

# THE BEST OF THE OLL #6

*David Hume, “On Government” (1777)*

*“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 pretence of a fair consent, or voluntary subjection of the people.”*



David Hume (1711-1776)

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*[February, 2013]*

## Editor's Introduction

David Hume (1711-1776) was a moral philosopher and historian and a leading member of the Scottish Enlightenment. In philosophy he was a skeptic. In his multi-volume *History of England* he showed how the rule of law and the creation of an independent judiciary created the foundation for liberty in England. Hume also wrote on economics, was a personal friend of Adam Smith, and was a proponent of free trade.

Hume's posthumous collection of essays on philosophical and political topics covers thirty years of his life and some of them on religion were too controversial to be published in his lifetime. The *Essays, Moral, Political, and Literary* (1777) contain several essays on Hume's theory of government, four of which we include here: the first principles of government, the origin of government, the original contract, and passive obedience.

In these essays Hume discusses the proper functions of government, the reasons why people submit to its authority, its origins in war and conquest, the relative importance of force and public opinion in maintaining its power, the legitimacy of the social contract, and the extent to which people are obligated to obey its commands.

***“In all governments, there is a perpetual intestine struggle, open or secret, between Authority and Liberty; and neither of them can ever absolutely prevail in the contest. A great sacrifice of liberty must necessarily be made in every government; yet even the authority, which confines liberty, can never, and perhaps ought never, in any constitution, to become quite entire and uncontroulable.”***

*David Hume, On Government (1777)*<sup>1</sup>

#### **Essay IV: Of the First Principles of Government**

*“Nothing appears more surprizing to those, who consider human affairs with a philosophical eye, than the easiness with which the many are governed by the few; and the implicit submission, with which men resign their own sentiments and passions to those of their rulers. When we enquire by what means this wonder is effected, we shall find, that, as Force is always on the side of the governed, the governors have nothing to support them but opinion. It is therefore, on opinion only that government is founded; and this maxim extends to the most despotic and most military governments, as well as to the most free and most popular.”*

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opinion only that government is founded; and this maxim extends to the most despotic and most military governments, as well as to the most free and most popular. The soldan of Egypt, or the emperor of Rome, might drive his harmless subjects, like brute beasts, against their sentiments and inclination: But he must, at least, have led his mamalukes, or prætorian bands, like men, by their opinion.

Opinion is of two kinds, to wit, opinion of interest, and opinion of right. By opinion of interest, I chiefly understand the sense of the general advantage which is reaped from government; together with the persuasion, that the particular government, which is established, is equally advantageous with any other that could easily be settled. When this opinion prevails among the generality of a state, or among those who have the force in their hands, it gives great security to any government.

Right is of two kinds, right to Power and right to Property. What prevalence opinion of the first kind has over mankind, may easily be understood, by observing the attachment which all nations have to their ancient government, and even to those names, which have had the sanction of antiquity. Antiquity always begets the opinion of right; and whatever disadvantageous sentiments we may entertain of mankind, they are always found to be prodigal both of blood and treasure in the maintenance of public justice. There is, indeed, no particular, in which, at first sight, there may appear a greater contradiction in the frame of the human mind than the present. When men act in a faction, they are apt, without shame or remorse, to neglect all the ties of honour and morality, in order to serve their party; and yet, when a faction is formed upon a point of right or principle, there is no occasion, where men discover a greater obstinacy, and a more determined sense of justice and equity. The same social disposition of mankind is the cause of these contradictory appearances.

It is sufficiently understood, that the opinion of right to property is of moment in all matters of government. A noted author has made property the foundation of all government;<sup>[1]</sup> and most of our political writers seem inclined to follow him in that particular. This is carrying the matter too far; but still it

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<sup>1</sup> These essays come from David Hume, *Essays Moral, Political, Literary, edited and with a Foreword, Notes, and Glossary by Eugene F. Miller, with an appendix of variant readings from the 1889 edition by T.H. Green and T.H. Grose*, revised edition (Indianapolis: Liberty Fund 1987). <oll.libertyfund.org/title/704>.

must be owned, that the opinion of right to property has a great influence in this subject.

Upon these three opinions, therefore, of public interest, of right to power, and of right to property, are all governments founded, and all authority of the few over the many. There are indeed other principles, which add force to these, and determine, limit, or alter their operation; such as self-interest, fear, and affection: But still we may assert, that these other principles can have no influence alone, but suppose the antecedent influence of those opinions above-mentioned. They are, therefore, to be esteemed the secondary, not the original principles of government.

For, first, as to self-interest, by which I mean the expectation of particular rewards, distinct from the general protection which we receive from government, it is evident that the magistrate's authority must be antecedently established, at least be hoped for, in order to produce this expectation. The prospect of reward may augment his authority with regard to some particular persons; but can never give birth to it, with regard to the public. Men naturally look for the greatest favours from their friends and acquaintance; and therefore, the hopes of any considerable number of the state would never center in any particular set of men, if these men had no other title to magistracy, and had no separate influence over the opinions of mankind. The same observation may be extended to the other two principles of fear and affection. No man would have any reason to fear the fury of a tyrant, if he had no authority over any but from fear; since, as a single man, his bodily force can reach but a small way, and all the farther power he possesses must be founded either on our own opinion, or on the presumed opinion of others. And though affection to wisdom and virtue in a sovereign extends very far, and has great influence; yet he must antecedently be supposed invested with a public character; otherwise the public esteem will serve him in no stead, nor will his virtue have any influence beyond a narrow sphere.

