

Locke and Hume on Property: A Comparative Study

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Abstract

This article views the notion of property as one of the essential topics within the scope of modern political philosophy. The main argument of this article is that the notion of modern property has been philosophically shaped prior the existence of the legal ownership. The connection of the property to the modern concepts such as liberty and society plays an essential role in our modern understanding of what property is and what it was. The tangibility of this concept is what makes it different from other notions. Therefore, the main aim of this paper is to review the works of the two important modern political thinkers Locke and Hume and to analyze the origins and theoretical justification behind the notion of property and ownership. This article uses the method of comparison and contrast to grasp a deeper understanding of the key ideas on property written by the two philosophers.

Keywords: Property, Locke, Hume, Liberalism

Locke ve Hume'da Mülkiyet Kavramı: Karşılaştırmalı bir Analiz

Öz

Bu makalede, mülkiyet kavramı siyaset felsefesinde taşıdığı önem bakımından ele alınıp tartışılmıştır. Bu makalenin temel tezi şudur: modern mülkiyet kavramı hukuki sahiplik fikrinden önce, liberal düşünürler tarafından siyasal olarak tanımlanmış ve tarif edilmiştir. Mülkiyet kavramını diğer kavramlardan ayıran temel farklardan birisi mülkiyetin somut bir kavram olmasıdır. Bu bağlamda, mülkiyet kavramı Locke'un 'emek-değer' teorisine ve Hume'un 'sivil toplum' teorisine dayanarak tartışılmıştır. Mülkiyet kavramı birey, toplum ve devlet arasındaki sosyal ve siyasal ilişkileri düzenlediği ve bireyin özgürlük alanını oluşturduğu için, bu makalede mülkiyet kavramı John Locke'un ve David Hume'un siyaset teorileri esas alınarak karşılaştırmalı olarak analiz edilmiş ve mülkiyetin liberalizm açısından taşıdığı önem açıklanmaya çalışılmıştır.

Anahtar Kelimeler: Mülkiyet, Locke, Hume, Liberalizm.

Introduction

The idea of the property remains to be one of the most disputed and controversial topics in modern political theory. The main difficulty of this notion begins with the disputes of its origins. In fact, it could be argued that no one knows exactly on how the idea of property came about and consequently, every political theorist puts forward his own version in regards to the emergence of property. It should be noted that the idea of property to which this paper refers to is not specifically based on any particular definition on contrary it is based on the background around which each author is shaping their own understanding of the concept. This paper will be focused on the formation of property according to two libertarian philosophers: Locke and Hume. The main reason why the two authors have been chosen is their opposite view on the emergence of the property and its functions which will be outlined in the separate discussion forms in this paper.

The typology of possession and ownership of the property in this article is used in accordance to the interpretations provided by Eric Mack and his differentiation between two major ideas the natural right 'to property' and the natural right 'of property'.¹ The first is mainly referred to the common ownership of the Earth, and the second being mainly connected to the natural right of ownership.² This article mainly refers to the natural right 'of property', dealing with the physical possessions of land and other quantifiable goods.³

This article will review Locke's writings on property in one of his famous works "*Second Treatise of Government*" published in December 1689. The first part of the article will define and discuss the notion of property and the related concept of ownership. The interpretations and integration of biblical understanding on the property as it has been introduced by John Locke is an initial source that he uses to interpret the emergence of the property. Secondly, the theoretical framework through which the notion of property has been used will be discussed. Since the concept of property has been mainly linked to the Lockean notion of liberty, the major characteristics of property as a part of liberty needs to be defined as two interconnected ideas. Additionally, since, property is viewed as part of our natural right, an understanding on a just and unjust property will be mentioned. Furthermore, the differentiation of the movable and non-movable goods will be added as the part of the discussion on property.

1 Eric Mack, "The Natural Right of Property", *Social Philosophy and Policy*, Arizona 2010, v: 27, p. 53.

2 Mack, a.g.m., p. 53.

3 In some places it is also used as the notion of private property.

In the second part of this article, the notion of property as it has been understood by Hume will be discussed. In his work Hume locates the concept of property in one of the three types of goods that human beings are attached to. These three good are; satisfactions of mind, external advantages of body and finally are the things that we possess. It could be argued that Hume's idea on property is essential due to the time when it was written. The author had created his work during rather a stable period of the ruling, which might explain why he prefers to look at the property through the lenses of social construction and the social order. Hume's understanding of social needs of individuals is an important twist in the concept and general understanding of property. Even though author doesn't provide a concrete explanation in regards to the formation of the property, he still attempts to locate its emergence to the formation of the state, theorizing that the legal nature of the state has lead to the official formation of the property. Another aim of this paper is to review and discuss the alternative view on property, which differs from the Lock's understanding by linking it to the formation of the state.

