The Preamble in Hume's View

Daniel B. Klein

George Mason University

David Hume's last letter was addressed to "My Dearest Friend," Adam Smith, and closed "Adieu My dearest Friend."[1] Hume died two days later, on August 25, 1776, which makes 52 days after July 4, 1776. The Declaration of Independence appeared in Edinburgh papers on August 19–21, so Hume may have read it, but there is no record of his having done so.

More than five years earlier, on March 11, 1771, Hume remarked in a letter (to William Strahan) that "our Union with America … in the Nature of things, cannot long subsist."[2] Hume and Smith favored desisting and letting the colonies go.

What would Hume think of the chief paragraph of the Preamble?

I imagine that he would think it effective for steeling and mobilizing Americans to throw off the British. On a more philosophical plane, he would perhaps have had a few reservations.

Regarding the Declaration's claim that "all Men are … endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness," Hume might say: *That might be true enough, and I hope it is*. Hume would not hold the "Truths" of the paragraph to be "self-evident." He didn't accept "self-evident" for things over which people contend.

As for the record of George III's reign, I believe that Hume would say that it demonstrates a belated, futile, and increasingly foolish effort to establish rule by Great Britain over the colonies. But he would

---

[1] David Hume, *The Letters of David Hume*, ed. J. Y. T Grieg (Clarendon Press, 1932), vol. II, pp. 335–36.
[2] Hume, *Letters,* II, 237.

Reason Papers 46 (Summer 2026): 19–22.

reject the Declaration's claim that this effort had as "direct Object the Establishment of an absolute Tyranny" or evinced "a Design to reduce [the colonists] under absolute Despotism."

Hume would be mixed on the claim that governments are instituted to secure the "unalienable" rights. Hume suggests that man established "political society, in order to administer justice,"[3] but he also told of other motives throughout history for instituting governments. "It is probable, that the first ascendant of one man over multitudes begun during a state of war"—that man "could gradually, by a mixture of force and consent, establish his authority … . 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."[4]

Most significantly, Hume would take exception to the Declaration's claim that governments "deriv[e] their just Powers from the Consent of the Governed." Hume criticized consent theory and offered a different explanation for government authority. In *A Treatise of Human Nature*, Hume invents and applies a new meaning of "convention"—convention without convening—to explain our allegiance to *our* conventions of commutative justice and *our* conventions of government authority. The "our" is situated in history, and hence is conventional, but the principles and forces behind such allegiance are not conventional but natural.

Convention without convening is an idea later developed by David K. Lewis.[5] No one convened to determine that people shall use the signifier "cup" to signify a cup, yet thusly using "cup" is a convention. Hume used his conventionalist theory to understand government authority. When the government exercises its unique powers, whether justly or unjustly, those powers derive from convention, not consent.

It is convention, not consent, that underwrites a perception of legitimacy of the government of one's time and place. Hume attacked

---

[3] David Hume, *Essays: Moral, Political, and Literary*, ed. E. F. Miller (Liberty Fund, 1987), p. 37.
[4] Hume, *Essays*, pp. 39, 40; see also pp. 471ff.
[5] David K. Lewis, *Convention; A Philosophical Study* (Harvard University Press, 1969).

social contract theory in "Of the Original Contract." Its "partizans," the simplistic old Whigs, have not "scrupled to affirm, *that absolute monarchy is inconsistent with civil society, and so can be no form of civil government at all;* 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.*"[6]

Hume thus sustains civic obligation but without consent. In an essay called "Of the Origin of Government," Hume said: "Men must … endeavour to palliate what they cannot cure. … OBEDIENCE is a new duty which must be invented to support that of JUSTICE; and the tyes of equity must be corroborated by those of allegiance."[7] Adam Smith, who also rejected contractarianism, wrote: "He is not a citizen who is not disposed to respect the laws and to obey the civil magistrate."[8]

Consent might be a valuable analogy, but it is a fiction, and it is a dangerous fiction. The great danger that Hume indicated (and Smith cribbed from in his lectures on jurisprudence) was that the Lockean terms and conditions—vaguely signified in the Declaration by "Life, Liberty, and the Pursuit of Happiness"—of the fanciful "social contract" can easily be dropped or reinterpreted.

Hume cites Socrates: "Socrates refuses to escape from prison, because he had tacitly promised to obey the laws. Thus he builds a *tory* consequence of passive obedience, on a *whig* foundation of the original contract."[9] Hume saw that contractarianism paved the way to unchecked governmentalization of social affairs: "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."[10] The Lockean terms and conditions are themselves loose, which paves the way to jettisoning or perverting them altogether. Furthermore, using the terms *consent* and *contract* where they do not belong adulterates and weakens the semantic content and oomph of those words. In theorizing political authority, Hume saw that "consent" was inaccurate and dangerous; more accurate

---

[6] Hume, *Essays*, pp. 486–87.
[7] Hume, *Essays*, p. 38.
[8] Adam Smith, *The Theory of Moral Sentiments*, ed. D. D. Raphael and A. L. Macfie (1759; repr., Oxford University Press, 1976), p. 231.
[9] Hume, *Essays*, p. 487.
[10] Hume, *Essays*, p. 478.

and less dangerous was his theory of natural convention. Save "consent" for consent. Use "acquiescence," "assent," and so on for citizens' behavior in relation to their rulers.

In the essay "Of the Origin of Government," Hume wrote: "A great sacrifice of liberty must necessarily be made in every government."[11] He explained that a healthy degree of liberty depends on authority: "liberty is the perfection of civil society; but still authority must be acknowledged essential to its very existence."[12] Because authority depends on violations of liberty, *liberty depends on violations of liberty*—a paradox to be appreciated, refined, naturalized.

The Preamble's main paragraph says that "Governments long established should not be changed for light and transient Causes," and Hume would agree.[13] But "a long Train of Abuses and Usurpations" can justify resistance, rebellion, and revolution.[14] Also, the distance made independence inevitable. I'm not sure whether Hume thought the rebels justified. We can feel sure, however, that Hume thought that, given how things stood by July 4, 1776, Britain should just let the colonies go.

[11] Hune, *Essays*, p. 40.
[12] Hume, *Essays*, p. 41.
[13] David Hume, *A Treatise of Human Nature: A Critical Edition*, ed. David F. Norton and Mary J. Norton (Clarendon Press, 2007), p. 354; Hume, *Essays*, p. 490.
[14] Hume, *Treatise*, p. 354; Hume, *Essays*, pp. 485, 489, 492, 502ff.