A Government may endure for several ages, though the balance of power, and the balance of property do not coincide. This chiefly happens, where any rank or order of the state has acquired a large share in the property; but from the original constitution of the government, has no share in the power. Under what pretence would any individual of that order assume authority in public affairs? As men are commonly much attached to their ancient government,

it is not to be expected, that the public would ever favour such usurpations. But where the original constitution allows any share of power, though small, to an order of men, who possess a large share of the property, it is easy for them gradually to stretch their authority, and bring the balance of power to coincide with that of property. This has been the case with the house of commons in England.

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Most writers, that have treated of the British government, have supposed, that, as the lower house represents all the commons of Great Britain, its weight in the scale is proportioned to the property and power of all whom it represents. But this principle must not be received as absolutely true. For though the people are apt to attach themselves more to the house of commons, than to any other member of the constitution; that house being chosen by them as their representatives, and as the public guardians of their liberty; yet are there instances where the house, even when in opposition to the crown, has not been followed by the people; as we may particularly observe of the tory house of commons in the reign of king William. [2] Were the members obliged to receive instructions from their constituents, like the Dutch deputies, this would entirely alter the case; and if such immense power and riches, as those of all the commons of Great Britain, were brought into the scale, it is not easy to conceive, that the crown could either influence that multitude of people, or withstand that overbalance of property. It is true, the crown has great influence over the collective body in the elections of members; but were this influence, which at present is only exerted once in seven years, to be employed in bringing over the people to every vote, it would soon be wasted; and

no skill, popularity, or revenue, could support it. I must, therefore, be of opinion, that an alteration in this particular would introduce a total alteration in our government, and would soon reduce it to a pure republic; and, perhaps, to a republic of no inconvenient form. For though the people, collected in a body like the Roman tribes, be quite unfit for government, yet when dispersed in small bodies, they are more susceptible both of reason and order; the force of popular currents and tides is, in a great measure, broken; and the public interest may be pursued with some method and constancy. But it is needless to reason any farther concerning a form of government, which is never likely to have place in Great Britain, and which seems not to be the aim of any party amongst us. Let us cherish and improve our ancient government as much as possible, without encouraging a passion for such dangerous novelties.

## Notes

[1] [Probably James Harrington (1611–1677), author of the *Commonwealth of Oceana* (1656), who maintained that the balance of political power depends upon the balance of property, especially landed property.]

[2] [During the period from 1698 to 1701, the House of Commons, under Tory control, opposed measures taken by William III for the security of Europe against Louis XIV of France. When the county of Kent sent petitioners to London in 1701 to chide the House of Commons for its distrust of the king and its delay in voting supplies, the petitioners were arrested. Public disgust at the treatment of the Kentish petitioners was expressed in a Whig pamphlet called the Legion Memorial (1701). The Kentish Petition and the Legion Memorial proved that popular feeling was on the king's side in this struggle with the Commons.]

## Essay V: Of the Origin of Government

Man, born in a family, is compelled to maintain society, from necessity, from natural inclination, and from habit. The same creature, in his farther progress, is engaged to establish political society, in order to administer justice; without which there can be no peace among them, nor safety, nor mutual intercourse. We are, therefore, to look upon all the vast apparatus of our government, as having ultimately no other object or purpose but the distribution of justice, or, in other words, the support of the twelve judges. Kings and parliaments, fleets and armies, officers of the court and revenue, ambassadors, ministers, and privy-counsellors, are all subordinate in their end to this part of administration. Even the clergy, as their duty leads them to inculcate morality, may justly be thought, so far as regards this world, to have no other useful object of their institution.

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All men are sensible of the necessity of justice to maintain peace and order; and all men are sensible of the necessity of peace and order for the maintenance of society. Yet, notwithstanding this strong and obvious necessity, such is the frailty or perverseness of our nature! it is impossible to keep men, faithfully and unerringly, in the paths of justice. Some extraordinary circumstances may happen, in which a man finds his interests to be more promoted by fraud or rapine, than hurt by the breach which his injustice makes in the

social union. But much more frequently, he is seduced from his great and important, but distant interests, by the allurements of present, though often very frivolous temptations. This great weakness is incurable in human nature.

Men must, therefore, endeavour to palliate what they cannot cure. They must institute some persons, under the appellation of magistrates, whose peculiar office it is, to point out the decrees of equity, to punish transgressors, to correct fraud and violence, and to oblige men, however reluctant, to consult their own real and permanent interests. In a word, Obedience is a new duty which must be invented to support that of Justice; and the ties of equity must be corroborated by those of allegiance.

But still, viewing matters in an abstract light, it may be thought, that nothing is gained by this alliance, and that the factitious duty of obedience, from its very nature, lays as feeble a hold of the human mind, as the primitive and natural duty of justice. Peculiar interests and present temptations may overcome the one as well as the other. They are equally exposed to the same inconvenience. And the man, who is inclined to be a bad neighbour, must be led by the same motives, well or ill understood, to be a bad citizen and subject. Not to mention, that the magistrate himself may often be negligent, or partial, or unjust in his administration.

