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## Hume's Critique of Locke's Variant Of "Social Contract Theory": A Ratiocinative Assessment

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### Abstract

David Hume (1711-1776) has long been considered a severe denunciator of 'social contract theory', and this interpretation has implicitly premised a perspective that lays heavy weight on the importance of social contract in the history of political thought. This work presents Hume's critique of the Lockean version of the social contract, and identifies the issues responsible for such criticism. In Book 3 of Hume's Treatise on Human Nature (henceforth T), Hume displays his systematic criticism of social contract theory. Hume did not consider social contract theory as an important trend in the history of political thought. One of his points was that 'social contract theory' was quite new, strange and 'heterodoxical' in politics. This work offers an appraisal of Hume's stance on the Lockean variant of "Social Contract Theory" and proposes a more judicious textual reading of his contributions in this regard.

**Keywords:** Critique, Hume, Locke, Social Contract, Ratiocinative Assessment, Variant.

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### 1. Hume and the Social Contract Theory

Hume had distanced himself from 'social contractualism,' and objected to the position that men are incapable of society without government. He indicates the extent of the difference between such a view, and his own, in these words: "So far am I from thinking, with some philosophers, that men are utterly incapable of society without government, that I assert the first rudiments of government to arise from quarrels, not among men of the same society, but among those of different societies."(T. 539-540). An important question that could arise here is: how then are societies established? Hume's answer is that societies are established gradually, through the development over time of a sense of common interest:

Families form initially through the 'natural appetite betwixt the sexes', and become more firmly bonded through the 'new type' of the parents' concern for their common offspring', a concern that 'becomes also a principle of union betwixt the parents and offspring, and forms a more numerous society'. Families are thus mixtures of parental authority and mutual affection, and so provide an environment in which the advantages of social life are learned and where the 'rough corners and untoward affections, which prevent... coalition' are rubbed off. (T. 486).

Harmonious relations between different families do not arise from such natural appetites and affections but, as within families, they do develop through time and habit. In this case, however,

the establishment of harmony depends on rather different factors, in particular the development of forms of respect for what is not one's own. Different households gradually come to recognize the necessity of respecting the possession of others: 'the rule concerning the stability of possession... arises gradually, and acquires force by a slow progression, and by ... repeated experience of the inconvenience of transgressing it' [T. 490]. The recognition of this rule is, for Hume, the foundation-stone of peaceful social relations, so its establishment over time can be equated with the gradual formation of society. The key elements in this process, the sense of common interest (sharpened by 'experience of the inconvenience of transgressing it') he calls a "convention." His point in doing so is to draw out two features: human society and its necessary rules arise (a) as a result of human interaction, but (b) not from promises. Hume does not settle merely for arguing that promises do not establish natural society, but he goes further and argues that society could not be founded on promises since promises are unintelligible, or are unable to obligate, until they are themselves created (as a distinct form of human behaviour) through human conventions (conventions which cannot exist prior to human society [T. 516-517]). It must be noted that Hume does not deny that there is the obligation to perform promises, prior to the establishment of government. He concedes that there is. In fact, the obligation to perform promises is one of the three fundamental laws of nature (the other two are the stability of possession, and its transference by consent) [T 526]. And, and these laws 'men invented ... when they observed the necessity of society to their mutual subsistence' [T 543]. However, Hume argues that the obligation to perform promises nevertheless cannot be the foundation on which civil society is built, and he offers the following two reasons for his view:

So far... our civil duties are connected with our natural, that the former are invented chiefly for the sake of the latter; and that the principal object of government is to constrain men to observe the laws of nature. In this respect, however, that law of nature, concerning the performance of promises is only compriz'd along with the rest; and its exact observance is to be consider'd as an effect of the institution of government, and not the obedience to government as the effect of the obligation of a promise. Tho' the object of our civil duties be the enforcing of our natural, yet the first motive of the invention, as well as performance of both, is nothing but self-interest; And since there is a separate interest in the obedience to government, from that in the performance of promises, we must allow of a separate obligation. To obey the civil magistrate is requisite to preserve order and accord in society. To perform promises is requisite to beget mutual trust and confidence in the common offices of life. The ends as well as the means, are perfectly distinct: nor is the one subordinate to the other [T. 543-544],

