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Author(s): GEORGE E. PANICHAS

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# Hume's Theory of Property\*

BY GEORGE E. PANICHAS, EASTON, PENN.

Hume and Locke agreed that the sole end or aim of civil society is the preservation of private property. However, Hume's arguments for this view are, as might be expected, plainly non-Lockean. Hume's philosophical forbear on the issue of private property is Hobbes. For both Hobbes and Hume, the human need for societal and civil societal life — complete with an institution of private property — results because human beings are apt to act and interact in fairly predictable ways<sup>1</sup>. And with Hobbes as well as others (notably Hutcheson), Hume's justification of a specific system of private property entails that if private property is not dominant, then commodious life is impossible<sup>2</sup>.

Basic to Hume's justification of a system of private property is his explanation of possession and ownership — of a basic system of property. The existence of *any* basic system of property presupposes certain facts about both persons and their natural environment. The rules of a system of *private* property are developed upon such a basic system, and thus cannot be inconsistent with these facts. Hume's justification of a relatively complex system of private property is thus logically subsequent to his explanation of a basic system of property. Thus, an evaluation of Hume's justification does well to begin with an examination of his explanation.

## 1.

Hume explains the social phenomenon of possession or ownership by appealing to the theoretical artifice of an imagined, hypothetical state of affairs in which ownership is absent. The hypothetical state of affairs is then compared with what Hume believes is an actual and typical state of affairs where there are rules of ownership. By isolating the differences between these two states of affairs, Hume uncovers those conditions which he believes combine to result in a need (hence utility) for rules of ownership, that is, for a basic system of property.

Hume's hypothetical condition is one where all persons can get whatever they want or need without impediment, where

\* An earlier version of this paper was presented at the Tenth International Hume Conference of The Hume Society at Trinity College, Dublin, Ireland.

<sup>1</sup> A discussion of the relationship between the Hobbesian and Humean political theories is irrelevant to the central concerns of this paper. However, some of the details of this relationship will be noted below.

<sup>2</sup> For an account of the influence of various thinkers (Cicero, Pufendorf, Grotius, Cumberland, etc.) on Hume's political philosophy, especially his views on property, see Duncan Forbes, *Hume's Philosophical Politics*, Cambridge University Press, 1975, Chapter 1. For the influence of Hutcheson, cf. pp. 34–41.

... nature has bestowed on the human race such profuse *abundance* of all *external* conveniences, that, without any uncertainty in the event, without any care or industry on our part, every individual finds himself fully provided with whatever his most voracious appetites can want, or luxurious imagination wish or desire<sup>3</sup>.

Added to this condition of abundance is a characterization of human interests and motivation which can be referred to as a condition of altruism. Hume continues:

... that, though the necessities of the human race continue the same as at present, ... the mind is so enlarged, and so replete with friendship and generosity, that every man has the utmost tenderness for every man, and feels no more concern for his own interests than for that of his fellows<sup>4</sup>.

For Hume, if we hypothesize a condition of natural abundance and altruism, then ownership relations do not arise. If Hume's hypothetical condition were extent, then, there would be no social need for a system of property – it would have no function. Thus Hume adds:

For what purpose make a partition of goods, where everyone has already more than enough? Why give rise to property, where there cannot possibly be any injury? Why call this object *mine*, when, upon seizing of it by another, I need but stretch out my hand to possess myself of what is equally valuable? <sup>5</sup>

and later continues:

Why should I bind another, by deed or promise, to do me any good office, when I know that he is already prompted, by the strongest inclination, to seek my happiness ... Why raise land-marks between my neighbor's field and mine, when my heart has made no division between our interests; but shares all his joys and sorrows with the same force and vivacity as if originally my own? <sup>6</sup>

Now for Hume, the actual and typical condition of human social life is a mean between the hypothetical extreme of abundance and altruism and its polar opposite, a condition of desperate scarcity where getting what one needs is a matter of self-preservation and entails the destruction of others. On the former extreme, there is no need for property because it would serve no purpose. On the latter extreme, rules of property are, as Hume notes, useless to implement because they would not be followed<sup>7</sup>. On either extreme there will be no property (rules

<sup>3</sup> David Hume, *Essays, Moral, Political and Literary; An Enquiry Concerning the Principles of Morals*, Ed., T. H. Green and T. H. Grosse, Longmans, Green and Co., London, 1898, p. 179.

<sup>4</sup> *Ibid.*, p. 180.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*, p. 191.

<sup>7</sup> Hume states in the *Enquiry* (*Ibid.*, p. 182): "Suppose a society to fall into such a want of all common necessities, that the utmost frugality and industry can not preserve the greater number from perishing; It will be readily admitted, that the strict laws of justice are suspended, in such a pressing emergency, and give place to stronger motives of necessity and self-preservation".