Lastly, this article will compare and contrast between the Lockean idea of the property and its connection to justice and on the other hand the Humean idea of property and his discourse on Locke's work. The last part of the article will also mention criticisms of the ideas that are based on the liberal understanding of the property. Moreover, the end of the article will reveal the importance of viewing property through liberal lenses to understand major modern issues concerning this topic.

John Locke on Property

Locke introduces the idea of property in chapter five of *Second Treatise of Government*. Firstly Locke outlines the idea of the property by taking the references from the Bible. He argues that in the beginning, God has given men the world to Adam and Noah and that the world has been made for their utilization. The main idea that stands behind Lockean biblical interpretation is that "God has given the world to men in common, hath also given them reason to make use of it the best advantage of life, and convenience"⁴ This means that everything that is present here in the world is a gift given by God to his people. The biblical interpretation that Locke provides in his work helps him to build the further idea of the importance of property and develops the notion every man are entitled to the property as part of their natural rights. In the interpretations provided by Erick Mack, this natural right that is so widely used

4 David Wootton, *Modern Political Thought*, Hackett Publishing Company, Cambridge M.A 2008, p. 203.

by liberal thinkers, does not only incorporate the natural right to physical property but also includes what he calls a right to self-ownership.⁵ According to his interpretations it would be more appropriate to locate the concept of natural right parallel to the natural right of self-ownership.⁶ According to him if one has a right to maintain the self-ownership, he shall have a right to maintain private property.⁷

However, one of the central questions that arise with the respect to the Lockean interpretation of Property is based on the origins of the individual property. If everything is given by God and is meant for the central use, then how did the private property emerge? In his discussions, Locke provides an answer to what the individual property is and how it is distinguished from the common property that was given by God. Locke's major understanding of the property is that whatever has been cultivated by man automatically is transferred into his own possession. Locke argues that God has made the world in the way that every human being is able to benefit from the goods as long as these goods have been cultivated by his own labor.

Additionally, if we consider that all of the things around us are given by God to all of us for common usage, there are certain things that we could separate from it. The author argues that the labor that has been done by our body and the physical work that has been done by our own hands, therefore, should be considered our own individual property.⁸ Furthermore, the property which is supposed to be for the common good could be transformed by an individual as long as it is transformed for a better usage.⁹ This could be explained that if we consider that initially, our body has been referred to as being our own property, then the labor that is being used by our body to do produce an object, since our labor (that came from our body) was used in production then that thing that was produced naturally becomes our, which at the end makes it private.

Locke argues that individuals shall have rights to acquire full property over movable and non-moveable parts of the earth if one could potentially make use out of it¹⁰. Therefore, it could be argued that according to Locke our natural rights include the right to possess and legitimately acquire property, and any government must respect natural rights including the rights

5 Mack, *a.g.m.*, s. 53.

6 Mack, *a.g.m.*, s. 54-55.

7 Mack, *a.g.m.*, s. 56.

8 Melvin Chernio, "Locke on Property: A Reappraisal", *Ethics*, Chicago 1957, Cilt: 68, Sayı 1, p. 51-55.

9 John Locke, "Second Treatise of Government", *John Locke: Two Treatises of Government*, England 1689, p. 265-428.

10 Locke, *Second Treatise of Government*, p. 273-280.

of property¹¹. Locke makes a connection between maintenance of property and labor. According to Locke, an individual should have rights to own as much property as he wants with a condition that he has means to look after the property that he possesses. For example, if one has land, he should have enough workers to work on this land; otherwise, he shouldn't own the land. Labour is taken into consideration as '*unquestionable property of the laborer*'—what has been with a labor of one, shall give him rights over the thing that he has gathered:

"He that is nourished by the acorns he picked up under oak, or the apples he gathered from the trees in the wood, has certainly appropriated them to himself. Nobody can deny but the nourishment is his."

