

already, and partly of what no one can understand at all.

34. Throughout the whole of it, what distresses me is, not the meeting with any positions, such as, thinking them false, I find a difficulty in proving so: but the not meeting with any positions, true, or false, (unless it be here and there a self-evident one,) that I can find a meaning for. If I can find nothing positive to accede to, no more can I to contradict. Of this latter kind of work, indeed, there is the less to do for any one else, our Author himself having executed it, as we have seen, so amply.

Difficulty attending this examination.

The whole of it is, I must confess, to me a riddle: more acute, by far, than I am, must be the Oedipus that can solve it. Happily, it is not necessary, on account of any thing that follows, that it should be solved. Nothing is concluded from it. For aught I can find, it has in itself no use, and none is made of it. There it is, and as well might it be any where else, or no where.

35. Were it then possible, there would be no use in its being solved: but being, as I take it, *really* unsolvable, it were of use it should *be seen* to be so. Peace may by this means be restored to the breast of many a desponding student, who, now prepossessed with the hopes of a rich harvest of instruction, makes a crime to himself of his inability to reap what, in truth, his Author has not sown.

Use that may be made of it.

36. As to the Original Contract, by turns embraced and ridiculed by our Author, a few pages, perhaps, may not be ill bestowed in endeavouring to come to a precise notion about its reality and use. The stress laid on it formerly, and still, perhaps, by some, is such as renders it an object not undeserving of attention. I was in hopes, however, till I observed the notice taken of it by our author, that this chimera had been effectually demolished by Mr. HUME.¹

Original Contract, a fiction.

¹ 1. In the third Volume of his TREATISE on HUMAN NATURE.

1. *Notion of the*

Our Author, one would think, had never so much as opened that celebrated book: of which the criminality in the eyes of some, and the merits in the eyes of others, have since been almost effaced by the splendour of more recent productions of the same pen. The magnanimity of our Author scorned, perhaps, or his circumspection feared, to derive instruction from an enemy: or, what is still more probable, he knew not that the subject had been so much as touched upon by that penetrating and acute metaphysician, whose works lie so much out of the beaten track of Academic reading. But here, as it

Original Contract overthrown by Mr. Hume.

I think we hear not so much of it now as formerly. The indestructible prerogatives of mankind have no need to be supported upon the sandy foundation of a fiction.

happens, there is no matter for such fears. Those men, who are most alarmed at the dangers of a free enquiry; those who are most intimately convinced that the surest way to truth is by hearing nothing but on one side, will, I dare answer almost, find nothing of that which they deem poison in this third volume. I would not wish to send the Reader to any other than this, which, if I recollect aright, stands clear of the objections that have of late been urged, with so much vehemence, against the work in general.^a As to the two first, the Author himself, I am inclined to think, is not ill disposed, at present, to join with those who are of opinion, that they might, without any great loss to the science of Human Nature, be dispensed with. The like might be said, perhaps, of a considerable part, even of this. But, after all retrrenchments, there will still remain enough to have laid mankind under indelible obligations. That the foundations of all *virtue* are laid in *utility*, is there demonstrated, after a few exceptions made, with the strongest force of evidence: but I see not, any more than Helvetius saw, what need there was for the exceptions.

2. *History of a mind perplexed by fiction.* 2. For my own part, I well remember, no sooner had I read that part of the work which touches on this subject, than I felt as if scales had fallen from my eyes. I then, for the first time, learnt to call the cause of the people the cause of Virtue.

Perhaps a short sketch of the wanderings of a raw but well-intentioned mind, in its researches after moral truth, may, on this occasion, be not useless: for the history of one mind is the history of many. The writings of the honest, but prejudiced, Earl of Clarendon, to whose integrity nothing was wanting, and to whose wisdom little, but the fortune of living something later; and the contagion of a monkish atmosphere; these, and other concurrent causes, had lifted my infant affections on the side of despotism. The Genius of the place I dwelt in, the authority of the state, the voice of the Church in her solemn offices; all these taught me to call Charles a Martyr, and his opponents rebels. I saw innovation, where indeed innovation, but a glorious innovation, was, in their efforts to withstand him. I saw falsehood, where indeed falsehood was, in their disavowals of innovation. I saw selfishness, and an obedience to the call of passion, in the efforts of the oppressed to rescue themselves from oppression. I saw strong countenance lent in the sacred writings to monarchic government: and none to any other. I saw *passive obedience* deep stamped with the seal of the Christian Virtues of humility and self-denial.