On Hume's view, the first principle of justice is that men should be free of interference with their possessions and that "... the rules of equity or justice depend entirely on the

of ownership) because it is of no use: on the first extreme it will not arise, on the second it could not endure.

However, Hume believes that the human condition is neither a condition of an absolute abundance of goods under total altruism, nor a condition of desperate scarcity. Rather, the human social condition typically is such that there is a moderate scarcity of goods, and persons are not unlimitedly altruistic, in fact, persons have unlimited desires and are to be regarded as basically (though not thoroughly as in Hobbes) egoistic<sup>8</sup>. Now if there is a moderate scarcity of goods and persons have unlimited desires and an interest in obtaining what they desire, then even if individuals do not desire everything for themselves (for example, they may desire goods for their families and friends as Hume allows<sup>9</sup>) conflicts are inevitable and unavoidable. But, of course, if such conflicts are inevitable and unavoidable in the usual condition of human social life, then there is a need or function for basic rules of ownership. A basic system of property thus can be accounted for – explained – by reference to its social function – the existence of property fulfills a social need.

Two related points are worth making here. First, Hume's explanation of rules of ownership, of a basic system of property, does not *depend* on the assumption (though this is an assumption that Hume makes) that men are naturally and immutably *omni-desirous* and incapable of unlimited altruism. All Hume need show for his account to be plausible is that there is some general human or social need for rules of ownership. While the acceptance of a Humean (or even Hobbesian) psychology guarantees this usefulness, an argument for the social utility of rules of ownership could be made on the basis of weaker claims, claims compatible with a less controversial psychology. All that is required is that human interests, as seen in terms of persons' intentions to appropriate and use certain

particular state and condition, in which men are placed. . ." (*Enquiry*, p. 183). Similarly, Hobbes argues (Thomas Hobbes, *Leviathan*, Ed., C. B. Macpherson, Penguin Books Ltd., 1968) that prior to an agreement or covenant to limit desires, talk of justice and propriety is inapplicable (cf. Chapter 15, p. 202). Hobbes and Hume agree, then, in that both see justice as applicable to a specifiable set of circumstances-circumstances where there is both a scarcity of goods (though not a desperate scarcity) and conflicts of interests.

<sup>8</sup> Hume rejects a strong form of egoism as contrary to the available evidence. In the *Treatise* (David Hume, *A Treatise of Human Nature* Ed., L. A. Selby-Bigge, second edition, Oxford at the Clarendon Press, 1978, pp. 486–7), Hume allows that by association of one's own interests with the interests of others, particularly one's family members, persons are capable of a limited range of altruistic desires. This is consistent with Hume's view in his essay "Of Self Love" (*The Philosophical Works of David Hume*, Edinburgh, 1876, Vol. IV, pp. 378–86) where he argues that while a complete, egoistic analysis of human moral sentiments (particularly benevolence) is parsimonious, there remains neither evidence nor adequate argument to justify an analysis which reduces such sentiments to egoistic motives alone. But even though Hume rejects egoism, it remains that persons are to be regarded, for political purposes, as if they were egoists. While persons may tend to the interests of family and friends as they would tend to their own interests, still they will not regard the interests of all others in the same light. Thus while we do not, as in Hobbes, begin with egoistic individuals, we do begin with individual units (families) which will behave egoistically.

things, can generate conflict even if there is extensive altruism and human desires are limited. Rules of ownership would be useful, it could be argued, in social conditions where the prevalent social aim is to insure individual human development via cooperation, for example, rather than, as in Hume, successful competition arising from limited conflict. Thus while Hume's explanation of rules of ownership is given on the basis of controversial assumptions which, if true, would *insure* a social need for a basic system of property, his case could have been made on a more general (and thus weaker and less troublesome) set of assumptions.

The second point is that while the fact of moderate to extensive scarcity may be argued to be characteristic of primitive or underdeveloped societies (or societies which lack natural resources), and that more advanced (or more fortunate) socioeconomic arrangements which better utilize what is available might minimize or even eradicate such a scarcity, still this does not hurt the basic point underlying Hume's account. Hume's view is, after all, that systems of property *arise* in contexts typified by moderate scarcity. And though it may be mistaken to think that the *continued* existence of a system of property depends on the continued existence of such a scarcity, one need not argue this point in order to maintain a coherent explanation of basic rules of ownership. The general point here is that Hume's explanation of the conditions prerequisite for a basic system of property can be preserved even when his more controversial assumptions, both psychological and historical, are stripped away. Thus Hume's general views about the explaining conditions for rules of ownership — his need-theory of social institutions — seems both reasonable and insightful.