Hume's main point here is that both promise-keeping and allegiance to government are justified by reference to the interest we have in maintaining such institutions; and consequently it is misguided to attempt to explain one by means of the other. He further observes that recognizing the distinctness of the specific interests involved, shows that the obligations must be likewise distinct. This is rather curious, since it apparently ignores the possibility of recognizing a general obligation that would cover different specific interests. It will be argued, however, that Hume has not made a mistake (that on his view, interests and obligations must go together). The discussion so far shows two things: that Hume rejects "social contractualism", but that this is not the basis for his rejection of "political contractualism". Hume's discussion of institutions

as social conventions, and of the artificial obligation of promises, is not primarily aimed at rejecting the idea that society is the product of one or more contracts, but at demonstrating that the fundamental social institutions have no natural origin in human sentiments and instincts. Hume's criticism of "social contract," is to the effect that the rules of private law (whether natural or adventitious), although historically prior to the institutes of public law, cannot be considered their foundations, because each refers back to the natural principles of utility and self-interest and because logically, public law comes into being for the very purpose of underpinning the 'common offices of life'. It must also be noted that Hume's criticism of the thesis that promises carry a natural obligation, is no direct part of his philosophical arguments against social contract; for he has already admitted that the social practice of promising had been established before the appearance of stable governments, and that this practice can even play some part in the first origin of government. The reference that Hume makes to his philosophical argument against the natural obligation of contracts and promises, is only intended to reinforce his main point that allegiance depends on utility, and to show how to short-circuit the contractualist confusion between moral and political duties:

If the reason be asked of that obedience, which we are bound to pay to government, I readily answer, because society could not otherwise subsist: And this answer is clear and intelligible to all mankind. Your answer is, because we should keep our word. But besides, that nobody, till trained in a philosophical system, can either comprehend or relish this answer: Besides this, I say, you find yourself embarrassed when it is asked, why are we bound to keep our word? Nor can you give any answer, but what would, immediately, without any circuit, have accounted for our obligation to allegiance.<sup>1</sup>

To this it may be objected that if Hume were to agree on the natural quality of the obligation to promises, his main argument against the "original contract" would be fundamentally weakened. As indicated earlier, Hume holds men to be capable of natural society. However, his account of government, in particular of our obligation to obey it, is haunted by the specter of a hostile ungoverned state. At one point, for example, he says that political society provides us with a degree of security and protection which we can never attain to when perfectly free and independent [T. 550-5511]. Although people may at times forget that this is so, they very promptly remember it during conditions of genuine political disorder. Hume makes the point in his essay "Of the Original Contract":

In reality, there is not a more terrible event, than a total dissolution of government, which gives liberty to the multitude, and makes the determination or choice of a new establishment depend upon a number, which nearly approaches to that of the body of the people: For it never comes entirely to the whole body of them. Every wise man, then, wishes to see, at the head of a powerful and obedient army, a general, who may speedily seize the prize, and give to the people a master, which they are so unfit to choose for themselves. So little correspondence is fact and reality to those philosophical notions.<sup>2</sup>

Hume seems to make a shift from "fact" to "right," because he tests the contract theory, a thesis concerning the legitimacy of government, by means of historical cases, which show that

obedience to established government has not depended on belief in the existence of a contractual obligation. Thus he argues:

We find everywhere, princes, who claim their subjects as their property, and assert their independent right of sovereignty, from conquest or succession. We find also, everywhere, subjects, who acknowledge this right in their prince, and suppose themselves born under obligations of obedience to a certain sovereign, as much as under the ties of reverence and duty to certain parents. These connexions are always conceived to be equally independent of our consent ... wherever the doctrines above-mentioned have not been carefully inculcated. Obedience or subjection becomes so familiar, that most men never make an enquiry about its origin or cause, more than about the principle of gravity, resistance, or the most universal laws of nature.<sup>3</sup>