Consequently, if an individual adds their own labor, which is their own property, to a foreign object or good (where the labor of the owner have not been exercised), by his logic, that object should become their own. However, a foreigner cannot take over the property which has not been based on his labor but the labor of the owner. This was an essential step that brought the *labor theory of property*; which is the theory of natural law that holds that property originally derived from the exertion of labor upon natural resources. Locke gives an example on the law of reason, when the Indian who kills a deer, is allowed to take this good as his earned property since he has put his labor upon it before it was the common right of everyone. The interpretation that Locke derives from the bible is rather interesting. He mentions that all the trees and apples that have given by God to Adam were, in fact, his property, but in the passage number thirty-two in *Second Treatise of the Government* he writes the following:

But the chief matter of property being now not the fruits of the earth, and the beasts that subsist on it, but the earth itself; as that which takes in, and carries with all the rest: I think it is plain, that property in that too is acquired as the former. (Wootton pg 294)

The argument is that the Earth itself is the property of the man, not only the things that are found on the earth, but everything belongs to the man.¹² In the next passage, as I have mentioned earlier he says, that everything that is cultivated by individual belongs to him, hence, he has made it himself, and no state should have any rights over that good that has been cultivated.

"As much land as man tills, plants, improves, cultivates, and can use the product of, so much is his property" (Wootton pg 294)

The "*measure of property nature*" according to Locke is the extent of the men's labor, and "the conveniences of life", the labor that you spend on to own

11 David Wootton, *Modern Political Thought*, Hackett Publishing Company, Cambridge M.A 2008, p. 203.

12 Locke, *Second Treatise of Government*, p. 279

the property should define the amount of property you possess and not the other way around. The main idea of the rights to possess the property is to get the amount of property that you can actually handle. Locke gives example on apples, one can take as many apples as he can eat, before they decay and go to waste, however, if one decides to get more he can handle, then it means that the natural right has exceeded the limits and it is a misuse of the resources you obtain. Locke applies this for the other kinds of property as well, such as farms; an individual should not only get the amount of property he can handle but also use it that way so it doesn't go to waste. To conclude his idea at the end of the chapter in "*Second Treaties of Government*" Locke connects the idea of labor and good to money, the last part of his argument has a very economic dimension to it, basically, since some of the goods in economic term are "non-durable"¹³ and if an individual collects an exceeding amount of non-durable goods, then the best way to make use of them is to trade them with others, which develops the concept of barter trade. In this sense, money is what adds an additional value to which goods can be processed.

To sum up, Locke's idea of one's right to possess private property. Moreover, Locke's major idea is that people by nature have a right to acquire property. However, the mechanism through which is one able to obtain it is linked to amount of labor one has put into his property which is the major justification of why property exists.

Hume "The origins of Justice and Property"

Firstly, it is necessary to understand the background on how the idea of property has been discussed in Hume's writings on property. In his, work Hume starts with the discourse on the social composition of justice. According to Hume, in nature, the needs of animals are usually are proportionate to their abilities that are needed to achieve these needs. The author provides an example of a lion; if a lion wants more food his physical ability gives him a privilege to attain this want. Consequently, a weaker animal wouldn't be able to have as much food as the lion, however; proportionately this animal would have lower appetite than a lion. According to Hume, the only living beings whose needs are disproportionate to their abilities to achieve them are humans.¹⁴ The physical composition of a man is what makes him so weak¹⁵. This creates a need for a person to gather in groups and live in together to attain

¹³ Non-durable goods are the goods that rot fast, whereas durable goods are the ones that can benefit from long-term like, property.

¹⁴ George Panchias, "Hume's Theory of Property", *Hume and Law*, Algate 2012, p. 225.

¹⁵ Panchias, *a.g.e.*, p. 227.

all the needs¹⁶. For the individual being in the society brings him an advantage to achieve needs that otherwise individually a person wouldn't be able to achieve. According to Hume, for the society to be formed, a person needs to realize of an existence of certain advantages on why a person should in the group rather than out of it.¹⁷