It might be objected at this point that too much credit has been given Hume, especially if one compares Hume's general account of the origin of property as it appears in the *Treatise* with the discussion in the *Enquiry*. In the *Treatise*, Hume is less disposed to make the general point which I attribute to him than he is to make a quite specific connection between greed, scarcity and unlimited desires, and *private* property. In the sense in which the *Enquiry* is less concerned with this, it *might* be seen as an advance over the discussion which appears in the *Treatise*<sup>10</sup>. The point at this juncture, however, is *not* to save Hume's justification for a system of private property, but rather to draw attention to the insight in Hume's explanation of rules of ownership *per se*. Roughly this insight can be

<sup>9</sup> *Treatise*, *op. cit.*, p. 487.

<sup>10</sup> As both Forbes (*op. cit.*, pp. 10–15) and John B. Stewart (*The Moral and Political Philosophy of David Hume*, Columbia University Press, 1963, pp. 114–16) note, Hume's explanation of social institutions in the *Enquiry* (particularly the 1753–4 edition) and his derivation of specific rules of private ownership (specifically accession and succession) depend primarily on their acceptability given their consistency with “. . .the relations and connections of the imagination” (*Enquiry*, Appendix III, fn. 1, p. 277). Here, then, Hume seems less concerned with the utility of specific rules of a system of private property than he is with the relative psychological ease with which persons would accept such rules. Here the overall utility of stable social relations is Hume's fundamental concern; economic utility is secondary.

stated as the claim that social institutions take shape in contexts where human beings, in virtue of their basic socioeconomic conditions, have or develop needs for those institutions. Institutions emerge so as to fulfill certain needs and thus have a social function. Interpreted in this way, Hume can be read as anticipating both nineteenth century and contemporary work on the conditions necessary for rules of ownership<sup>11</sup>. And while Hume may not have been inclined to make this point in a way which is logically separate from his justification of *private* property, this does not preclude the fact that it was logically open for him to have done so.

## 2.

There is an admitted artificiality in separating Hume's explanation of rules of ownership, of a basic system of property, from his justification of a quite specific system of property, that is, a system of private property. Yet the separation is useful not only for the reasons given above, but also because it draws attention to the fact that an explanation of a basic system of property does not suffice as a justification of a specific system thereof. Hume's justification of a system of private property and of the specific rules of which such a system should be comprised is based, *in toto*, on utilitarian grounds. For Hume, if such a system were extant and coupled with a functioning market economy, it would bring about a maximization of individual advantages or utilities<sup>12</sup>. It is difficult to overestimate the significance of the role which a system of private property plays in Hume's overall political theory. For not only is such a system to be opted for on utilitarian grounds *given* the existence of an on-going society, but further and most importantly. Hume saw the utility of such a system to consist most fundamentally in the role it plays with respect to the very foundations of civilized human life. For Hume, a system of private property is an indispensable condition of a decent human life<sup>13</sup>.

<sup>11</sup> Cf. Karl Marx and Frederick Engels, *The German Ideology*, Ed., C. J. Arthur, International Publishers, 1970, part I, pp. 50–57. And, cf. H. L. A. Hart, *The Concept of Law*, Oxford University Press, 1961, p. 192.

<sup>12</sup> Cf., *Treatise*, pp. 502–16.

<sup>13</sup> As is commonly known, Hume ridiculed the theory of social or political obligation based on an initial contract or promise (or on some idea of tacit consent). But it is by convention that a system of property develops. Hume describes this convention as “. . . a convention enter'd into by all the members of the society to bestow stability on the possession of those external goods, and leave everyone in the peaceable enjoyment of what he may acquire. . .” (*Treatise*, p. 489). This convention is based on the mutual interests of persons to “. . . leave another in the possession of his good, *provided* he will act in the same manner with regard to me” (*Treatise*, p. 496). Two things are worth noting here. First, while Hume is often distinguished from others in the liberal tradition (e.g., Hobbes, Locke and Rousseau) in that he avoided a social contract as the basis of social and political obligations, nonetheless, the idea of a social convention which Hume depends on here just is the idea involved in Hobbes' notion of an original contract.

