

## OF THE ORIGINAL CONTRACT

By David Hume (1748)

---

When we consider how nearly equal all men are in their bodily force, and even in their mental powers and faculties, till cultivated by education, we must necessarily allow that nothing but their own consent could, at first, associate them together and subject them to any authority. The people, if we trace government to its first origin in the woods and deserts, are the source of all power and jurisdiction, and voluntarily, for the sake of peace and order, abandoned their native liberty, and received laws from their equal and companion. The conditions upon which they were willing to submit, were either expressed, or were so clear and obvious, that it might well be esteemed superfluous to express them. If this, then, be meant by the *original contract*, it cannot be denied that all government is, at first, founded on a contract, and that the most ancient rude combinations of mankind were formed chiefly by that principle. In vain are we asked in what records this charter of our liberties is registered. It was not written on parchment, nor yet on leaves or barks of trees. It preceded the use of writing, and all the other civilized arts of life. But we trace it plainly in the nature of man, and in the equality, or something approaching equality, which we find in all the individuals of that species. The force which now prevails, and which is founded on fleets and armies, is plainly political, and derived from authority, the effect of established government. A man's natural force consists only in the vigor of his limbs, and the firmness of his courage; which could never subject multitudes to the command of one. Nothing but their own consent, and their sense of the advantages resulting from peace and order, could have had that influence.

Yet even this consent was long very imperfect, and could not be the basis of a regular administration. The chieftain, who had probably acquired his influence during the continuance of war, ruled more by persuasion than command; and till he could employ force to reduce the refractory and disobedient, the society could scarcely be said to have attained a state of civil government. No compact or agreement, it is evident, was expressly formed for general submission; an idea far beyond the comprehension of savages: each exertion of authority in the chieftain must have been particular, and called forth by the present exigencies of the case: the sensible utility resulting from his interposition made these exertions become daily more frequent; and their frequency gradually produced a habitual and, if you please to call it so, a voluntary and therefore precarious acquiescence in the people.

But philosophers, who have embraced a party (if that be not a contradiction in terms) are not contented with these concessions. They assert not only that government in its earliest infancy arose from consent, or rather the voluntary acquiescence of the people; but also that, even at

present, when it has attained its full maturity, it rests on no other foundation. They affirm that all men are still born equal, and owe allegiance to no prince or government unless bound by the obligation and sanction of a *promise*. And as no man, without some equivalent, would forego the advantages of his native liberty and subject himself to the will of another, this promise is always understood to be conditional, and imposes on him no obligation, unless he meet with justice and protection from his sovereign. These advantages the sovereign promises him in return; and if he fail in the execution, he has broken on his part the articles of engagement, and has thereby freed his subject from all obligations to allegiance. Such, according to these philosophers, is the foundation of authority in every government, and such the right of resistance possessed by every subject.

But would these reasoners look abroad into the world, they would meet with nothing that in the least corresponds to their ideas, or can warrant so refined and philosophical a system. On the contrary, 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 connections are always conceived to be equally independent of our consent ... Obedience or subjection becomes so familiar that most men never make any inquiry about its origin or cause, more than about the principle of gravity, resistance, or the most universal laws of nature. Or if curiosity ever move them; as soon as they learn that they themselves and their ancestors have for several ages, or from time immemorial, been subject to such a form of government or such a family, they immediately acquiesce and acknowledge their obligation to allegiance. Were you to preach in most parts of the world that political connections 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.

But the contract on which government is founded is said to be the *original contract*; and consequently may be supposed too old to fall under the knowledge of the present generation. If the agreement by which savage men first associated and conjoined their force be here meant, this is acknowledged to be real; but being so ancient, and being obliterated by a thousand changes of government and princes, it cannot now be supposed

to retain any authority. If we would say any thing to the purpose, we must assert that every particular government which is lawful, and which imposes any duty of allegiance on the subject, was, at first, founded on consent and a voluntary compact. But, besides that this supposes the consent of the fathers to bind the children, even to the most remote generations (which republican writers will never allow), besides this, I say, it is not justified by history or experience in any age or country of the world.