Secondly, after providing a general explanation of the composition of the society Hume argues that the idea of justice cannot be regarded as a natural principle¹⁸. The virtue of justice according to him could be only regarded among the civilized rather than uncivilized men. The idea of justice is interconnected to the formation of the social order in a society. It could be argued that Hume views property through the philosophical bias binding it to the societal structure. According to Hardin (2007), Hume's major concern is with the relation of a property to the social order.¹⁹ Therefore, Hume does not place his concern on how property is being managed but rather the whole existence of the property which is essential for maintaining a social order in a large society.²⁰ Hume puts forward certain conditions for justice and once these conditions are fulfilled, property becomes one of the obstacles to the conditions that would have otherwise, lead to the social order. At this point, the author refers to the movable property. The main reason why the idea of movable property has been criticized by Hume is that it could be easily stolen which could result in the destruction of the setup order. Hume suggests that non-movable (fixed) property has more value as opposed to the transitional property. Not only theft that makes the possession of non-movable property less of the value but the amount of effort and incentive that has been put to the property. Therefore, one of the major differences between Hume and Locke is that Hume is not concerned about the fixed property, which is different in the case when Locke talks about the land as the property.

Thirdly, according to Hardin (2007), Hume as the political philosopher is not on the pro-ownership of the property²¹. Instead, he believes that as most of the things in the societal pattern, private property is also accidental.²² Hence, from the justice point of view, the property acquired could be merely being called as just. Hume doesn't necessarily claim that the property has been actually stolen, though; he does mention that property has been acqui-

16 Russell, *David Hume-Moral and Political Theorist*, s. 223.

17 Russell, *a.g.e.*, p. 213.

18 Panchias, *a.g.e.*, p. 227.

19 David, Hume, *A Treatise of Human Nature (Second Edition)*, Oxford 1896, p. 105.

20 Hume, *a.g.e.*, p. 300.

21 Russell, *David Hume - Moral and Political Theorist*, p. 153.

22 Russell, *David Hume - Moral and Political Theorist*, p.148.

ired through pure luck.²³ The acquisition by luck could be arguably referred to the acquisition of property through the principles of inheritance. Most of the property that had been acquired usually is passed to the next generation, through the principles of inheritance, which explains why such property has been acquired through luck. Hardin (2007), in his book, argues that not only Hume doesn't seem to support the ownership of property but he also argues on the reversibility of the class structure. Hume in his work argues that not only the acquisition of property is accidental but the acquisition of class is also accidental.²⁴ Therefore, the class could be also inverted through time. Hence, one of the major characteristics in Hume's understanding on property is that since the class (that is irreversible) is being obtained throughout the time and essentially is inherited, the property could be considered as irreversible according to the author.

On the other hand Panchias, argues that one of the major common points that Hume and Locke have in their discussions on property, is that major goal of civil society in terms of their properties is its preservation.²⁵ Even though Hume doesn't directly talk about human nature and its effects on ownership of property, he depicts that people tend to 'act and interact' in a rather predictable manner.²⁶ Moreover, in his work Hume explains the possession of property through two hypothetical states of affairs.²⁷ In the first scenario, there is an abundance of property which eliminates the idea of ownership from its core.²⁸ Author links the irrelevance of ownership in the first case scenario to the 'condition of human altruism'.²⁹ The major rational explanation is that in that scenario ownership would disappear by the appearance of human altruism which is linked to the abundance of private property and no need of sharing.³⁰ Second hypothetical situation, is an opposite of the first one. Now he considers whether ownership would be necessary if there is a scarcity of property.³¹ According to Panchias, in this situation Hume continues on by defending his claim that rule and the ownership of property would not be necessary in case of its scarcity as well.³² He justifies his reasoning by claiming

23 Hume, *a.g.e.*, p. 550.

24 Hume, *a.g.e.*, p. 623.

25 Hume, *a.g.e.*, p. 623.

26 Panchias, *a.g.e.*, p. 390.

27 Panchias, *a.g.e.*, p. 391.

28 Panchias, *a.g.e.*, p. 391.

29 Panchias, *a.g.e.*, p. 392.

30 Panchias, *a.g.e.*, p. 393.

31 Panchias, *a.g.e.*, p. 399.

32 Panchias, *a.g.e.*, p. 400.

that the rules of ownership would not be necessary since in the situation of extreme scarcity, no one will be willing to follow them.³³