Experience, however, proves, that there is a great difference between the cases. Order in society, we find, is much better maintained by means of government; and our duty to the magistrate is more strictly guarded by the principles of human nature, than our duty to our fellow-citizens. The love of dominion is so strong in the breast of man, that many, not only submit to, but court all the dangers, and fatigues, and cares of government; and men, once raised to that station, though often led astray by private passions, find, in ordinary cases, a visible interest in the impartial administration of justice. The persons, who first attain this distinction by the consent, tacit or express, of the people, must be endowed with superior personal qualities of valour, force, integrity, or prudence, which command respect and confidence: and after government is established, a regard to birth, rank, and station has a mighty influence over men, and enforces the decrees of the magistrate. The prince or leader exclaims against every disorder, which disturbs his society. He summons all his partizans and all men of probity to aid him in correcting and redressing it: and

he is readily followed by all indifferent persons in the execution of his office. He soon acquires the power of rewarding these services; and in the progress of society, he establishes subordinate ministers and often a military force, who find an immediate and a visible interest, in supporting his authority. Habit soon consolidates what other principles of human nature had imperfectly founded; and men, once accustomed to obedience, never think of departing from that path, in which they and their ancestors have constantly trod, and to which they are confined by so many urgent and visible motives.

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But though this progress of human affairs may appear certain and inevitable, and though the support which allegiance brings to justice, be founded on obvious principles of human nature, it cannot be expected that men should beforehand be able to discover them, or foresee their operation. Government commences more casually and more imperfectly. It is probable, that the first ascendant of one man over multitudes begun during a state of war; where the superiority of courage and of genius discovers itself most visibly, where unanimity and concert are most requisite, and where the pernicious effects of disorder are most sensibly felt. The long continuance of that state, an incident common among savage tribes, enured the people to submission; and if the chieftain possessed as much equity as prudence and valour, he became, even during peace, the arbiter of all differences, and could gradually, by a mixture of force and consent, establish his authority. The benefit sensibly felt from his influence, made it be cherished by the people, at least

by the peaceable and well disposed among them; and if his son enjoyed the same good qualities, government advanced the sooner to maturity and perfection; but was still in a feeble state, till the farther progress of improvement procured the magistrate a revenue, and enabled him to bestow rewards on the several instruments of his administration, and to inflict punishments on the refractory and disobedient. Before that period, each exertion of his influence must have been particular, and founded on the peculiar circumstances of the case. After it, submission was no longer a matter of choice in the bulk of the community, but was rigorously exacted by the authority of the supreme magistrate.

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In all governments, there is a perpetual intestine struggle, open or secret, between Authority and Liberty; and neither of them can ever absolutely prevail in the contest. A great sacrifice of liberty must necessarily be made in every government; yet even the authority, which confines liberty, can never, and perhaps ought never, in any constitution, to become quite entire and uncontroulable. The sultan is master of the life and fortune of any individual; but will not be permitted to impose new taxes on his subjects: a French monarch can impose taxes at pleasure; but would find it dangerous to attempt the lives and fortunes of individuals. Religion also, in most countries, is commonly found to be a very intractable principle; and other principles or prejudices frequently resist all

the authority of the civil magistrate; whose power, being founded on opinion, can never subvert other opinions, equally rooted with that of his title to dominion. In this sense, it must be owned, that liberty is the perfection of civil society; but still authority must be acknowledged essential to its very existence: and in those contests, which so often take place between the one and the other, the latter may, on that account, challenge the preference. Unless perhaps one may say (and it may be said with some reason) that a circumstance, which is essential to the existence of civil society, must always support itself, and needs be guarded with less jealousy, than one that contributes only to its perfection, which the indolence of men is so apt to neglect, or their ignorance to overlook.

## **Essay XII: Of the Original Contract**

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.[1] The people being commonly very rude builders, especially in this speculative way, and more especially still, when actuated by party-zeal; it is natural to imagine, that their workmanship must be a little unshapely, and discover evident marks of that violence and hurry, in which it was raised. The one party, by tracing up government to the Deity, endeavour to render it so sacred and inviolate, that it must be little less than sacrilege, however tyrannical it may become, to touch or invade it, in the smallest article. The other party, by founding government altogether on the consent of the People, suppose that there is a kind of original contract, by which 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 him. These are the speculative principles of the two parties; and these too are the practical consequences deduced from them.

I shall venture to affirm, That both these systems of speculative principles are just; though not in the sense, intended by the parties: And, That both the

schemes of practical consequences are prudent; though not in the extremes, to which each party, in opposition to the other, has commonly endeavoured to carry them.

That the Deity is the ultimate author of all government, will never be denied by any, who admit a general providence, and allow, that all events in the universe are conducted by an uniform plan, and directed to wise purposes. As it is impossible for the human race to subsist, at least in any comfortable or secure state, without the protection of government; this institution must certainly have been intended by that beneficent Being, who means the good of all his creatures: And as it has universally, in fact, taken place, in all countries, and all ages; we may conclude, with still greater certainty, that it was intended by that omniscient Being, who can never be deceived by any event or operation. But since he gave rise to it, not by any particular or miraculous interposition, but by his concealed and universal efficacy; a sovereign cannot, properly speaking, be called his vice-gerent, in any other sense than every power or force, being derived from him, may be said to act by his commission. Whatever actually happens is comprehended in the general plan or intention of providence; nor has the greatest and most lawful prince any more reason, upon that account, to plead a peculiar sacredness or inviolable authority, than an inferior magistrate, or even an usurper, or even a robber and a pyrate. The same divine superintendant, who, for wise purposes, invested a Titus or a Trajan with authority, did also, for purposes, no doubt, equally wise, though unknown, bestow power on a Borgia or an Angria.[2] The same causes, which gave rise to the sovereign power in every state, established likewise every petty jurisdiction in it, and every limited authority. A constable, therefore, no less than a king, acts by a divine commission, and possesses an indefeasible right.