Having pointed out that, if the contract theory is restricted to a theory of original contract, it cannot explain why children should be bound by the promise of their parents (an argument from reason), he concludes that the theory of contract 'is not justified by history or experience, in any age or country of the world'.<sup>4</sup> Hume's appeal to history and experience seems intended to make a positive point (that the real foundation of political authority is indeed, in some way, dependent on the actual experiences of beliefs of the governed. Regarding the issue of legitimacy of government he claims that there is a general obligation to obey government, because an ungoverned state is so disorderly. He spells out the point in the closing paragraph of "Of The Original Contract": "The general obligation which binds us to government, is the interest and necessities of society, and this obligation is very strong."<sup>5</sup> For Hume, if the sovereign's claim to legitimacy is stronger than the present possessor's claim over a piece of property, then he must regard it as almost insuperable. He is nevertheless not tempted to conclude that it is insuperable. In the *Treatise* he summarily dismisses the possibility, observing there that 'in all our notions of morals we never entertain such an absurdity as that of passive obedience' [T. 552] and although, in the *Essays*, the tone tends to be more moderate, the doctrine of passive obedience still receives a blunt assessment:

The maxim, fiat Justitia & ruat Coelum, let justice be performed, though the universe be destroyed, is apparently false, and by sacrificing the end to the means, shows a preposterous idea of the subordination of duties ... The case is the same with the duty of allegiance; and common sense teaches us that, as government binds us to obedience only on account of its public utility, that duty must always, in extraordinary cases, when public ruin would evidently attend obedience, yield to the primary and original obligation. *Salus populi suprema Lex*, the safety of the people is the supreme law.<sup>6</sup>

He then calls on historical experience to furnish us with incontrovertible cases of justified rebellions: Those who took up arms against Dionysius or Nero, or Philip the second, have the favour of every reader in the perusal of their history; and nothing but the most violent perversion of common sense can ever lead us to condemn them [T. 552], Hume thus unequivocally accepts the people's right to resist the sovereign, in all those cases where the safety of the people demands it. Equally, however, he insists that such occasions are quite rare. Resistance is lawful only as 'the last refuge in desperate cases, when the public is in the highest danger, from violence and tyranny'.<sup>7</sup> It is possible to imagine Locke saying much the same, but

the profound gap between his and Hume's view of how much this abstract assessment licenses, in fact, is best illustrated by a remarkable conclusion Hume draws in the Treatise:

'Twas by the sword ... that every emperor acquir'd, as well as defended his right; and we must either say, that all the known world, for so many ages, had no government, and ow'd no allegiance to any one, or must allow, that the right of the stronger, in public affairs, is to be receiv'd as legitimate, and authoriz'd by morality, when not oppos'd by any other title. [T. 558]

If the question of legitimacy is ultimately to be settled by the satisfaction of the fundamental human need of a life of peace and tranquillity (*salus populi*) — a matter which, according to Hume, can be decided by reference to experience<sup>8</sup> — it matters little whether the original establishment of a government was by either force, consent or other connections of the imagination.<sup>9</sup> So, for Hume the right of resistance, though real enough, must be thoroughly circumscribed. The present possessor of sovereign power must, in all but the most extreme of cases, be recognized to be the legitimate ruler. If this should seem to deliver the people defenceless to the ruler's pleasure, Hume points out that the right of resistance, or at least the strong version of it which licenses tyrannicide, may actually threaten the very end it seeks to secure. He refers to ancient examples in which the threat of tyrannicide made tyrants 'ten times more fierce and unrelenting'. Consequently, tyrannicide 'is now justly . . . abolished by the laws of nations, and universally condemned as a base and treacherous method of bringing to justice these disturbers of society'.<sup>10</sup> Hume attaches no small significance to considerations of this kind, since he concludes that political education should not stress, and perhaps should even omit, the people's right to resist the sovereign in certain circumstances. A moderate step in this direction is indicated in 'Of Passive Obedience'. He observes there that we must recognize that 'as obedience is our duty in the common course of things, it ought chiefly to be inculcated; nor can anything be more preposterous than an anxious care and solicitude in stating all the cases, in which resistance may be allowed'.<sup>11</sup> This may seem to remain on a 'commonsensical' ground, but when he comes to consider the question in *The History of England* (after recording the fate of Charles I), it is not merely such 'anxious care and solicitude' that gives Hume pause. The question of resistance and its legitimacy was central to the popular reaction to Charles' execution, and in the *History* Hume introduces it in this fashion:

