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A Treatise Of Human Nature

Being An Attempt to introduce the experimental Method of Reasoning Into
Moral Subjects

Of Morals - With An Appendix ; Wherein some Passages of the foregoing
Volumes are illustrated and explain'd

Hume, David

London, 1740

Sect. IV. Of the transference of property by consent.

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S E C T. IV.

Of the transference of property by consent.

S E C T. IV. **H**OWEVER useful, or even necessary, the stability of possession may be to human society, 'tis attended with very considerable inconveniences. The relation of fitness or suitableness ought never to enter into consideration, in distributing the properties of mankind; but we must govern ourselves by rules, which are more general in their application, and more free from doubt and uncertainty. Of this kind is *present* possession upon the first establishment of society; and afterwards *occupation*, *prescription*, *accession*, and *succession*. As these depend very much on chance, they must frequently prove contradictory both to men's wants and desires; and persons and possessions must often be very ill adjusted. This is a grand inconvenience, which calls for a remedy. To apply one directly, and allow every man to seize by violence what he judges to be fit for him, wou'd destroy society; and therefore the rules of justice seek

seek some medium betwixt a rigid stability, S E C T.
 and this changeable and uncertain adjust- IV.
 ment. But there is no medium better than *Of the*
 that obvious one, that possession and pro- *transfe-*
 perty shou'd always be stable, except when *rence of pro-*
 the proprietor consents to bestow them on *erty by*
 some other person. This rule can have no *consent.*
 ill consequence, in occasioning wars and
 dissentions; since the proprietor's consent,
 who alone is concern'd, is taken along in
 the alienation: And it may serve to many
 good purposes in adjusting property to per-
 sons. Different parts of the earth produce
 different commodities; and not only so, but
 different men both are by nature fitted for
 different employments, and attain to greater
 perfection in any one, when they confine
 themselves to it alone. All this requires a
 mutual exchange and commerce; for which
 reason the translation of property by consent
 is founded on a law of nature, as well as its
 stability without such a consent.

So far is determin'd by a plain utility and
 interest. But perhaps 'tis from more trivial
 reasons, that *delivery*, or a sensible trans-
 ference of the object is commonly requir'd
 by civil laws, and also by the laws of na-
 ture, according to most authors, as a requi-
 site circumstance in the translation of pro-
 perty.



PART perty. The property of an object, when
 II. taken for something real, without any re-
 Of justice ference to morality, or the sentiments of the
 and inju- mind, is a quality perfectly insensible, and
 stice. even inconceivable; nor can we form any
 distinct notion, either of its stability or
 translation. This imperfection of our ideas
 is less sensibly felt with regard to its stability,
 as it engages less our attention, and is easily
 past over by the mind, without any scru-
 pulous examination. But as the translation
 of property from one person to another is a
 more remarkable event, the defect of our
 ideas becomes more sensible on that occa-
 sion, and obliges us to turn ourselves on
 every side in search of some remedy. Now
 as nothing more enlivens any idea than a
 present impression, and a relation betwixt
 that impression and the idea; 'tis natural for
 us to seek some false light from this quarter.
 In order to aid the imagination in conceiving
 the transference of property, we take the
 sensible object, and actually transfer its pos-
 session to the person, on whom we wou'd
 bestow the property. The suppos'd resem-
 blance of the actions, and the presence of
 this sensible delivery, deceive the mind, and
 make it fancy, that it conceives the myste-
 rious transition of the property. And that
 this