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 vigour 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.

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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 an 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 full maturity, it rests on no other foundation.[3] 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, every where, princes, who claim their subjects as their property, and assert their independent right of sovereignty, from conquest or succession. We find also, every where, 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, in Persia and China; in France and Spain; and even in Holland and England, wherever the doctrines above-mentioned have not been carefully inculcated. Obedience or subjection becomes so familiar, that most men never make any enquiry 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 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.

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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.

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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 pretence 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 pretences, to establish his dominion over a people a hundred times more numerous than his partizans. 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 encrease 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 any thing discoverable in all these events, but force and violence? Where is the mutual agreement or voluntary association so much talked of?

Even the smoothest way, by which a nation may receive a foreign master, by marriage or a will, is not extremely honourable for the people; but supposes them to be disposed of, like a dowry or a legacy, according to the pleasure or interest of their rulers.

But where no force interposes, and election takes place; what is this election so highly vaunted? It is either the combination of a few great men, who decide for the whole, and will allow of no opposition: Or it is the fury of a multitude, that follow a seditious ringleader, who is not known, perhaps, to a dozen among them, and who owes his advancement merely to his own impudence, or to the momentary caprice of his fellows.

Are these disorderly elections, which are rare too, of such mighty authority, as to be the only lawful foundation of all government and allegiance?

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 chuse for themselves. So little correspondent is fact and reality to those philosophical notions.

Let not the establishment at the Revolution deceive us, or make us so much in love with a philosophical origin to government, as to imagine all others monstrous and irregular. Even that event was far from corresponding to these refined ideas. It was only the succession, and that only in the regal part of the government, which was then changed: And it was only the majority of seven hundred, who determined that change for near ten millions.[4] I doubt not, indeed, but the bulk of those ten millions acquiesced willingly in the determination: But was the matter left, in the least, to their choice? Was it not justly supposed to be, from that moment, decided, and every man punished, who refused to submit to the new sovereign? How

otherwise could the matter have ever been brought to any issue or conclusion?

The republic of Athens was, I believe, the most extensive democracy, that we read of in history: Yet if we make the requisite allowances for the women, the slaves, and the strangers, we shall find, that that establishment was not, at first, made, nor any law ever voted, by a tenth part of those who were bound to pay obedience to it: Not to mention the islands and foreign dominions, which the Athenians claimed as theirs by right of conquest. And as it is well known, that popular assemblies in that city were always full of licence and disorder, notwithstanding the institutions and laws by which they were checked: How much more disorderly must they prove, where they form not the established constitution, but meet tumultuously on the dissolution of the ancient government, in order to give rise to a new one? How chimerical must it be to talk of a choice in such circumstances?

[some historical examples have been cut here]

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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 favours 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 had for ever 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 had 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 shew 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 artizan 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.

What if the prince forbid his subjects to quit his dominions; as in Tiberius's time, it was regarded as a crime in a Roman knight that he had attempted to fly to the Parthians, in order to escape the tyranny of that emperor? [7] Or as the ancient Muscovites prohibited all travelling under pain of death? And did a prince observe, that many of his subjects were seized with the frenzy of migrating to foreign countries, he would doubtless, with great reason and justice, restrain them, in order to prevent the depopulation of his own kingdom. Would he forfeit the allegiance of all his subjects, by so wise and reasonable a law? Yet the freedom of their choice is surely, in that case, ravished from them.

A company of men, who should leave their native country, in order to people some uninhabited region, might dream of recovering their native freedom; but they would soon find, that their prince still laid claim to

them, and called them his subjects, even in their new settlement. And in this he would but act conformably to the common ideas of mankind.

***“Can we seriously say, that a poor peasant or artizan 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.”***

The truest tacit consent of this kind, that is ever observed, is when a foreigner settles in any country, and is beforehand acquainted with the prince, and government, and laws, to which he must submit: Yet is his allegiance, though more voluntary, much less expected or depended on, than that of a natural born subject. On the contrary, his native prince still asserts a claim to him. And if he punish not the renegade, when he seizes him in war with his new prince's commission; this clemency is not founded on the municipal law, which in all countries condemns the prisoner; but on the consent of princes, who have agreed to this indulgence, in order to prevent reprisals.

Did one generation of men go off the stage at once, and another succeed, as is the case with silkworms 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. Some innovations must necessarily have place in every human institution, and it is happy where the enlightened genius of the age give these a direction to the side of reason, liberty, and justice: but violent innovations no individual is entitled to make: they are even dangerous to be attempted by the legislature: more ill than good is ever to be expected from them: and if history affords examples to the contrary, they are not to be drawn into precedent, and are only to be regarded as proofs, that the science of politics affords few rules, which will not admit of some exception, and which may not sometimes be controuled by fortune and accident. The violent innovations in the reign of Henry VIII. [8] proceeded from an imperious monarch, seconded by the appearance of legislative authority: Those in the reign of Charles I. were derived from faction and fanaticism; and both of them have proved happy in the issue: But even the former were long the source of many disorders, and still more dangers; and if the measures of allegiance were to be taken from the latter, a total anarchy must have place in human society, and a final period at once be put to every government.

***“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.”***

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 shew 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 honour than they deserve, or even expect and desire from us. After the Roman dominions became too unwieldly 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 shewed 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 blameable, because they were inevitable.

