did, but to curb its negative effects (Jian, 2021: pp. 41-50). Abandoning the pursuit of false rights, the individual is the subject with decisive power, and the bourgeoisie, represented by the French Revolution, cannot reach a communality or universality for all humanity.

Since Marx quotes directly from the *Kreuznach Notebooks* about the writings of Rousseau, the Declaration of Rights, and excerpts about Hamilton, the critique of egoistic rights in *On the Jewish Question* is undoubtedly mediated by Rousseau and Hegel. Marx follows Rousseau in arguing that modern man is split into two kinds of existence, one as a citizen and the other as a citizen, and that in modern society there is a split between public life and private life. This division and the hostile situation of civil society make each individual promote his own self-interest. As for Hegel's subject of rights, which is the rational will of "self-prescribed universals", both produce a split between human beings and human consciousness, on the one hand, a political, legal, and philosophical fiction, and on the other, a narrow, limited reality. The abstract, fictitious citizenship is an imaginary sovereignty in an unrealistic universal, and as for human rights, they are actually selfish individual rights, reduced to the ownership of private property in a capitalist society. Marx pointed out that "this human right is partly a political right, a right exercised only in common with others. The content of this right is participation in the community, precisely, in the political community, in the state" (Marx & Engels, 1975: p. 150). Yet the promise of the universality of human rights and even of rights was not realized, and the Declaration of Human Rights merely resorted to the sacrosanct right to property. In analyzing the Jewish question, Marx formed the framework in his mind of appealing to the divi-

siveness and self-interest of civil society and critiquing particularity.

Marx divided human rights into general rights and political fundamental rights, the latter being, in Marx's view, primarily the freedom of religious belief. When human rights do not appear as political rights, they express in Marx's view the self-regarding understanding of the "self-interested man", who, as owners of private property, are in opposition to each other in atomized form. Given the division of human beings into public and private persons, human rights, which represent freedom, are not based on the union of persons, but, on the contrary, on the separation of persons from each other (Marx & Engels, 1975: p. 155). Such political emancipation expresses the superstructure of norms for the members of civil society, where the relations between individuals are expressed through the rule of law, while in Marx's view, human beings are essentially social. They know themselves in relation to others in common, they interact naturally with others, and the society they form is based on shared freedom and equally contingent self-realization.

Thus, although Marx starts from the relationship between "human rights and civil rights", he does not treat human rights as a general category, but as a sub-category of human and civil rights. It should be said that no human right extends beyond the egoistic person, beyond the person as a member of civil society. The only bond that connects individuals is natural necessity, the need and private interest, the protection of property and their egoistic person. Marx emphasized that the core of civil society is not property, but the political state. That is why he continued the theoretical framework of the critique of the philosophy of law, criticizing the rights of civil society on the basis of the dichotomy between the political state and civil society, without using the concept of human rights that protects private property. The political sphere, as a sphere separate from and opposed to man, is a sphere of alienation that should be overcome by revolution, whereby man must be able to organize his forces into social forces. Marx's basic ideas about overcoming the political sphere, as well as about autonomous communities, can already find theoretical inspiration here.

5. Communism's Overcoming of Private Property

Having recognized that private property constitutes the destiny of modern man, Marx points out that private property and money, as the basic principles of civil society, create for themselves corresponding forms of circulation in the name of political emancipation and human rights in law, state and morality. Private property and money are thus the source of human alienation and must be critiqued if humanity wants to achieve an ideal society free of alienation and inequality. The subject of this critique was the proletariat, and the aim of the critique was to achieve a communism in which the potential of the individual could develop freely and fully.

The concept of alienation is derived from Hegel's exposition of spiritual development and thus becomes the focus of the elaboration of the process of hu-

man self-development. Unlike the philosophers of the Enlightenment, Hegel regarded the individual self-consciousness as an immediate and constant presumed fact. The self is a product of history and society. It develops through a process of alienation and transcendence of alienation, self-alienation and self-recognition, differentiation, and ultimately reconciliation. However, the divisions and disorders in the European reality prove that Hegel's rational harmony has not been realized in the real society and that alienation has clearly not been overcome. The leftist Hegelians insisted that the human spirit should escape from the immature stage and achieve self-realization in self-alienation, new birth and freedom. Bauer was one of them, who combined alienation theory with political theory and argued that the realization of reason was a necessary prerequisite for the realization of social law.

Bauer's use of alienation theory lies in his rewriting of the religious narrative into a legal narrative. He argues that human consciousness simply cannot provide the basis for a state of right and responsibility, and therefore the purpose of human self-consciousness is to break away from the theocratic or metaphysical legal order. Through a religious discourse on the reality of law, Bauer articulates a non-metaphysical state of self-consciousness in which man is under law. In this state of self-consciousness, man's goal is to realize himself freely, viewing religious reflection as a process of consciousness formation. Bauer writes, "The most Christian nations are those in which theological law prevails. Such laws acquire real power, or rather, absolute power" (Bauer, 1968: p. 43). The religious content should thus be interpreted as a historical image of human self-consciousness, in which the human spirit overcomes the metaphysical otherness of God to human nature. Thus, Bauer argues that the exclusivity of Judaism is due to the influence of religious oppression and alienating particularity, thus introducing religion as the primary cause of human alienation. At the same time he argues that the unfreedom of self-bondage can be liberated at the supreme point of alienation. This is clearly Hegel's view, since radical negativity is most alienating in nature before the transition to the next new stage. So Bauer argued that the path to freedom for Jews did not require acquiring the same rights as other citizens of Christian nations, but rather that they had to give up their kernel of being Jewish in order to achieve freedom.