The tragical death of Charles begat a question, whether the people, in any case, were entitled to judge and to punish their sovereign; and most men, regarding chiefly the atrocious usurpation of the pretended judges, and the merit of the virtuous prince who suffered, were inclined to condemn the republican principle, as highly seditious and extravagant...<sup>12</sup>

Despite his strong opposition to the execution of Charles, Hume does not endorse this common view. His sympathies clearly lie with those whom he imagines held to a more 'moderate' view: that is, those 'who, abstracting from the particular circumstances of this case, were able to consider the question in general, and were inclined to moderate, not contradict, the prevailing sentiment'.<sup>13</sup> The moderate's viewpoint, however, differed from the prevailing view more in spirit than substance for, although it recognized the right to resist, it nonetheless considered the



fact that the more prudent course lay in concealing the existence of such a dangerous right. Hume sets out this view in the following passage:

If ever, on any occasion, it were laudable to conceal truth from the populace; it must be confessed, that the doctrine of resistance affords such an example; and that all speculative reasoners ought to observe, with regard to this principle, the same cautious silence, which the laws, in every species of government, have ever prescribed to themselves. Government is instituted, in order to restrain the fury and injustice of the people; and being always founded on opinion, not on force, it is dangerous to weaken, by these speculations, the reverence, which the multitude owe to authority, and to instruct them beforehand, that the case can ever happen, when they may be freed from their duty of allegiance. Or should it be found impossible to restrain the licence of human disquisitions, it must be acknowledged, that the doctrine of obedience ought alone to be inculcated, and that the exceptions, which are rare, ought seldom or never to be mentioned in popular reasonings or discourses.<sup>14</sup>

While it is true that at no stage does Hume identify this remarkable view as his own, he neither criticizes it nor gives any clear indication of when he has passed from spelling it out to speaking in his own voice. These two factors may alone be thought sufficient to establish that he has no significant disagreement with the more moderate position, but two other factors make the case all the stronger. The first is the use of the term 'moderate' itself: throughout the *Essays and History* Hume uses the term regularly, and always with some air of approval. It reflects both the ancient (Aristotelian) notion that virtue lies in a mean between extremes, and also the more specific sense given it by the third Earl of Shaftesbury, for whom the man of moderation was the man skilled in the handling of practical affairs.<sup>15</sup> It can thus reasonably be concluded that for Hume, as for the moderate men he has in mind, the right of resistance although real ought not to be stressed in accounts of the nature and limits of political obligation, and may, depending on social circumstances, even have to be concealed. Since government is instituted 'in order to restrain the fury and injustice of the people', which is an ever-present possibility, then, in the general course of affairs, the sovereign's encroachments on the proper bounds of the constitution are threats less to be feared than the chaos or disorder unleashed by the vigorous prosecution of the right of resistance.