The house of Lancaster ruled in this island about sixty years; yet the partizans of the white rose seemed daily to multiply in England. [9] The present establishment has taken place during a still longer

period. Have all views of right in another family been utterly extinguished; even though scarce any man now alive had arrived at years of discretion, when it was expelled, or could have consented to its dominion, or have promised it allegiance? A sufficient indication surely of the general sentiment of mankind on this head. For we blame not the partizans of the abdicated family, merely on account of the long time, during which they have preserved their imaginary loyalty. We blame them for adhering to a family, which, we affirm, has been justly expelled, and which, from the moment the new settlement took place, had forfeited all title to authority.

But would we have a more regular, 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. [10] 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.

***“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 licence, and the total dissolution of society which must ensue from it.”***

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 licence, 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. [11] 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.

***“But to whom is allegiance due? And who is our lawful sovereign? This question is often the most difficult of any, and liable to infinite discussions.... historians, in tracing up to the remotest antiquity, the origin of that royal family, may find, as commonly happens, that its first authority was derived from usurpation and violence. It is confessed, that ... there is no property in durable objects, such as lands or houses, when carefully examined in passing from hand to hand, but must, in some period, have been founded on fraud and injustice.”***

But to whom is allegiance due? And who is our lawful sovereign? This question is often the most difficult of any, and liable to infinite discussions. [12] When people are so happy, that they can answer, Our present sovereign, who inherits, in a direct line, from ancestors, that have governed us for many ages; this

answer admits of no reply; even though historians, in tracing up to the remotest antiquity, the origin of that royal family, may find, as commonly happens, that its first authority was derived from usurpation and violence. It is confessed, that private justice, or the abstinence from the properties of others, is a most cardinal virtue: Yet reason tells us, that there is no property in durable objects, such as lands or houses, when carefully examined in passing from hand to hand, but must, in some period, have been founded on fraud and injustice. The necessities of human society, neither in private nor public life, will allow of such an accurate enquiry: And there is no virtue or moral duty, but what may, with facility, be refined away, if we indulge a false philosophy, in sifting and scrutinizing it, by every captious rule of logic, in every light or position, in which it may be placed.

The questions with regard to private property have filled infinite volumes of law and philosophy, if in both we add the commentators to the original text; and in the end, we may safely pronounce, that many of the rules, there established, are uncertain, ambiguous, and arbitrary. [13] The like opinion may be formed with regard to the succession and rights of princes and forms of government. Several cases, no doubt, occur, especially in the infancy of any constitution, which admit of no determination from the laws of justice and equity: And our historian Rapin [14] pretends, that the controversy between Edward the Third and Philip de Valois was of this nature, and could be decided only by an appeal to heaven, that is, by war and violence.

[here we have cut some historical examples discussed by Hume]

Frequent instances of a like nature occur in the history of the emperors; in that of Alexander's successors; and of many other countries: Nor can any thing be more unhappy than a despotic government of this kind; where the succession is disjointed and irregular, and must be determined, on every vacancy, by force or election. In a free government, the matter is often unavoidable, and is also much less dangerous. The interests of liberty may there frequently lead the people, in their own defence, to alter the succession of the crown. And the constitution, being compounded of parts, may still maintain a sufficient stability, by resting on the aristocratical or democratical members, though the monarchical be altered, from time to time, in order to accommodate it to the former.

In an absolute government, when there is no legal prince, who has a title to the throne, it may safely be determined to belong to the first occupant. Instances of this kind are but too frequent, especially in the eastern monarchies. When any race of princes expires, the will or destination of the last sovereign will be regarded as a title. Thus the edict of Lewis the XIVth, who called the bastard princes to the succession in case of the failure of all the legitimate princes, would, in such an event, have some authority. [18] Thus the will of Charles the Second disposed of the whole Spanish monarchy. The cession of the ancient proprietor, especially when joined to conquest, is likewise deemed a good title. The general obligation, which binds us to government, is the interest and necessities of society; and this obligation is very strong. The determination of it to this or that particular prince or form of government is frequently more uncertain and dubious. Present possession has considerable authority in these cases, and greater than in private property; because of the disorders which attend all revolutions and changes of government.

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; nor has the most noted of its partizans, in prosecution of it, scrupled to affirm, that absolute monarchy is inconsistent with civil society, and so can be no form of civil government at all; [19] and that the supreme power in a state cannot take from any man, by taxes and impositions, any part of his property, without his own consent or that of his representatives. [20] What authority any moral reasoning can have, which leads into opinions so wide of the general practice of mankind, in every place but this single kingdom, it is easy to determine.

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. [21] Thus he builds a tory consequence of passive obedience, on a whig foundation of the original contract.

***“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”***

New discoveries are not to be expected in these matters. If scarce any man, till very lately, ever imagined that government was founded on compact, it is certain, that it cannot, in general, have any such foundation.

The crime of rebellion among the ancients was commonly expressed by the terms νεωτερίζειν, novas res moliri. [22]



## Notes

[1.][Having previously sketched the differences between the Whigs and the Tories (see “Of the Parties of Great Britain,” in Part I), Hume takes up their speculative, practical, and historical controversies in this essay and the two that follow. Hume suggests that it is a contradiction in terms to speak of those who have embraced a party as philosophers (p. 469). Since his own approach is philosophical, he seeks to avoid taking sides or being a mere partisan. The philosopher’s task, as Hume understands it, is to serve as a mediator between contending parties and to promote compromise or accommodation. This is accomplished by a balanced appraisal of party controversies in which each side is led to see that its views are not completely right and that the opposing views are not completely wrong. Compromise is possible only if neither party triumphs over the other. This may help to explain why Hume sometimes seems to be more critical of the Whigs, the stronger party of his day, than of the Tories. Hume’s design and guiding principles are made explicit at the beginning of the third essay of this sequence, “Of the Coalition of Parties.”]