While Locke thought it quite possible (though inconvenient and surely disutilitarian) for there to be social life prior to or without a system of private property, Hume believed that such a system was necessary to avoid chaos and savagery<sup>14</sup>. For Hume the utility of a system of private property is much more fundamental than (but is not inconsistent with) the Lockean and, in general, the liberal concern with the promotion of conditions thought to be advantageous in increasing the productive capacities of man. Thus while Hume's justification of a system of private property is entirely utilitarian, it can be seen to function on two levels. First, and this is Hume's central concern, as it shall be the central concern of the remainder of this paper, he argues for the basic utility of a system of private property with regard to the very conditions upon which human social life depends. Second, Hume argues the further usefulness of such a system given his perception of the basic economic facts of social life. Nonetheless, the conclusion which results given Hume's first and central concern renders superfluous any additional justification of a system of private property. For if a system of private property is necessary for *any* non-savage, non-chaotic form of social life, then there is no obvious need for any further justification of that system<sup>15</sup>. All that would remain is a specification of the particular rights which are entailed by a system of private property and their justification *given* the assumption that such a system is justified. Indeed, this puts a system of private property *per se* beyond justification. There is no point in debating the relative merits of private property and non-private systems if no society could survive the latter system.

There is evidence that Hume is aware of this. Hume develops his justification from the starting point of showing that a system of private property is necessary for human social life in general, and then attempts to show how certain refinements in that system guarantee additional utilitarian results. But all these refinements are subject to one limiting condition, *viz.* that the initial usefulness of a system of private property – of establishing and preserving social harmony – not be abridged. While Hume's justification of a system of private property

Hobbes claims that a contract is "The mutuall transferring of Right" (*Leviathan*, Chapter 14). Hobbes' second law of nature states that so as to promote peaceful and secure life, individuals should ". . . lay down their right to all things; and be contented with so much liberty against other men, as he would allow against himselfe" (*Leviathan*, Chapter 14). Thus while Hume wanted to deny that he was basing an acceptable form of social life on a contract which is a kind of promise, his view remains, in fact, contractarian. Second, the reason both Hobbes and Hume thought such a contract is necessary is essentially the same. Hume argues for a contract to minimize insecurity of possession and in so doing to promote a condition of social stability and peace. Hobbes' second law of nature which sets the foundation of his social contract is seen as the means of implementing his first law of nature which is "That every man, ought to endeavour Peace. . ." (*Leviathan*, Chapter 14). Hume's view is an addition to Hobbes' in that while the latter was considering a general social convention necessary to avoid a condition of war, Hume specified this convention in terms of an institution of property. In this way, then, Hume clearly remains in the Hobbesian contractarian tradition.

<sup>14</sup> *Treatise*, p. 497.

<sup>15</sup> Cf. Hobbes, *Leviathan*, Chapter 24, p. 298.

extends well beyond its initial considerations then, it is forever limited by them. Thus even if an incident or rule of property might be useful in the sense of promoting some temporary advantages to some or even all members of a society, nonetheless, if that incident or rule were to conflict with the basic justification of a system of exclusive ownership, then it is not to be allowed. Thus Hume's claim that a system of private property is essential to, or necessary for any form of commodious life emerges as *the* presupposition upon which depend all subsequent discussions of a system of private property. The details of a system of private property, the arguments for the various rights, privileges and obligations it should entail, are logically secondary to the justification of the system itself.

As has been noted, Hume's explanation of a system of property depends on the hypothesis that a use or need for such a system arises given that natural man is omni-desirous man confronted by a natural condition of moderate scarcity<sup>16</sup>. However, on the assumption that Hume's hypothesis is correct and his explanation is reasonable, it remains to be seen how and why *only* a system of *private* property can be justified. Even if it is agreed that Hume's explanation shows that *some* basic system of property is a necessary condition of social life, why should it be believed – how does it follow – that only a system of *private* property will fulfill that condition? Admittedly, Hume does offer additional premises with seeming relevance to this conclusion. He argues that a division of labor is indispensable to avoid a solitary, insecure condition eventuating in “ruin and misery”. And he argues that the formation of the family (resulting, in major part, from natural sexual attraction) and the sentiment of benevolence contribute to an overall psychological predisposition which renders man immanently suitable for social life<sup>17</sup>. But still, how does any or all of this establish that a system of *private* property alone will suffice as that system of property presupposed by any decent form of social life?

In order to appreciate fully Hume's argument for his answer to this question, it is crucial to sketch a distinction between two basic, alternative systems of property<sup>18</sup>. The first of these systems is a basic system of *private* property. Here, ownership is acquired by some rule-governed mechanism, such as consent, contract, purchase or gift, and retention of ownership (remaining the owner) is essentially without restriction or qualification. Individual ownership, then, is not contingent upon an owner's needs, use for, or even interest in that which is owned. This is not to say that the interests of owners are not, or will not be served by their being owners – the hope of those defending such a system is invariably the opposite. But the point is that having an interest in, or use or need for, that which is owned is not a *condition* of one's being or remaining an owner. In addition, under a basic system of private property, the community neither restricts nor constrains the rights of ownership so as to protect or promote the

<sup>16</sup> Cf. *Treatise*, p. 484.