Although, for Hume, the right of resistance is an undeniable political right, constituting as it does the last resort for a people reduced to desperation by tyranny, it is itself a threat to (comparative) political stability. Further, as pointed out above, Hume is committed to the view that it may even become, in specific circumstances, a positive incentive to tyranny, precisely by undermining the sovereign's security. Hume's position then is that government is so necessary to human flourishing, and its dissolution so chaotic, that it must be secured against all threats to its stability, and the present possessor of the sovereign power must, in all but the most extreme circumstances, be recognized as the legitimate sovereign. The right of resistance itself, if too much insisted upon, is capable of unduly threatening established sovereigns. It follows that any political theory which accords prominence to the right of resistance constitutes a threat to political security, and thus also to human happiness. It ought therefore to be rejected. The case against the contract theory is now clear: its stress on the conditions under which

obedience is to be rendered to an established sovereign means that it cannot but accord prominence to the right of resistance. The contract theory places in the hands of the people a reserve power over the established government, a power which can be (indeed, according to the theory, ought to be) exercised whenever the government deviates from its appointed course. As Hume puts it, according to the contract theory: 'the subjects have tacitly reserved the power of resisting their sovereign, whenever they find themselves aggrieved by that authority, with which they have, for certain purposes, voluntarily entrusted to him'.<sup>16</sup> To reserve this power is to affirm the right of resistance. So the contract theory cannot but exemplify those political theories which, by giving undue prominence to the right of resistance, undermine the stability necessary for government. Hume's choice of terms in the quotation above indicates that it is mainly the Lockean version of the theory he has principally in mind. The Lockean notion of "government as a trust," is perhaps the clearest expression of the reserve power the contract theory places in the people. Hume quite clearly refers to Locke as the 'most noted of its partizans'.

In the case of Hume's particular criticism of the "original contract", Martyn Thompson argues that, if Locke was meant to be his target, Hume's criticism had misfired because: (a) Hume's historical arguments do not undermine Locke's theory; in fact, Hume's and Locke's conjectural accounts of the origin of government seem to be remarkably similar on many points; and (b) Locke's theory of political obligation is not a theory of consent, and therefore Hume's criticism of the equation between the duty of allegiance and that of fidelity does not seem to undermine it. It should be noticed that Hume's criticism of contract theory is based on three kinds of arguments: rational, historical, experiential, which apply differently to the various versions of the 'fashionable theory' of the original contract. So it is reasonable to conclude that Hume's attack on the contract is aimed principally at the Lockean version because it poses the most serious threat to the stability of government. If this is accepted, then we must also conclude that Hume was well aware of the difference between constitutionalism and the contract theories. Hume's view is that contract theories, of whatever type, fail because they cannot provide an adequate account of our political obligation. There is perhaps another reason why Hume is particularly interested in opposing the Lockean version of the original contract, and this may be linked to a further feature of Hume's critique of the contract, one not commonly recognized. Hume considers the contract theory as an instance of a peculiarly modern phenomenon: the tendency of political parties to justify their respective causes by appealing to a general, 'speculative,' theory. He opens the essay 'Of the Original Contract' with the following observation:

As no party, in the present age, can well support itself, without a philosophical or speculative system of principles, annexed to its political or practical one; we accordingly find, that each of the factions, into which this nation is divided, has reared up a fabric of the former kind, in order to protect and cover that scheme of actions, which it pursues.<sup>17</sup>

In the first place, since it is the theory of a particular party, the contract theory is, in the relevant sense, essentially partisan. As such it represents a limited interest, and therefore threatens social stability. Hume's castigation of parties is therefore simultaneously an attack on the contract

theory. The preceding analysis of the threat posed by the theory is generalized in his attack on parties:

As much as legislators and founders of states ought to be honoured and respected among men, as much ought the founders of sects and factions to be detested and hated; because the influence of faction is directly contrary to that of laws. Factions subvert government, render laws impotent, and beget the fiercest animosities among men of the same nation, who ought to give mutual assistance and protection to each other. And what should render the founders of parties more odious is, the difficulty of extirpating these weeds, when once they have taken root in any state. They naturally propagate themselves for many centuries, and seldom end but by the total dissolution of that government, in which they are sown.<sup>18</sup>