Almost all the governments which exist at present, or of which there remains any record in story, have been founded originally, either on usurpation or conquest or both, without any presence of a fair consent or voluntary subjection of the people. When an artful and bold man is placed at the head of an army or faction, it is often easy for him by employing sometimes violence, sometimes false presences, to establish his dominion over a people a hundred times more numerous than his partisans. He allows no such open communication that his enemies can know with certainty their number or force. He gives them no leisure to assemble together in a body to oppose him. Even all those who are the instruments of his usurpation may wish his fall; but their ignorance of each other's intention keeps them in awe, and is the sole cause of his security. By such arts as these many governments have been established; and this is all the *original contract* which they have to boast of.

The face of the earth is continually changing, by the increase of small kingdoms into great empires, by the dissolution of great empires into smaller kingdoms, by the planting of colonies, by the migration of tribes. Is there anything discoverable in all these events but force and violence? Where is the mutual agreement or voluntary association so much talked of? ...

Strange, if the only real foundation of all authority be consent and promise?

It is in vain to say, that all governments are, or should be at first founded on popular consent as much as the necessity of human affairs will admit. This favors entirely my pretension. I maintain that human affairs will never admit of this consent, seldom of the appearance of it; but that conquest or usurpation (that is, in plain terms, force), by dissolving the ancient governments, is the origin of almost all the new ones which were ever established in the world. And that in the few cases where consent may seem to have taken place, it was commonly so irregular, so confined, or so much intermixed either with fraud or violence, that it cannot have any great authority.

My intention here is not to exclude the consent of the people from being one just foundation of government where it has place. It is surely the best and most sacred of any. 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.

Were all men possessed of so inflexible a regard to justice, that, of themselves, they would totally abstain from the properties of others; they would have forever remained in a state of absolute liberty, without subjection to any magistrate or political society: but this is a state of perfection, of which human nature is justly deemed incapable. Again, were all men possessed of so perfect an understanding as always to know their own interests, no form of government would have ever been submitted to but what was established on consent, and was fully canvassed by every member of the society: but this state of perfection is likewise much superior to human nature. Reason, history, and experience shows us that all political societies have had an origin much less accurate and regular; and were one to choose a period of time when the people's consent was the least regarded in public transactions, it would be precisely on the establishment of a new government. In a settled constitution their inclinations are often consulted; but during the fury of revolutions, conquests, and public convulsions, military force or political craft usually decides the controversy.

When a new government is established by whatever means, the people are commonly dissatisfied with it, and pay obedience more from fear and necessity, than from any idea of allegiance or of moral obligation. The prince is watchful and jealous, and must carefully guard against every beginning or appearance of insurrection. Time, by degrees, removes all these difficulties, and accustoms the nation to regard, as their lawful or native princes, that family which at first they considered as usurpers or foreign conquerors. In order to found this opinion, they have no recourse to any notion of voluntary consent or promise, which, they know, never was in this case either expected or demanded. The original establishment was formed by violence, and submitted to from necessity. The subsequent administration is also supported by power, and acquiesced in by the people, not as a matter of choice, but of obligation. They 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.

Should it be said that, by living under the dominion of a prince which one might leave, every individual has given a *tacit* consent to his authority and promised him obedience; it may be answered that such an implied consent can only have place where a man imagines that the matter depends on his choice. But where he 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.

Can we seriously say, that a poor peasant or artisan has a free choice to leave his country, when he knows no foreign language or manners, and lives, from day to day, by the small wages which he acquires? We may as well assert that a man, by remaining in a vessel, freely consents to the dominion of the master; though he was carried on board while asleep, and must leap into the ocean and perish, the moment he leaves her. ...

Suppose that an usurper, after having banished his lawful prince and royal family, should establish his dominion for ten or a dozen years in any country, and should preserve so exact a discipline in his troops, and so regular a disposition in his garrisons that no insurrection had ever been raised, or even murmur heard against his administration: can it be asserted that the people, who in their hearts abhor his treason, have tacitly consented to his authority, and promised him allegiance, merely because, from necessity, they live under his dominion? Suppose again their native prince restored, by means of an army which he levies in foreign countries: they receive him with joy and exultation, and show plainly with what reluctance they had submitted to any other yoke. I may now ask, upon what foundation the prince's title stands? Not on popular consent surely: for though the people willingly acquiesce in his authority, they never imagine that their consent made him sovereign. They consent because they apprehend him to be already by birth their lawful sovereign. And as to that tacit consent, which may now be inferred from their living under his dominion, this is no more than what they formerly gave to the tyrant and usurper.