[2.][Titus Flavius Vespasianus was Roman emperor from ad 79 to 81. Cesare Borgia, through the influence of his father, Pope Alexander VI, conquered and ruled the territory known as the Romagna, in northern Italy, in 1501–1503. Borgia’s cruel and enterprising methods are described and applauded by Machiavelli in *The Prince*, chap. 7. Tulagee Angria was the leader, in the mid-eighteenth century, of an old family of predatory pirates who operated off of India’s Malabar coast, south of Bombay. After the failure of earlier efforts to suppress him, Angria was driven from his stronghold of Gheria in 1756 by European and Indian troops under the command of Charles Watson and Robert Clive. See Clement Downing, *A Compendious History of the Indian Wars; with an Account of the Rise, Progress, Strength and Forces of Angria the Pyrate* (London, 1737); and *An Authentick & Faithful History of that Arch-Pyrate Tulagee Angria* (London, 1756).]

[3.][Hume has in mind Whig theorists generally but especially John Locke, who is identified later as the most noted “partizan” of the doctrine that all lawful government is founded on an original contract or consent of the people. Hume’s sketch of this doctrine

draws loosely from Locke’s *Second Treatise*. Hume seeks to show that what these “reasoners” say is contradicted by common opinion and practice. In order to make his argument from general opinion effective, Hume must reject the claim that moral philosophy has a rational or a priori basis, and this he does at the conclusion of the essay.]

[4.][The transfer of the British crown to William and Mary in 1689 was approved by parliamentary conventions, called by William, in England and Scotland. By “the majority of seven hundred,” Hume probably means the total vote of these conventions approving the transfer and fixing the order of succession after the deaths of William and Mary.]

[7.][*Tacit. Ann. vi. cap. 14.*]

[8.][King of England from 1509 to 1547. Henry’s greatest innovation was his break with the Pope and his establishment of the king as the only supreme head on earth of the Church of England, with full power to reform it.]

[9.][The Lancastrian kings of England were Henry IV, Henry V, and Henry VI. Their rule extended from 1399 to 1461. The house of Lancaster took the red rose as its badge or emblem, while its rival for the throne, the house of York, took the white rose.]

[10.][This division of moral duties is explained fully by Hume in the *Treatise of Human Nature*, book 3, and in the *Enquiry Concerning the Principles of Morals*. Hume consistently places justice, fidelity to promises, and allegiance to government in a different category from those virtues that we perform and approve by an original instinct of nature. In the *Treatise*, he presents the division as one between “natural” and “artificial” virtues, but he retreats somewhat from this terminology in the *Second Enquiry* (see appendix 3). Thus in the present essay, justice, fidelity, and allegiance, which had been classified as artificial duties in the *Treatise*, are called “natural duties.” Hume will argue, against Locke, that it is inappropriate to base allegiance, or the obligation to obey rulers, on a prior obligation to keep promises, since both obligations arise from the same foundation. This argument draws heavily on book 3, part 2 of the *Treatise*.]

[11.][This brief discussion of the ground of allegiance, or the duty to obey government, should be compared with Hume’s much fuller treatment of this topic in the *Treatise*, 3.2.8 (“Of the Source of Allegiance”).]

[12.][See Hume's *Treatise*, 3.2.10 ("Of the Objects of Allegiance"), which addresses at much greater length the question, To whom is submission due and who are we to regard as our lawful magistrates?]

[13.][This topic is discussed at length by Hume in the *Treatise*, 3.2.3 ("Of the Rules, which determine Property").]

[14.][See Paul de Rapin-Thoyras (1661–1725), *Histoire d'Angleterre*. 10 vols. (The Hague, 1723–27). This was the standard history of England until the publication of Hume's. It was written for foreigners, but was quickly translated into English. Rapin, who was from a Huguenot family, first came to England in 1686 to avoid persecution and returned two years later with the army of William of Orange. He wrote his history of England while in retirement in Germany. Initially, at least, Hume judged Rapin's work harshly because of its partiality for the Whig side (see Hume's comments on Rapin in the variant readings to "Of the Protestant Succession," note b). The controversy to which Hume refers involved the succession to the French throne. When Charles IV of France died in 1328, his wife was expecting a child, who would, if a son, succeed to the throne. In the meantime, an assembly of barons was called to appoint as regent the next male heir, who would become Charles's successor if his child were a daughter. One claimant was Edward III of England, the nephew and nearest male relation of Charles IV, who descended from the royal house of France by his mother, but this claim was rejected by the barons. Philip of Valois, the late king's cousin, was elected regent and, after a daughter was born to the queen widow, was placed on the throne as Philip VI. Hume discusses this dispute and its consequences in his account of Edward's reign in the *History of England*.]

[15.][Germanicus (15 bc–ad 19) was adopted by his uncle, Tiberius, in ad 4. Drusus (13? bc–ad 23) was the son of Tiberius.]

[16.][Herodian, lib. ii. [Commodus was emperor from ad 180 to 192. The rule of Pertinax lasted for only three months (January 1 to March 28) in the year 193. The struggle between Lucius Septimius Severus and his rivals (Didius Julianus, Pescennius Niger, and Clodius Albinus) took place from 193 to 197.]