<sup>17</sup> Cf. *Treatise*, pp. 484–85.

<sup>18</sup> This distinction is developed in greater detail in my “Prolegomenon to a Political Theory of Ownership”, *Archiv für Rechts- und Sozialphilosophie* (ARSP), LXIV/3, 1978.



interests of non-owners. Thus taking and retaining ownership is logically independent of any community controls exercised on behalf of members of the community other than the owner. Property rights are, on a basic system of private property thus conceived, truly exclusive. And while more developed systems of property may well enjoin owners from uses or controls of property which are regarded as in some way harmful, such prohibitions do *not* function to establish *ultimate* community control (that is, community *ownership*) over what is owned or what is not owned (but available for ownership). In such a system, individual rights of ownership are supreme and virtually unconditional. And it is this type of system which Hume defends<sup>19</sup>.

An alternative to any basic system of private property can be termed the “trusteeship system”. On such a system, individual possession or ownership of property is allowed only if the relevant individual (the prospective owner) has a need or use for the property (or thing to be owned) at issue. There being no such need or use by an individual, the property at issue is assumed to be under community protection – under the trusteeship of the community. Now under such a system, a wide variety of additional conditions can be required for an individual to own (under various conditions of the trust) the relevant property. But these details and variations need not be of concern here<sup>20</sup>. The basic criterion which defines any system of property as a trusteeship system is that individual ownership of property is conditioned by needs for, or uses of property by owners, either actual or prospective. All property not claimed or controlled in accord with this condition is assumed to be under community protection, and any claim to, or controls of ownership which do not conform to the basic use or need condition (exercised against the backdrop of a community trusteeship) is illegitimate. Thus any such system is logically inconsistent with any basic system of private property. One can not consistently advocate both systems.

With the above distinction between basic systems of property in mind, Hume’s answer to the question of why only a system of private property is justified can be better appreciated and, I think, better evaluated. It is Hume’s basic contention in the *Treatise* that the central impediments to the formation of society are selfishness and avidity, and that selfishness and avidity can be mitigated only if a system of private property is adopted<sup>21</sup>. Hume’s general line of argument for a basic system of private property, then, can be stated as follows: If human needs and wants are successfully fulfilled only in society, and if selfishness and avidity stand in the way, that is, constitute impediments to social organization, then only a system of private property is justified because only such a system can mitigate the potentially disruptive forces of selfishness and avidity. But why believe that only a system of private property can mitigate

<sup>19</sup> Hume allows for alienation of property and transferal thereof on grounds of the owner’s consent. Cf., *Treatise*, pp. 514–16.

<sup>20</sup> Some of these details are enumerated in my “Prolegomenon to a Political Theory of Ownership”, *op. cit.*, pp. 347–50.

<sup>21</sup> *Treatise*, p. 489.

the potentially disruptive forces of selfishness and avidity? Why not believe that a trusteeship system could perform the same task? On Hume's view, it is desirable for human beings to obtain what they need. And if "... the enjoyment of such possessions as we have acquir'd by our own industry and good fortune. . ."<sup>22</sup> is necessary to that end, then a system of property which secures this "... enjoyment of . . . possession. . ." appears to be justified. If human good implies security of possession, and for Hume this is the heart of the matter<sup>23</sup>, then it is plain that *some* institution of ownership is justified since security of possession presupposes at least some basic system of property. But again, why not a trusteeship system of property? Why is it that a trusteeship system would not afford security of possession of those things for which one labors, assuming that those things fulfill the needs, or have a use for the laborer? Or, to put the question more to the point, why is it that the rights of ownership afforded under a trusteeship system are inadequate to Hume's purposes?

Hume's answer to this question rests on his analysis of avidity as coupled with his assumptions concerning the circumstances which explain property *per se*, that is, moderate scarcity and omni-desirous human beings. The greatest threat to social life is human avidity, that intense desire for personal gain which must be thwarted, or (since Hume thought as a matter of fact that avidity could not be thwarted) redirected, if social life is to be established and to endure. Hume understands avidity as the "love of gain"<sup>24</sup>, a desire of acquisition which entails getting things for oneself and for those who are close to oneself. Hume is clear, "... avidity alone . . . is insatiable, perpetual, universal, and directly destructive of society"<sup>25</sup>. While individual selfishness is a general impediment to advantageous social organization, it is not, as in Hobbes, ubiquitous and insurmountable. Avidity, however, is the specific passion which renders the most divisive and devastating threat to a decent social life. And the specific threat which avidity poses to society is that which it poses to security of possession<sup>26</sup>. Thus unless the natural passion for gain is somehow mitigated (since it can not be, on an assumption of moderate scarcity, always fulfilled) possession of what is necessary to fulfill one's needs will be insecure. But, there is a passion which Hume feels is strong enough to check avidity and thus to establish security of possession, and that is avidity itself<sup>27</sup>.