When we assert that all lawful government arises from the consent of the people, we certainly do them a great deal more honor than they deserve, or even expect and desire from us. After the Roman dominions became too unwieldy for the republic to govern them, the people over the whole known world were extremely grateful to Augustus for that authority which, by violence, he had established over them; and they showed an equal disposition to submit to the successor whom he left them by his last will and testament. It was afterwards their misfortune that there never was, in one family, any long regular succession; but that their line of princes was continually broken, either by private assassinations or public rebellions. The *prætorian* bands, on the failure of every family, set up one emperor; the legions in the East a second; those in Germany, perhaps a third; and the sword alone could decide the controversy. The condition of the people in that mighty monarchy was to be lamented, not because the choice of the emperor was never left to them, for that was impracticable, but

because they never fell under any succession of masters who might regularly follow each other. As to the violence, and wars, and bloodshed, occasioned by every new settlement, these were not blamable because they were inevitable. ...

But would we have a more regular, or at least a more philosophical, refutation of this principle of an original contract, or popular consent, perhaps the following observations may suffice:

All *moral* duties may be divided into two kinds. The *first* are those to which men are impelled by a natural instinct or immediate propensity which operates on them, independent of all ideas of obligation, and of all views either to public or private utility. Of this nature are love of children, gratitude to benefactors, pity to the unfortunate. When we reflect on the advantage which results to society from such humane instincts, we pay them the just tribute of moral approbation and esteem; but the person actuated by them feels their power and influence antecedent to any such reflection.

The *second* kind of moral duties are such as are not supported by any original instinct of nature, but are performed entirely from a sense of obligation, when we consider the necessities of human society, and the impossibility of supporting it, if these duties were neglected. It is thus *justice*, or a regard to the property of others, *fidelity*, or the observance of promises, become obligatory, and acquire an authority over mankind. For as it is evident that every man loves himself better than any other person, he is naturally impelled to extend his acquisitions as much as possible; and nothing can restrain him in this propensity but reflection and experience, by which he learns the pernicious effects of that license, and the total dissolution of society which must ensue from it. His original inclination, therefore, or instinct, is here checked and restrained by a subsequent judgment or observation.

The case is precisely the same with the political or civil duty of *allegiance* as with the natural duties of justice and fidelity. Our primary instincts lead us either to indulge ourselves in unlimited freedom, or to seek dominion over others; and it is reflection only which engages us to sacrifice such strong passions to the interests of peace and public order. A small degree of experience and observation suffices to teach us, that society cannot possibly be maintained without the authority of magistrates, and that this authority must soon fall into contempt where exact obedience is not paid to it. The observation of these general and obvious interests is the source of all allegiance, and of that moral obligation which we attribute to it.

What necessity, therefore, is there to found the duty of *allegiance* or obedience to magistrates on that of *fidelity* or a regard to promises, and to suppose, that it is the consent of each individual which subjects him to government, when it appears that both allegiance and fidelity stand precisely on the same foundation, and are both submitted to by mankind, on account of the apparent interests and necessities of human society? We are bound to obey our sovereign, it is said, because we have given a tacit promise to that purpose. But why are we bound to observe our promise? It must here be asserted, that the commerce and intercourse of mankind, which are of such mighty advantage, can have no security where men pay no regard to their engagements. In like manner, may it be said that men could not live at all in society, at least in a civilized society, without laws, and magistrates, and judges, to prevent the encroachments of the strong upon the weak, of the violent upon the just and equitable. The obligation to allegiance being of like force and authority with the obligation to fidelity, we gain nothing by resolving the one into the other. The general interests or necessities of society are sufficient to establish both.

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 no body, 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 we are 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. ...

We shall only observe, before we conclude, that though an appeal to general opinion may justly, in the speculative sciences of metaphysics, natural philosophy, or astronomy, be deemed unfair and inconclusive, yet in all questions with regard to morals, as well as criticism, there is really no other standard by which any controversy can ever be decided. And nothing is a clearer proof that a theory of this kind is erroneous, than to find that it leads to paradoxes repugnant to the common sentiments of mankind, and to the practice and opinion of all nations and all ages. The doctrine which founds all lawful government on an *original contract*, or consent of the people, is plainly of this kind ...

The only passage I meet with in antiquity, where the obligation of obedience to government is ascribed to a promise, is in Plato's *Crito*; where Socrates refuses to escape from prison because he had tacitly promised to obey the laws. Thus he builds a consequence of passive obedience on a foundation of the original contract.