[17.][Julius Capitolinus, Maximus and Balbinus, sec. 14, in *Scriptores Historiae Augustae*: "In the meantime Gordian Caesar was lifted up by the soldiers and hailed emperor (that is, Augustus), there being no

one else at hand" (Loeb translation by David Magie). The young Gordian was saluted as emperor by the praetorians in ad 238, following the murder that year of his uncle and the suicide of his grandfather (both emperors named Gordian) and the murders of Balbinus and Pupienus Maximus, who had succeeded the Gordians as joint emperors.]

[18.][It is remarkable, that, in the remonstrance of the duke of Bourbon and the legitimate princes, against this destination of Louis the XIVth, the doctrine of the original contract is insisted on, even in that absolute government. The French nation, say they, chusing Hugh Capet and his posterity to rule over them and their posterity, where the former line fails, there is a tacit right reserved to choose a new royal family; and this right is invaded by calling the bastard princes to the throne, without the consent of the nation. But the Comte de Boulainvilliers, who wrote in defence of the bastard princes, ridicules this notion of an original contract, especially when applied to Hugh Capet; who mounted the throne, says he, by the same arts, which have ever been employed by all conquerors and usurpers. He got his title, indeed, recognized by the states after he had put himself in possession: But is this a choice or contract? The Comte de Boulainvilliers, we may observe, was a noted republican; but being a man of learning, and very conversant in history, he knew that the people were never almost consulted in these revolutions and new establishments, and that time alone bestowed right and authority on what was commonly at first founded on force and violence. See *Etat de la France*, Vol. III. [Henri de Boulainvilliers (1658–1722), *Etat de la France* (State of France). 3 vols. (Londres, 1727).]

[19.][See Locke on Government, chap. vii. § 90. [In this citation and the next, Hume is paraphrasing Locke rather than quoting him exactly.]

[20.][Id. chap. xi. § 138, 139, 140.

[21.][See *Crito* 50c and following. Socrates here imagines what "the laws and the commonwealth" would say of Crito's proposal that he escape from prison. Agreement or promise is one of the principles of obligation that "the laws" appeal to in the speech that Socrates invents for them, but Socrates does not say in his own name that a promise to obey the laws obligates him to remain in prison.]

[22.][Both terms mean to make innovations, especially political changes.]

## Essay XIII: Of Passive Obedience

In the former essay, we endeavoured to refute the speculative systems of politics advanced in this nation; as well the religious system of the one party, as the philosophical of the other. We come now to examine the practical consequences, deduced by each party, with regard to the measures of submission due to sovereigns.[1]

*“the duty of allegiance; and common sense teaches us, that, as government binds us to obedience only on account of its tendency to public utility, that duty must always, in extraordinary cases, when public ruin would evidently attend obedience, yield to the primary and original obligation.”*

As the obligation to justice is founded entirely on the interests of society, which require mutual abstinence from property, in order to preserve peace among mankind; it is evident, that, when the execution of justice would be attended with very pernicious consequences, that virtue must be suspended, and give place to public utility, in such extraordinary and such pressing emergencies. The maxim, fiat Justitia & ruat Cœlum, let justice be performed, though the universe be destroyed, is apparently false, and by sacrificing the end to the means, shews a preposterous idea of the subordination of duties. What governor of a town makes any scruple of burning the suburbs, when they facilitate the approaches of the enemy? Or what general abstains from plundering a neutral country, when the necessities of war require it, and he cannot otherwise subsist his army? 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 tendency to 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.[2] This maxim

is agreeable to the sentiments of mankind in all ages: Nor is any one, when he reads of the insurrections against Nero or Philip the Second, so infatuated with party-systems, as not to wish success to the enterprize, and praise the undertakers. Even our high monarchical party, in spite of their sublime theory, are forced, in such cases, to judge, and feel, and approve, in conformity to the rest of mankind.

Resistance, therefore, being admitted in extraordinary emergencies, the question can only be among good reasoners, with regard to the degree of necessity, which can justify resistance, and render it lawful or commendable. And here I must confess, that I shall always incline to their side, who draw the bond of allegiance very close, and consider an infringement of it, as the last refuge in desperate cases, when the public is in the highest danger, from violence and tyranny. For besides the mischiefs of a civil war, which commonly attends insurrection; it is certain, that, where a disposition to rebellion appears among any people, it is one chief cause of tyranny in the rulers, and forces them into many violent measures which they never would have embraced, had every one been inclined to submission and obedience. Thus the tyrannicide or assassination, approved of by ancient maxims, instead of keeping tyrants and usurpers in awe, made them ten times more fierce and unrelenting; and is now justly, upon that account, abolished by the laws of nations, and universally condemned as a base and treacherous method of bringing to justice these disturbers of society.[3]

Besides we must consider, that, as obedience is our duty in the common course of things, it ought chiefly to be inculcated; nor can any thing be more preposterous than an anxious care and solicitude in stating all the cases, in which resistance may be allowed. In like manner, though a philosopher reasonably acknowledges, in the course of an argument, that the rules of justice may be dispensed with in cases of urgent necessity; what should we think of a preacher or casuist, who should make it his chief study to find out such cases, and enforce them with all the vehemence of argument and eloquence? Would he not be better employed in inculcating the general doctrine, than in displaying the particular exceptions, which we are, perhaps, but too much inclined, of ourselves, to embrace and to extend?