Conversing with Lawyers, I found them full of the virtues of their Original Contract, as a recipe of sovereign efficacy for reconciling the accidental necessity of resistance with the general duty of submission. This drug of theirs they administered to me to calm my scruples. But my unpractised stomach revolted against their opiate. I bid them open to me that page of history in which the solemnization of this important contract was recorded. They shrunk from this challenge; nor could they, when thus pressed, do otherwise than our Author has done, confess the whole to be a fiction. This, methought, looked ill. It seemed to me the acknowledgment of a bad cause, the bringing a fiction to support it. "To prove fiction, indeed," said I, "there is need of fiction; but it is the characteristic of truth to need no proof but truth. Have you then really any such privilege as that of coining facts? You are spending argument to no purpose. Indulge yourselves in the licence of supposing that to be true which is

^a By Dr. BEATTIE, in his *Essay on the Immutability of Truth*.

37. With respect to this, and other fictions, there was once *Fictions in a time, perhaps, when they had their use.* With instruments *general mischief-ous in the present state of things.* of this temper, I will not deny but that some political work may have been done, and that useful work, which, under the then circumstances of things, could hardly have been done with any other. But the season of *Fiction* is now over: in-somuch, that what formerly might have been tolerated and countenanced under that name, would, if now attempted to be set on foot, be censured and stigmatized under the harsher appellations of *incroachment* or *imposture*. To attempt to introduce any *new* one, would be *now* a crime: for which reason there is much danger, without any use, in vaunting and propagating such as have been introduced already. In point of political discernment, the universal spread of learning has raised mankind in a manner to a level with each other, in comparison of what they have been in any former time: nor is any man now so far elevated above his fellows, as that he should be indulged in the dangerous licence of cheating them for their good.

38. As to the fiction now before us, in the character of an *argumentum ad hominem* coming when it did, and managed *This had a momentary use.* as it was, it succeeded to admiration.

That compacts, by whomsoever entered into, *ought* to be kept;—that men are *bound* by compacts, are propositions which men, without knowing or enquiring why, were disposed universally to accede to. The observance of promises they had been accustomed to see pretty constantly enforced. They had been accustomed to see Kings, as well as others, behave themselves as if bound by them. This proposition, then, 'that men are bound by *compacts*;' and this other, 'that, if one party performs not his part, the other is released from his,' being propositions which no man disputed, were propositions which no man had any call to prove. In theory they were assumed for axioms: and in practice they were

not, and as well may you suppose that proposition itself to be true, which you wish to prove, as that other whereby you hope to prove it.' Thus continued I unsatisfying, and unsatisfied, till I learnt to see that *utility* was the test and measure of all virtue; of loyalty as much as any; and that the obligation to minister to general happiness, was an obligation paramount to and inclusive of every other. Having thus got the instruction I stood in need of, I sat down to make my profit of it. I bid adieu to the original contract: and I left it to those to amuse themselves with this rattle, who could think they needed it.

observed as rules.¹ If, on any occasion, it was thought proper to make a show of proving them, it was rather for form's sake than for any thing else: and that, rather in the way of memento or instruction to acquiescing auditors, than in the way of proof against opponents. On such an occasion the common place retinue of phrases was at hand; *Justice, Right Reason* required it, the *Law of Nature* commanded it, and so forth; all which are but so many ways of intimating that a man is firmly persuaded of the truth of this or that moral proposition, though he either thinks he *need not*, or finds he *can't*, tell *why*. Men were too obviously and too generally interested in the observance of these rules to entertain doubts concerning the force of any arguments they saw employed in their support.—It is an old observation how Interest smooths the road to Faith.

Terms of the supposed contract stated.

39. A compact, then, it was said, was made by the King and people: the terms of it were to this effect. The people, on their part, promised to the King a *general obedience*. The King, on his part, promised to *govern* the people in such a *particular* manner always, as should be *subservient* to their happiness. I insist not on the words: I undertake only for the sense; as far as an imaginary engagement, so loosely and so variously worded by those who have imagined it, is capable of any decided signification. Assuming then, as a general rule, that promises, when made, ought to be observed; and, as a point of fact, that a promise to this effect in particular had been made by the party in question, men were more ready to deem themselves qualified to judge when it was such a promise was *broken*, than to decide directly and avowedly on the delicate question, when it was that a King acted so far in *opposition* to the happiness of his people, that it were better no longer to obey him.