Also, by recognizing the contract theory to be another product of the speculative temper, it is possible to attribute to it the same failing Hume detects in other speculative systems. That is, the contract theory can be regarded as a political counterpart to those speculative systems of pure reason which, for Hume, undermined the securities of common life. Hume distinguishes between "natural" and "moral" obligation, a distinction with no modern counterpart, and then speaks of the "natural obligations of interest."<sup>19</sup> An obligation was typically understood to be something which bound (or moved) the will of an agent. Accordingly, Hume's treatment of moral questions does not seem to distinguish clearly between obligations and motivations. Motives are what move us to action, and since we can be moved by either interested (natural) or disinterested (moral) considerations, motives (and indeed obligations) can be divided into the natural and the moral, for present purposes the important point is that if obligation and motivation cannot be completely distinguished from one another (or if the stronger claim is made that, according to Hume, obligation is another name for motivation) it must be that where there is no motivation, neither can there be an effective internal obligation. This explains why Hume held the "contract theory" to be not only seditious but, as an attempt to explain the general foundation of political obligation, manifestly absurd. The following passage is an ample illustration:

Were you to preach, in most parts of the world, that political connexions are founded altogether on voluntary consent or a mutual promise, the magistrate would soon imprison you, as seditious, for loosening the ties of obedience; if your friends did not before shut you up as delirious, for advancing such absurdities. It is strange, that an act of the mind, which every individual is supposed to have formed, and after he came to the use of reason too, otherwise it could have no authority; that this act, I say, should be so much unknown to all of them, that over the face of the whole earth, there scarcely remain any traces or memory of it.<sup>20</sup>

As indicated in the above passage, Hume's position is the conviction that the contract theory requires an act of mind on the part of the citizen in order to ground the obligation. This act of mind is necessary on two accounts. Firstly because, if we are to acknowledge that we are bound by a contract, we must be aware of having entered one: without psychological awareness there is no definite motivation and consequently, no clear obligation. Secondly, and more importantly, consent itself necessitates an act of mind: after all, contract is a deed between two



willing parties. Hume had subjected the contractualists' recourse to tacit consent, for all those members of civil society who could not possibly participate in the original pact, to a heavy barrage of criticism. The case is first put forward in the Treatise: 'a tacit promise is, where the will is signified by other more diffuse signs than those of speech; but a will there must certainly be in the case, and that can never escape the person's notice, who exerted it, however silent or tacit'; in fact, people either think they are 'born to such an obedience' or, if they happen to dwell in the dominions of the established government, do not imagine that the 'affair depends on their choice' [T 547-8], The case against tacit consent is strengthened in the Essays by suggesting the paradox (from a contractualist point of view) that where [a man] thinks (as all mankind do who are born under established governments) that by his birth he owes allegiance to a certain prince or certain form of government, it would be absurd to infer a consent or choice, which he expressly, in this case, renounces and disclaims. The case against tacit consent seems to be overwhelming when referred to posterity:

It never was pleaded as an excuse for a rebel, that the first act he perform'd, after he came to years of discretion, was to levy war against the sovereign of the state; and that while he was a child he cou'd not bind himself by his own consent, and having become a man, show'd plainly, by the first act he perform'd, that he had no design to impose on himself any obligation to obedience. [T. 548]

Hume also observed that, to be coherent, the contractualists should admit that the 'truest tacit consent' is the one which applies to foreigners who settle in another country; but this they never do. Finally, in the essay 'Of the Original Contract' he spelt out the destabilizing consequences of this theory of tacit consent:

Did one generation of men go off the stage at once, and another succeed, as is the case with silk-worms and butterflies, the new race, if they had sense enough to choose their government, which surely is never the case with men, might voluntarily, and by general consent, establish their own form of civil polity, without any regard to the laws or precedents which prevailed among their ancestors. But as human society is in perpetual flux, one man every hour going out of the world, another coming into it, it is necessary, in order to preserve stability in government, that the new brood should conform themselves to the established constitution, and nearly follow the path which their fathers, treading in the footsteps of theirs, had marked out to them.<sup>21</sup>

