

affairs will never admit of this [popular] consent, but that conquest or usurpation, force . . . is the origin of almost all new [governments]."¹⁰ Hume wrote of what he saw and had experienced. Contemporary world conditions, he claimed, forced him to conclude that magistrates are necessary in society and that from this need is derived all allegiance and moral obligation. Hume's predictions were projected no further than those which could be based upon man's knowledge as compiled through the cumulative processes.

A refutation to this line of thinking is contained in the words of John Locke: "Government is everywhere antecedent to records." He implied that one should not become so impatient in awaiting examples to prove a theory that valid parts are rejected along with the false; and further, that examples to sustain a theory's validity may come after the theory itself and that attempts to foresee or influence the future may bring results which will subsequently serve to substantiate the theory. In writing his *Second Treatise* it was Locke's objective to justify the English Revolution of 1689; beyond this Locke sought to explain the origins and ends of civil government in contract theory, which by and large were contradicted by the governments actually existing in Hume's day. If this is to be sufficient cause to discredit Locke *in toto*, one must banish forever from the annals of world history the American and French Revolutions, both of which originated at least in part from concepts substantiated by the compact theory.

Numerous nineteenth century attacks upon the compact theory were made on

¹⁰ D. Hume, *Of the Original Contract*, in *SOCIAL CONTRACT*.

psychological grounds. The social compact could not explain the origin of political obligation, asserted S. T. Coleridge, because, unless our ancestors were already under its impulsion, they would not have been capable of making any original contract. Similarly, Bluntschli pointed out, while emphasizing the truth that the form of the state can be influenced and determined by human will, that contractarianism is illogical because it assumes as prior to the state what is only conceivable as its product.¹¹ Those who oppose contractarianism for psychological reasons reject the traditional arguments which have been made to explain the associations of men with one another in a state of nature before the creation of a society is legalized by contract. Hume, as has been observed, believed that popular acquiescence led to habitual obedience. As for the nature of the "original contract," he denied that such a term was of value: "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."¹² What Hume did imply was that the conditions among men which lead to mutual association occur in nature before any compact can be formalized.

Montesquieu suggested that man's natural fear of his own kind stimulates association for mutual protection. This association of men leads to pleasure which results in a natural inclination to be with one's own kind despite the paradoxical scepticism man holds for his fellow man. Not unlike the Greeks,

¹¹ 4 J. BLUNTSCHLI, *THEORY OF THE STATE*, ch. 9 (1852).

¹² *SOCIAL CONTRACT*, 149 (Oxford U. Press, 1962).