

## Scarcity, property rights and collective norms

Submission for Lionel Robbins 75<sup>th</sup> Anniversary Conference, LSE, December 2007

### *Abstract*

Lionel Robbins' *Essay on the Nature and Significance of Economic Science* (1932, 1935) put centre-stage the notion that economic science is best characterised in terms of the 'scarcity' definition of economics. The pre-history of this conception of scarcity can be traced to the work of the natural lawyers of the seventeenth century (Brown, *Æconomia*, 1987), but the analytical implications of the role of private property in a world of scarce resources was developed largely by economists in the twentieth century. In this paper I raise some questions about the conception of private property that is presupposed in such debates.

In jurisprudential, historical and economics analysis of property rights it is often taken as axiomatic that the paradigmatic notion of a property right is given by W.N. Hohfeld's explication of a 'claim-right'; that is,  $X$ 's property-right in some item,  $P$ , is  $X$ 's claim-right that others have a duty not to interfere with  $X$ 's use of  $P$  (*Yale Law Journal*, 1913). Building on my recent analysis of Hohfeld's scheme of legal relations (Brown, 'Rights, Liberties and Duties: Reformulating Hohfeld's Scheme of Legal Relations', *Current Legal Problems*, 2005), I raise the question whether a more appropriate conception of a property right in a world characterised by scarcity and environmental externalities might be given by that of  $X$ 's 'permission' to use  $P$ , where such permission might embody collective norms relating to appropriate use.

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