If we move from the historical context of Hume's discussion to modern conceptions of contract, it should be clear that Hume does not conceive the possibility of a contractualist position based on some form of implied consent. This is the direction towards which modern contractualism has gone, first with Kant and more recently with Rawls's distinctively modern conception of the hypothetical contract. Recognizing this should both console and caution the modern reader who, with Rawlsian or other hypothetical contracts in the back of his or her mind, finds Hume's critique of the contract so frustrating and unsatisfying. It should console and caution for the same reason: Hume's target is very different from those modern theories that go under the same name. We should therefore not expect him to throw light on such theories; nor can we assume that the collection of self-styled contract theories are alike in their fundamental commitments. The logic of a political theory, and the vocabulary in which it is couched, are, even if not

unrelated, not identical. To help illustrate the point, it is useful to consider the place of consent in Hume's positive view. Since the appeal of contract theory has frequently been due to the central position it accords to consent, it might be thought that Hume's attack on the theory is a rejection of consent as a possible source of political obligation. As we have seen, his is an attack on the undue significance bestowed on the citizens' reserve powers, but it is not thereby an attack on consent itself. His contention is, rather, that consent cannot be the sole or ultimate foundation of government: 'I only pretend, that it has very seldom had place in any degree, and never almost in its full extent. And that therefore some other foundation of government must also be admitted.'<sup>22</sup>

In fact, he goes further to argue that consent is the most likely way in which governments first originated (this is confirmed by his conjecture that in early societies, military occasions made people aware of the necessity for leadership); on the other hand, he maintains that consent plays a role in the process of acquiescence to a government, for it reinforces people's belief in the legitimacy of a government. Thus he argues that the people: 'imagine not, that their consent gives their prince a title: But they willingly consent, because they think, that, from long possession, he has acquired a title, independent of their choice or inclination.'<sup>23</sup> Clearly, this sort of argument will not work unless consent is understood to be an actual act of mind of the people concerned. This deserves emphasis, because by keeping these commitments firmly in view, it is then possible properly to appreciate Hume's central contention that the ultimate foundation of government lies in opinion.

## **2. A Ratiocinative Assessment of Hume's Arguments**

The "social contract" is a label for philosophical explanations of what individuals and governments owe to each other. It begins with the question "why do we have or create a government at all?" And once we have a government what does the government owe to its citizens? What should citizens give to the government, what debt does a person rightly owe to the government? Social contract theories attempt to explain why we should, most of the time, obey governmental laws and authority. They attempt to explain when we should not obey government, when change or even rebellion or revolt is justified. Many (though not all) social contract theories start with the premise that people lived in "a state of nature" before governments were formed. And that in this state of nature conditions were savage and brutish, with the strong harshly dominating or killing the weak. These conditions led most people to band together to defend themselves, to form simple governments. In exchange for the help of the government (in defense initially, and then education and other benefits) the individual gave up some liberties (e.g. agreeing to pay taxes or serve in the military).<sup>24</sup> Critics of social contract theory attack with great success at the starting point. They correctly point out that no "state of nature" ever existed for people. Homo-sapiens have always been social creatures. From the beginning cooperation dominated over individualism, sharing over raw individual force. Peter Laslett, of Cambridge University, wrote in *The Encyclopedia of Philosophy* (Volume 7, page 467): "Nevertheless, since contract proceeds by abstracting the individual from society, and then by reassembling individuals again as society although they are by definition a social abstraction, the general contractual social and political scheme seems incurably faulty, quite apart from the empirical objections to it on the part of contemporary social scientists." Where

most critics have failed is in identifying an alternative explanation for why governments exist and what the proper trade-off is between personal freedom and responsibility, or payment, to the government for its services. Social contract is a phrase used in philosophy, political science, and sociology to denote a hypothetical agreement within a state regarding the rights and responsibility of the state and its citizens, or more generally a similar concord between a group and its members. All members within a society are assumed to agree to the terms of the social contract by their choice to stay within the society. Since "social contract theory" assumes the existence of a contract binding upon individuals who have not explicitly accepted it, (although implicitly that is assumed) the theory has been found flawed by some philosophers.<sup>25</sup>

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