There are, however, two reasons, which may be pleaded in defence of that party among us, who have,

with so much industry, propagated the maxims of resistance; maxims, which, it must be confessed, are, in general, so pernicious, and so destructive of civil society. The first is, that their antagonists carrying the doctrine of obedience to such an extravagant height, as not only never to mention the exceptions in extraordinary cases (which might, perhaps, be excusable) but even positively to exclude them; it became necessary to insist on these exceptions, and defend the rights of injured truth and liberty. The second, and, perhaps, better reason, is founded on the nature of the British constitution and form of government.

***“But though the constitution pays this salutary compliment to the prince, it can never reasonably be understood, by that maxim, to have determined its own destruction, or to have established a tame submission, where he protects his ministers, perseveres in injustice, and usurps the whole power of the commonwealth. This case, indeed, is never expressly put by the laws; because it is impossible for them, in their ordinary course, to provide a remedy for it, or establish any magistrate, with superior authority, to chastise the exorbitancies of the prince. But as a right without a remedy would be an absurdity; the remedy in this case, is the extraordinary one of resistance, when affairs come to that extremity, that the constitution can be defended by it alone.”***

It is almost peculiar to our constitution to establish a first magistrate with such high pre-eminence and dignity, that, though limited by the laws, he is, in a manner, so far as regards his own person, above the laws, and can neither be questioned nor punished for any injury or wrong, which may be committed by him. His ministers alone, or those who act by his commission, are obnoxious to justice; and while the prince is thus allured, by the prospect of personal safety, to give the laws their free course, an equal security is, in effect, obtained by the punishment of lesser offenders, and at the same time a civil war is avoided, which would be the infallible consequence, were an attack, at every turn, made directly upon the sovereign. But though the constitution pays this salutary compliment to the prince, it can never reasonably be understood, by that maxim, to have determined its own destruction, or to have established a tame submission, where he protects his ministers, perseveres in injustice, and usurps the whole power of the commonwealth. This case, indeed, is never expressly put by the laws; because it is impossible for them, in their ordinary course, to provide a remedy for it, or establish any magistrate, with superior authority, to chastise the exorbitancies of the prince. But as a right without a remedy would be an absurdity; the remedy in this case, is the extraordinary one of resistance, when affairs come to that extremity, that the constitution can be defended by it alone. Resistance therefore must, of course, become more frequent in the British government, than in others, which are simpler, and consist of fewer parts and movements. Where the king is an absolute sovereign, he has little temptation to commit such enormous tyranny as may justly provoke rebellion: But where he is limited, his imprudent ambition, without any great vices, may run him into that perilous situation. This is frequently supposed to have been the case with Charles the First; and if we may now speak truth, after animosities are ceased, this was also the case with James the Second. These were harmless, if not, in their private character, good men; but mistaking the nature of our constitution, and engrossing the whole legislative power, it became necessary to oppose them with some vehemence; and even to deprive the latter formally of that authority, which he had used with such imprudence and indiscretion.

## Notes

[1.][Passive obedience is the doctrine that it is not lawful, under any pretense whatsoever, to take arms against the king or those who act under the king's authority. This doctrine was held, in the seventeenth century, by the court party, and in the eighteenth by a segment of the Tory party. Hume grants that this doctrine should not be followed when doing so would threaten the public safety, but he defends it as a better practical rule, under most circumstances, than the Whig doctrine of resistance. This essay should be compared with Hume's discussion of the same topic in the Treatise, 3.2.9 ("Of the Measures of Allegiance"). In the Treatise, the doctrine of passive obedience is called an "absurdity"; but in this later and more popular treatment of the matter, which was written during or shortly after the Jacobite rising of 1745, Hume takes pains to say nothing that would discredit the salutary principle of obedience to law.]

[2.][Locke uses this motto as the epigraph to his Two Treatises of Government. Compare also the beginning of chapter 30 of Hobbes's Leviathan: "The office of the sovereign, be it a monarch or an assembly, consisteth in the end, for which he was trusted with the sovereign power, namely the procuration of the safety of the people. . . . But by safety here, is not meant a bare preservation, but also all other contentments of life, which every man by lawful industry, without danger, or hurt to the commonwealth, shall acquire to himself."]

[3.][This sentence and the one preceding resemble closely what Hobbes says in the Leviathan about the cause of oppressive rule (see chapter 18, end) and about the ancient Greeks and Romans as the source of the doctrine of tyrannicide (see chapter 29).]

## Further Information

### SOURCE

The edition used for this extract: David Hume, *Essays Moral, Political, Literary*, edited and with a Foreword, Notes, and Glossary by Eugene F. Miller, with an appendix of variant readings from the 1889 edition by T.H. Green and T.H. Grose, revised edition (Indianapolis: Liberty Fund 1987). <oll.libertyfund.org/title/704>.

- Essay IV: Of the First Principles of Government <oll.libertyfund.org/title/704/137484>
- Essay V: Of the Origin of Government <oll.libertyfund.org/title/704/137486>
- Essay XII: Of the Original Contract <oll.libertyfund.org/title/704/137548>
- Essay XIII: Of Passive Obedience <oll.libertyfund.org/title/704/137550>

### FURTHER READING

Other works by David Hume (1711-1776) <oll.libertyfund.org/person/231>.

Other works on The Scottish Enlightenment <oll.libertyfund.org/collection/19>

***“The distinctive principle of Western social philosophy is individualism. It aims at the creation of a sphere in which the individual is free to think, to choose, and to act without being restrained by the interference of the social apparatus of coercion and oppression, the State.”***  
***[Ludwig von Mises, “Liberty and Property” (1958)]***



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