Marx pointed out that Bauer's method of achieving freedom was only to construct his own theory by offering a set historical interpretation of human nature and an indeterminate social analysis of human consciousness. And in *realpolitik*, the emancipation of the French and North American states in the political and religious sense has taken place, but with the emergence of non-privileged forms of religion—individuals gaining the freedom of apolitical religious belief. Marx gives the example: "The constant division of religion in North America has given religion the form of a purely personal affair on the surface. It was pushed into many private interests and expelled from the community as a community" (Marx & Engels, 1975: p. 160). This remains the dimension of political emancipation, which does not eliminate the influence of religion on people. There is a split be-

tween the individual bourgeois life, which is caught up in the private, and the abstract life of the moral citizen; the citizen still needs to separate from himself the ability to be a political person. Marx thus refers to civil society as “the highest practical manifestation of man’s self-alienation” (Marx & Engels, 1975: p. 174). His use of the concept of alienation here clearly provides a solution to reality and its causes of alienation from a social perspective, since he sees the real factor (later capitalism) rather than religion as the source of human alienation, and interprets alienation as a fundamental material state, not a spiritual one. Thus, Marx describes Jewish spirituality or commerce as a religion in which the currency is God: “What is the worldly religion of the Jew? Huckstering. What is his worldly God? Money” (Marx & Engels, 1975: p. 170). When money becomes the highest value in the secular world, it becomes an alien being that rules man.

Marx’s account of alienation specifies the situation in civil society, where this alienation means that our own activities and products present themselves as a separate existence and become an opposing force against us. If, in the religious sphere, God manifests itself as the self-alienation of human objectivity relations; in the secular sphere, property manifests itself as the self-alienation of the proletariat. Private property, as all products produced from capitalist society, is alienation from the point of view of the social product. And the proletariat, as a proletarian lacking private property, is far from, and does not attain, the state of existence of a citizen, so that the rights of a citizen are null and void for him. Thus, Marx presents the renunciation of private property rather than the acquisition of citizenship as the way to the emancipation of the proletariat, i.e. how alienation can be overcome.

The overcoming of alienation is not a simple negation of it, but takes the form of a dialectical renunciation in which the conditions of alienation are not only transcended and negated, but also preserved as the basis for reaching its results. Thus, Marx further reveals the causes of private property: the products of labor belong to capital rather than to the producer and are used to dominate and exploit the worker. 1) With the advent of capitalism, money and the market intervene between production and consumer, breaking the direct relation between labor and need, and the products of labor become a force independent of and opposed to the worker; 2) the relation of employment turns labor into a for-wage engaged commodity, labor becomes an external activity subordinated to capital; 3) labor is reduced from a human class activity to a means of satisfying needs, alienating the human class essence; 4) society is not only split into atomic individuals, but the operation of economic laws causes human relations to fall into the whirlpool of commodity exchange (Marx & Engels, 1975: pp. 266-281). Through these aspects, alienated labor itself creates the conditions for overcoming alienation, and the positive and negative aspects it contains in itself foreshadow the transformation of the relationship between man and object. The restoration of man to himself, to society, can be achieved when production and economic relations are consciously brought back under social control and man achieves the development of his individual capacities. Marx suggests that true

communism realizes the true character of alienating forces, activities and relations and reappropriates them in a non-alienated form, thus reaching the early theoretical communist overcoming of private ownership.

6. Conclusion

Modern political philosophy established a rights paradigm with rights and property rights as key concepts, and a theory of natural rights that emphasized the sanctity of private property rights promoted political emancipation but did not eliminate social disparities and inequalities. Marx, like recent political scientists, analyzed current political problems from a human perspective, but he adopted a different communist narrative from the rights paradigm, forming an early philosophical communism with a political philosophical bent. This is manifested in his absorption of the concept of the proletariat into the doctrine of human alienation (Tucker, 2018: p. 105), under the primary influence of Hegel, Stein, and Hess. Religion, the state, money, private property, etc. are products of human society, social phenomena that have been sanctified, and the political state is thus a projection of the class essence of man (man as a universal class being) in the earthly heavenly realm. The separation of civil society from the political state must be replaced by a “human society” in which the individual and the class are reunited in order to recover the universality of man to man himself. Accordingly, Marx continued to interpret private property through the logic of the critique of alienation, and produced an absolute imperative to eliminate private property. Although early Marx’s arguments were philosophical in nature, they still provided a new and lasting basis for the harmonious unification of the individual and society.

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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