Since avidity alone base the power to redirect itself so that the threat it poses to security of possession, hence society, is minimized, the particular system of

<sup>22</sup> *Ibid.*, p. 487.

<sup>23</sup> Cf. Hume's discussion of "Occupation, Accession, and Succession" in the *Treatise*, pp. 505–10. Hume's view plainly influenced Bentham who appeals to the "grand principle of security" as a guide for legislators determining rules of property. Cf. Jeremy Bentham, *The Works of Jeremy Bentham*, Ed., John Bowring, Russell & Russell, Inc., London, 1962, Vol. I, p. 311.

<sup>24</sup> *Treatise*, p. 492.

<sup>25</sup> *Ibid.*, pp. 491–92.

<sup>26</sup> *Ibid.*, p. 491.

<sup>27</sup> *Ibid.*, p. 492

property which is adopted must establish and allow a non-divisive, non-destructive outlet for avidity. The appropriate system of property, then, incorporates and neutralizes avidity by redirecting it towards long-term future gains. The intense desire for immediate gain (which will be insecure) is forestalled by a system of property allowing for eventual, *secure* gains in a context where, as Hume eventually argues, all property is owned by some individual<sup>28</sup>. The desire for immediate gain is thus bought-off by the promise of greater and more secure gain in the future.

The extended argument for the view that this buy-off implies a system of private property and not a trusteeship system seems to be this. Since a decent social life depends on security of possession, some system of property is required. But omni-desirous, avaricious persons in a condition of moderate scarcity will want to gain by immediate possession of all of the same (one and the same) things. This will, if left unchecked, result in insecurity of immediate possession. All will be scrambling for the same things of which there are not enough. If this is true, then only a system of property which allows present or immediate possession for the purpose of *future* gain will be justified. The buy-off which is a necessary condition for checking the destructive effects of avidity demands this. Of course, this precludes a trusteeship system because, as will be recalled, on such a system possession or ownership is conditioned by a need or use – an immediate need or use – for the property at issue. Future, projected needs or uses (for example, needs or uses for future gain) are not sufficient to allow legitimate immediate possession. Avaricious persons can not be expected to trade immediate, admittedly insecure gains for equally insecure long-term gains. A trusteeship system is unjustifiable, then, because it places restrictions on ownership which will leave avidity unchecked and in so doing deny the *sine qua non* of social life – security of possession. Therefore, only a system of property which establishes the ownership rights of individuals as unconditioned by immediate needs or uses will satisfy Hume's theoretical purposes. And that just is to say that only a system of *private* property is justifiable. The security of possession required to make sociable omni-desirous persons in a condition of moderate scarcity is guaranteed only by a system of private property.

### 3.

With a justification of a system of private property established, Hume proceeds to specify the details of that system in accord with his basic concern to maximize productivity and maintain a successful market economy while throughout assuring that security of possession will be maintained. But nothing which is said in the context of that discussion detracts from or diminishes the basic argument for a system of private property as given above. Thus criticisms of Hume's

<sup>28</sup> Cf. *Treatise*, p. 505.

theory of property which are not simply *internal* criticisms, that is, criticisms which would show that some rules of a private property system are more desirable than others of the same type of system, must be directed at the argument recounted above. And a likely place to begin an *external* criticism is by examining Hume's psychological assumptions, assumptions which, when coupled with a condition of moderate scarcity, allegedly entail conflict between persons.

Consider first the premise that human beings are, by nature, *omni-desirous*, that they have an unlimited number of "wants and necessities"<sup>29</sup>. There are, I think, at least two ways in which this claim can be understood and Hume seems, on various occasions, to use the claim in both ways. First, we can understand the claim that persons have infinite wants, needs or desires to mean that persons have an infinite *number* of wants, needs or desires for an infinite number of things. Second, we can understand the claim to mean that while man might not have an infinite number of wants, needs or desires, some of these are infinite in the sense in which they are perpetual and insatiable. The clearest and most pertinent evidence that Hume held this latter interpretation is, of course, the case of avidity. On either of these interpretations, if we assume a condition of moderate scarcity, conflicts between individuals seem inevitable and, as the argument recounted above purports to show, a system of private property is thus justified. Even if our numberless or limitless wants and necessities are not egoistically motivated (we may want what we want for others), conflict will result and social life will be imperiled. Let us consider, then, each of these interpretations.