Stated thus generally, it could not dispense men from entering into the question of utility, as was intended.

40. It is manifest, on a very little consideration, that nothing was gained by this manœuvre after all: no difficulty removed by it. It was still necessary, and that as much as ever, that the question men studied to avoid should be determined, in order to determine the question they thought to

A compact, or contract.

¹ A *compact* or *contract* (for the two words on this occasion, at least, are used in the same sense) may, I think, be defined, a pair of promises, by two persons reciprocally given, the one promise in consideration of the other.

substitute in its room. It was still necessary to determine, whether the King in question had, or had not acted so far in *opposition* to the happiness of his people, that it were better no longer to obey him; in order to determine, whether the promise he was supposed to have made, had, or had not been broken. For what was the supposed purport of this promise? It was no other than what has just been mentioned.

41. Let it be said, that part at least of this promise was to govern in *subservience to Law*: that hereby a more precise rule was laid down for his conduct, by means of this supposal of a promise, than that other loose and general rule to govern in *subservience to the happiness of his people*: and that, by this means, it is the letter of the *Law* that forms the tenor of the rule.

Nor, if stated more particularly, could it answer what was designed by it.

Now true it is, that the governing in opposition to Law, is *one* way of governing in opposition to the happiness of the people: the natural effect of such a contempt of the Law being, if not actually to destroy, at least to threaten with destruction, all those rights and privileges that are founded on it: rights and privileges on the enjoyment of which that happiness depends. But still it is not this that can be safely taken for the entire purport of the promise here in question: and that for several reasons. *First*, Because the most mischievous, and under certain constitutions the most feasible, method of governing in opposition to the happiness of the people, is, by setting the Law itself in opposition to their happiness. *Secondly*, Because it is a case very conceivable, that a King may, to a great degree, impair the happiness of his people without violating the letter of any single Law. *Thirdly*, Because extraordinary occasions may now and then occur, in which the happiness of the people may be better promoted by acting, for the moment, in *opposition* to the Law, than in *subservience* to it. *Fourthly*, Because it is not any single violation of the Law, as such, that can properly be taken for a breach of his part of the contract, so as to be understood to have released the people from the obligation of performing theirs. For, to quit the fiction, and resume the language of plain truth, it is scarce ever any single violation of the Law that, by being *submitted to*, can produce so much mischief as shall surpass the probable mischief of *resisting* it. If every single

instance whatever of such a violation were to be deemed an entire dissolution of the contract, a man who reflects at all would scarce find anywhere, I believe, under the sun, that Government which he could allow to subsist for twenty years together. It is plain, therefore, that to pass any sound decision upon the question which the inventors of this fiction substituted instead of the true one, the latter was still necessary to be decided. All they gained by their contrivance was, the convenience of deciding it obliquely, as it were, and by a side wind—that is, in a crude and hasty way, without any direct and steady examination.

Nor is it an original independent principle.

42. But, after all, for what reason is it, that men ought to keep their promises? The moment any intelligible reason is given, it is this: that it is for the advantage of society they should keep them; and if they do not, that, as far as punishment will go, they should be made to keep them. It is for the advantage of the whole number that the promises of each individual should be kept: and, rather than they should not be kept, that such individuals as fail to keep them should be punished. If it be asked, how this appears? the answer is at hand:—Such is the benefit to gain, and mischief to avoid, by keeping them, as much more than compensates the mischief of so much punishment as is requisite to oblige men to it. Whether the dependence of benefit and mischief (that is, of pleasure and pain) upon men's conduct in this behalf, be as here stated, is a question of fact, to be decided, in the same manner that all other questions of fact are to be decided, by testimony, observation, and experience.¹

Nor can it serve to prove anything, but what may be better proved without it.