According to Hardin (2007), the foundation of discourses on the justice on property by Hume is that laws on the property initially is not good or bad but rather whether or not it contributes to the general utility. In that sense, this theory is taken from the principles of rule of utilitarianism.³⁴ In the theory of ethics, there is a major difference between the acts of utilitarianism as opposed to the rule of utilitarianism. The first is mainly referred to the consequences an act brings in terms of its good on the scale of morality. The rule of utilitarianism on the other hand, defines on whether the rule that is being adopted brings more good after it is applied. In that sense, the higher utility the utility of the laws in regards to maintenance of property the better.³⁵ Since, Hume is analyzing the idea of property as one of the important pre-requisites of the societal order, in that sense of the composition of the society property has been viewed as the positive thing. Hardin in his book has made an analysis on the so-called 'property regime' discussion of which could be found in Hume's work. In the idea of property regime what is important to understand is that Hardin in his interpretations on Hume is using the term of good property which means the property that contributes to the development and maintenance of the societal structure.³⁶ Hume believes that property enables productivity which has to be secured by the government without which such productivity would be impossible. As the result there is a mutual relationship where government's role is to secure the property and property enables to secure the government in return.³⁷

In author's work, the concern on the property starts with the absence of the state but on the other hand the presence of the property. The society that has no government in Hume's work is identified as the small society.³⁸ In this kind of society Hume argues that talking about property would be not legally right. The main reason for that is that property should be bounded by legitimate law, which makes the possession legitimate and justifiable by law. The lack of legitimization would result in the chaos in the distribution order, were each individual would claim for the property without contributing to its production. This is why without government and legitimate regulatory mechanism in a smaller society talking about the existence of the property is

33 Panchias, *a.g.e.*, p. 402.

34 Russell, *David Hume - Moral and Political Theorist*, p. 144-154.

35 Russell, *David Hume - Moral and Political Theorist*, p. 144-154.

36 Russell, *David Hume - Moral and Political Theorist*, p.157.

37 Russell, *David Hume - Moral and Political Theorist*, p.157.

38 Russell, *David Hume - Moral and Political Theorist*, p.148.

impossible.³⁹The growth of society results in the growth of the property and the inability for the society to control the abundance of the property results in the need for the control mechanism which is applied in form of law⁴⁰.

In conclusion, in his work Hume places the property as one of the essential goods out of the three that he points out at the beginning of his chapter. He calls property as the things that we possess. While the other two goods being that of mind of a person, advantages of the body don't need an additional protection, he places an importance on the possessions that need to be protected by the sovereign. Consequently, his idea of the property revolves around the protector (which in his understanding is the government) which is necessary for the larger society with the possessions of the larger goods. Moreover, the origins of the property take place with the emergence of the law and legitimate record of such. Besides, such goods connected to property are based on the non-movable property, since; the other type of possessions could be easily stolen.

Analysis and Comparison

The differences in the opinions on property between the two authors start with the foundation of the private ownership. Hume had an abstract idea of how property came about and he links it to the formation of law according to the principles of justice, where the actual terminology of property has taken place. However, on the other hand, he doesn't completely disregard the fact that property existed before the law has been created. Locke, on the contrary, believed that property has been there since the creation and having been brought through the world's rational order. Private ownership, on the other hand, starts with land and its cultivation. There is also a major difference in authors ideas is that Locke believes that there is a state of nature, where people are not cruel but rather cooperative, and no one should hurt each other since we have been created as God's property. Hume, on the other hand, doesn't believe in the state of nature altogether. As the result since property hasn't been defined by the state of nature the creation of the concept is entirely artificial. Since property according to Hume, has been mainly based on social conventions, traditions and customs defined by society. Locke's property is the combination of trust and collaboration between all the people despite their social upbringing and other characteristics. Locke views property through the idea of labor, which means that whoever has invested

39 Russell, *David Hume - Moral and Political Theorist*, p. 144-154.

40 Russell, *David Hume - Moral and Political Theorist*, p. 155.

their labor on the property is entitled to that property. In that sense, private property is a right that we have from our birth. Hume, on the contrary, believed that property is a necessity that has come out in the larger society. He believes that if property is not transformed into the private one the outburst of violence would be inevitable. This could be directly linked to the notion of scarcity and there are limited resources that need to be controlled via the instrument of law to contain the violence.

To conclude, Hume's ideas on property could be regarded as 'non- Lockean' due to the contrasts to the major ideologies on property that have been proposed by the author. In his theoretical discussion Hume links property to civil society without which subsistence of property would be impossible. Locke on the other hand, believes that property exists due to labor that has been invested in certain place, which provides and intrinsic right for its ownership.

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