The claim that individuals (particularly natural, pre-social individuals) have an infinite number of wants, needs or desires for an infinite number of things seems to be both false and confused. The falsehood of the claim can be seen if it is asked what such a condition would involve. All persons, on this claim, would be inclined to get all things or states of affairs. But of course there is no clear evidence that even persons in highly developed societies (which Hume admits, paradoxically, bring about more needs and wants) can be characterized in this way. And if this is the case, there would seem to be even less plausibility in the claim that persons in pre-social circumstances are such that they want, need or desire all and everything. It *might* be argued that individuals are *capable* of wanting or desiring (and perhaps needing, but this is a more difficult case) just about anything; but even if there were such a capacity, it could not count as a ground from which Hume could derive his conclusion concerning the inevitability of conflict. If it is only possible (and not clearly likely) that some persons will, at some time, have wants for the same (one and the same) thing which others want as well, then conflict is no longer necessary, that is, unavoidable and inevitable. Thus, social life is not necessarily imperiled as a consequence of human psychology.

This should generate thought about just what is involved in correctly ascribing psychological states or dispositions such as wants, needs or desires to persons. While it may be true that having general, unqualified, non-specific wants, needs

<sup>29</sup> *Ibid.*, p. 484.

or desires (for example, being hungry) is independent of the availability of those things which will fulfill such wants, needs or desires, this is not the case with wants, needs or desires which are quite specific. Thus, for example, while I may want or need food even if there is no food available, I can not be said to want or need food of a specific type, for example quiche, unless this type of food is something I recognize as an object of my wants or needs. Crudely, I can not want quiche if I do not know what quiche is<sup>30</sup>. In a very important sense, then the having of specific wants, needs or desires is relative to the context in which the objects of those wants, needs or desires are identifiable by persons as the relevant objects of their specific wants, needs or desires. But then it is confused to even talk about pre-social persons as actually having an infinite set of wants, needs or desires for an infinite number of things just because being able to have such wants, needs or desires depends on being able to recognize such things as potential objects of one's wants, needs or desires. And this, in turn, depends on the fact of living in various stages of social development, that is, where, in the course of human innovation, new things become new objects of new wants, needs or desires. To speak coherently of man as infinitely desirous of infinite things, then, would presuppose that one is speaking of abstract man, of a *type* of being with a psychology sufficiently malleable to allow the development of a plethora of wants, desires and (possibly) needs for most anything. But it does not follow from this that it is coherent to speak of real individual persons, living their lives in a variety of social and economic arrangements, as actually being *omni-desirous* — of having infinite wants and necessities.

If this criticism of Hume is correct, then it is not open to him to retreat, even if only slightly, and claim that while perhaps natural pre-social persons are not *omni-desirous*, they do have a great number of wants, desires and needs which would in themselves cause conflict. The reason this move will fall is essentially the same as above. To assume that man has a great number of wants and necessities is to assume the existence of a developed social existence, not just facts about man in the abstract. Since it is not open to Hume to consider the effects of sophisticated social life (life beyond simple nuclear family living) on human psychology, he would be hard pressed to justify even the more limited claim that persons "naturally" have a great number of wants, desires and needs. All Hume could legitimately claim here is that persons have basic needs (irrelevant of particular social contexts), for example, for food, clothing, shelter, etc. But one can hardly conclude from this, given a condition of *moderate* scarcity, that there is even a likelihood (let alone inevitability) of conflict between individuals.

<sup>30</sup> The general point here, following G. E. M. Anscombe (*Intention*, Cornell University Press, 1969, p. 66) and, more recently, A. J. Watt ("The Intentionality of Wants", *Mind*, Vol. LXXII, No. 234 [October, 1974], pp. 553–561) is that wanting, desiring and (possibly) needing some thing or state of affairs implies, all things being equal, trying to get that thing, or bring about that state of affairs. But trying to get a *specific* thing or bring about a *specific* state of affairs presupposes being able to recognize that specific thing or state of affairs as that which would fulfill one's wants, desires or needs.

Hume could respond here by claiming that while all men do not want or need all things, avidity remains as the basic desire which, if unchecked, eventuates in conflict and insecurity of possession. This response brings us to what was suggested as a second way of interpreting Hume's controversial psychological premise, namely that some of our desires are infinite in the sense that they are insatiable, and, most importantly here, that the central one of these which demands a system of private property is avidity – the perpetual, insatiable desire for personal gain.

At least two things can be meant by saying that a desire is perpetual and insatiable. On one meaning, the paradigm is a desire like hunger. Human beings are perpetually and insatiably hungry in that they must have, at regular and repeated intervals, food to live. On many occasions a given quantity of food will satisfy hunger and satisfy it completely; but the hunger will recur and in this sense is perpetual. The desire is insatiable, then, not in the sense in which it can never (at any given time) be satisfied, but rather in the sense in which the desire will recur and when it does, it will recur as an unsatisfied desire. On the second meaning, to have a perpetual, insatiable desire is to be continuously and permanently inclined towards some object or experience. Thus, if one has a perpetual, insatiable desire to watch television, one is inclined to watch television all the time and, one would suppose, no amount of television-watching will satisfy this desire.