43. This then, and no other, being the reason why men should be made to keep their promises, viz., that it is for the advantage of society that they should, is a reason that may

¹ The importance which the observance of promises is of to the happiness of society, is placed in a very striking and satisfactory point of view, in a little apologue of MONTESQUIEU, entitled *The History of the Troglodytes*.^a The Troglodytes are a people who pay no regard to promises. By the natural consequences of this disposition, they fall from one scene of misery into another; and are at last exterminated. The same Philosopher, in his *Spirit of Laws*, copying and refining upon the current jargon, feigns a Law for this and other purposes, after defining a Law to be a relation. How much more instructive on this head is the fable of the Troglodytes than the pseudo-metaphysical sophistry of the *Esprit des Loix*!

^a See the Collection of his Works.

as well be given at once, why Kings, on the one hand, in governing, should in general keep within established Laws, and (to speak universally) abstain from all such measures as tend to the unhappiness of their subjects: and, on the other hand, why subjects should obey Kings as long as they so conduct themselves, and no longer; why they should obey in short so long as the probable mischiefs of obedience are less than the probable mischiefs of resistance: why, in a word, taking the whole body together, it is their duty to obey, just so long as it is their interest, and no longer. This being the case, what need of saying of the one, that he PROMISED so to govern; of the other, that they PROMISED so to obey, when the fact is otherwise?

44. True it is, that, in this country, according to ancient forms, some sort of vague promise of good government is made by Kings at the ceremony of their coronation: and let the acclamations, perhaps given, perhaps not given, by chance persons out of the surrounding multitude, be construed into a promise of obedience on the part of the whole multitude: that whole multitude itself, a small drop collected together by chance out of the ocean of the state: and let the two promises thus made be deemed to have formed a perfect compact:—not that either of them is declared to be the consideration of the other.¹

45. Make the most of this concession, one experiment there is, by which every reflecting man may satisfy himself, I think, beyond a doubt, that it is the consideration of utility, and no other, that, secretly but unavoidably, has governed his judgment upon all these matters. The experiment is easy and decisive. It is but to reverse, in supposition, in the first place the import of the particular promise thus feigned; in the next place, the effect in point of utility of the observance of promises in general.—Suppose the King to promise that he would govern his subjects not according to Law; not in the view to promote their happiness:—would this be binding upon him? Suppose the people to promise they would obey him at all events, let him govern as he will; let him govern to their destruction. Would this be binding upon them? Suppose the constant and universal effect of an observance

¹ V. supra, par. 38, note, p. 52.

of promises were to produce *mischief*, would it *then* be men's *duty* to observe them? Would it *then* be *right* to make Laws, and apply punishment to *oblige* men to observe them?

A fallacy
obviated.

46. 'No;' (it may perhaps be replied) 'but for this reason; among promises, some there are that, as every one allows, are void: now these you have been supposing, are unquestionably of the number. A promise that is in itself *void*, cannot, it is true, create any obligation. But allow the promise to be *valid*, and it is the promise itself that creates the obligation, and nothing else.' The fallacy of this argument it is easy to perceive. For what is it then that the promise depends on for its *validity*? what is it that being *present* makes it *valid*? what is it that being *wanting* makes it *void*? To acknowledge that any *one* promise may be void, is to acknowledge that if any *other* is *binding*, it is not merely because it is a promise. That circumstance then, whatever it be, on which the validity of a promise depends, that circumstance, I say, and not the promise itself must, it is plain, be the cause of the obligation on which a promise is apt in general to carry with it.

The obligation
of a promise,
were it even
independent,
would not be
extensive
enough for the
purpose.

47. But farther. Allow, for argument sake, what we have disproved: allow that the obligation of a promise is independent of every other: allow that a promise is binding *propria vi*—Binding then on whom? On him certainly who makes it. Admit this: For what reason is the same individual promise to be binding on those who *never* made it? The King, *fifty years ago*, promised my *Great-Grandfather* to govern him according to Law: my *Great-Grandfather*, *fifty years ago*, promised the King to obey him according to Law. The King, *just now*, promised my *neighbour* to govern him according to Law: my *neighbour*, *just now*, promised the King to obey him according to Law.—Be it so—What are these promises, all or any of them, to *me*? To make answer to this question, some other principle, it is manifest, must be resorted to, than that of the *intrinsic* obligation of promises upon those who make them.

But the principle
of UTILITY is
all-sufficient.

48. Now this *other* principle that still recurs upon us, what other can it be than the *principle of UTILITY*? The principle which furnishes us with that *reason*, which alone depends not upon any higher reason, but which is itself the sole and all-sufficient reason for every point of practice whatsoever.