Notice that a feature of both types of perpetual and insatiable desires is that they may be overridden by other wants, desires or interests. One may refuse to eat if one is on a hunger strike; one may leave the television set if one wants a drink. This is not to deny that the desire will, as in the first case, recur or, as in the second case, that it will endure. The point is that it does not follow from the fact that a desire is perpetual and insatiable that it can not be overridden and thus effectively be denied or postponed. But, on the assumption that avidity is a perpetual insatiable desire and thus should share this feature of desires of this sort, serious difficulties arise from Hume's purposes.

Recall that Hume allows, in a way which is apparently consistent with the above analysis, that avidity can be checked, overridden, but only by avidity itself. However, if one is precise, avidity is either not a perpetual, insatiable desire (since it does not share a common feature of such desires) or it is unique among such desires – unique because it alone can *not* be overridden by some desire *other* than itself. Since the first of these alternatives is not open to Hume given his claim that avidity *is* perpetual and insatiable, it must be maintained that avidity is unique among such desires. But on what evidence can such a claim be maintained? It could be hypothesized that persons are, in a natural, pre-social condition, avaricious (in Hume's sense), but this hypothesis can not be confirmed, and, as a result, appears to be an *ad hoc* hypothesis – an hypothesis based on no other grounds but that without it, Hume's argument for a system of private property collapses. In the absence of evidence to the contrary, then, it remains a reasonable belief that avidity, like all other perpetual, insatiable desires, can be overridden by other wants, desires or interests. But then Hume's

argument for a system of private property as opposed to a trusteeship system fails. For if avidity can be overridden by other wants, desires or interests, security of possession can be established and maintained in the absence of a system of private property. A system of private property, then, is *not* the indispensable mechanism for security of possession and a decent social life.

It can be responded that it remains open to Hume to argue that avidity is not a natural desire, a desire inherent to pre-social man, but rather is an acquired desire — a result of living under quite specific sets of social arrangements. But this will not do. The effects of various forms of social life on individual psychology are notoriously inconsistent and thus the claim that persons are avaricious may well be correct only about some persons in some societies, but surely not about all persons in all societies. Again, then, Hume's claim of inevitable conflict in the absence of a system of private property is not established. But in addition, it is plausible to argue that this sort of response is question-begging. The *petitio* consists in the fact that the claim that avidity is an acquired, socially-determined desire may well be tantamount to the admission that it is a desire acquired in just the sort of society which Hume is attempting to justify, that is, where a system of private property, private gain and accumulation generate and perpetuate uncontrollable avidity. If the argument for the justification of a system of private property depends on quite specific psychological claims, then one must show, not assume, that these claims about persons are true prior to, or independent of, the social conditions predominated by a system of private property. For even if it is the case that a system of private property alone mitigates the consequences of human avidity, it had better not be the case that human avidity is both engendered and fostered by societies predominated by a system of private property. Hume needed to show the natural, pre-social character of avidity and deny that societies predominated by private property are in fact the breeding grounds for avidity. It appears that he did neither.

#### Résumé/Zusammenfassung

*La Théorie de la propriété de Hume:* Cet article a une double portée. Premièrement, il se propose de résumer, d'analyser et d'évaluer l'exégèse ou les considérations générales de Hume sur un système de propriété. Deuxièmement, il étudie l'argument qui entraîne Hume à la conclusion que seul un système de propriété privée est justifiable. En ce qui concerne la première question, l'auteur soutient que les considérations générales du philosophe sont à la fois plausibles et défendables. En ce qui concerne la seconde question, il affirme toutefois que Hume échoue dans sa défense d'un système de propriété privée.

*Humes Theorie vom Eigentum:* Diese Arbeit verfolgt zwei Anliegen. Zum einen wird Humes Auseinandersetzung mit bzw. seine allgemeine Darstellung von einem System von Eigentum zusammengefaßt, analysiert und bewertet. Zum

andern bewertet die Arbeit Humes Beweisführung seiner Folgerung, daß nur ein System von Privateigentum gerechtfertigt sei. Bezüglich des ersten Anliegens wird behauptet, daß Humes Darstellung sowohl einleuchtend als auch vertretbar ist. Bezüglich des zweiten Anliegens wird hingegen die Behauptung aufgestellt, daß Humes Rechtfertigung eines Systems von Privateigentum nicht gelingt.