

A "CLOATH" OF FADING COLOURS: HUME, REID AND THE INHERITANCE OF CONTRACT

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The purpose of this short commentary on Knud Haakonssen's judicious and informative paper is to provide some complementary perspective specifically on Hume's essay "Of the Original Contract",² in order to intimate what was happening to the contract vocabulary of political discourse in and around Hume; to outline some overlooked aspects of Hume's intellectual inheritance and his mode of descanting upon it; and to relate this to Hume's notion of the political. In this way, it may also be possible to cast some further light upon Reid's notion of a quasi-contract. His qualification of a notion of contract suggests that Hume had hit some sort of mark but, despite this, Reid moved back to the world that Hume used and subverted.

Hume's attack on The Original Contract has been regarded as shrewd, even devastating, and as setting up a straw man.³ Leaving aside just what might be meant by "devastating", the straw-man dismissal does need some unpacking. The accusation of argument by straw-man carries two principal senses: homo stramentum(1) which is the demolition of an argument not advanced by one's object of attack; and homo stramentum(2) which is an attack on an argument taken in less than its strongest form. Because Locke gets a passing dismissive reference in just one of Hume's discussions of social contract it is assumed that Locke is the main target of Hume's attack, which, it is easy to show, is hardly fair to Locke, so the accusation of argument⁴ by straw-man can plausibly be levelled against Hume. Putting it so synoptically is a shade glib, although as Haakonssen has made the point the glibness may be excused. It does, however, need emphasising, as a prelude to sketching in some of the elusive complexity of contract language in politics, that Hume was addressing himself to what he took to be Whig orthodoxy, and Locke was only made

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1. School of Political Science, University of New South Wales
 2. David Hume, Political Essays (ed. C.W. Hendel), Liberal Arts Press, New York, 1953, pp. 43-63.
 3. E.g. Duncan Forbes, Hume's Philosophical Politics, Cambridge University Press, 1984, pp. 66-7, where it is at once "devastating" and "largely ineffectual".
 4. Locke is called "one of the most noted partesans" but the point against Locke concerns the denial that absolute government can be a form of civil government: Hume, "Of the Original Contract", in Political Essays, supra n.2, p. 60. Hume clearly holds Locke's position to be absurd, but (in keeping with his whole drift of argument) ignores Locke's theological reasoning.

representative of this after Hume wrote. The Locke-Hume confrontation is appropriate to a rather forced sense of intellectual tradition.

There is more sense in seeing Hume as setting up a straw-man argument in the second sense. Hume was apt to wield a broad and approximate pen in his political essays, although, as I shall suggest, there may be at least plausible philosophical reasons for this. The fact remains that, under the auspices of "the original contract", Hume was attacking a whole family of arguments through one not entirely convincing member. The family resemblance was achieved by a more or less common vocabulary and a more or less common political purpose. Hume collapses the vocabulary, and through this the theories of contract, into one, and so pars pro toto attacks the common purpose. Locke incidentally did something similar to absolutism through his attack on Filmer (to the latter's everlasting fame), and so should not complain too much if made a marginal victim of the same sort of manoeuvre executed by Hume.

With particular acuity, Duncan Forbes has remarked that, in attacking the notion of an original contract, Hume was attacking Whig theory because he feared Jacobite practice; thus, if Forbes does not focus on Locke as the enemy, he does make clear the long shadow of the Revolution of 1688-9.⁵

Although in practical terms surprisingly, even supremely, successful, the Revolution was never accompanied or followed by any theoretical justification which was not potentially counter-productive. The Convention Parliament had agonised over just how to describe what had happened, and its ruminations were swamped by a flood of more public materials, second only to the out-pourings of 1640-42 and 1659-60.⁶ One central, indeed, increasingly the central, problem, was how to keep the Revolution safely in the past, thus stopping one momentous event becoming a dangerous precedent for future change. Some writers favoured euphemistic and ameliorating notions of abdication and desertion of the throne, in order to by-pass notions of resistance or coup d'etat, or to push to one side any notion of a legitimately active political populace. Others favoured the idea of conquest. Some were desperate, some joyous; many, to judge by the convolutions wrought upon the language, were confused. There can be no doubt that the Revolution effected a momentous strain on the resources of British political rhetoric and aided processes of amphibolous conflation

5 Forbes, supra n.3.

6 Mark Goldie, "The Revolution of 1689 and the Structure of Political Argument", (1981) Bulletin of Research in the Humanities 473-564 is an invaluable guide to the literature

which we will see exemplified in Hume. Of particular relevance is that group of people who tried to make sense of James' departure with reference to the vocabulary of contract. To abstract: James had broken the original contract, so destroying the bonds of obligation with his people, and the Revolution consequently brought about a reaffirmation of a governmental contract. In the context of argument the force of "original" seems uncertain. There were some who seemed to believe in an historically specific original contract and such writers do appear to come, legitimately within the purview of Hume's critical eye.⁷ But I also think that "original" took on a less historical meaning to refer to the belief that in society some laws were more sacrosanct than others. In England during the seventeenth century, the fundamental laws in this sense were above all those concerning the religious settlement and the administration of justice. As a rule, touch a judge or a bishop and there was a political crisis. The originals, the foundations of the country seemed threatened. So reference to original (as fundamental, not "new", which remained largely a term of abuse) could indicate an historical and/or a constitutional primacy in the idiom of contract.

Moreover, a number of pamphlets issued around the deliberations of the Convention Parliament do seem to suggest that there was a belief in an original contract almost literally being worked out. Weston and Greenberg suggest that there was no reference to an original contract in the final version of the Bill of Rights largely because of the necessities of committee compromise.⁸ Whatever the reason, some writers, prior to the production of the Bill, insisted that the Convention Parliament could not be a parliament proper, for the notion of a parliament presupposed a political system and this had been dissolved. Members of the Convention Parliament were representatives of a pre-political community attempting the regeneration of a specific political form.⁹ This theory of dissolution seems not only like a theory of original contract but even of a state of nature. But like so much else it was elusively slippery.

7. Peter Allix, An Examination of the Scruples of Those who Refuse to Take the Oath of Allegiance, 1689; William Atwood, The Fundamental Constitution of the English Government, 1690.

8. C.C. Weston & J.R. Greenberg, Subjects and Sovereigns: The Grand Controversy Over Legal Sovereignty in England, Cambridge University Press, 1981, pp. 255-6.

9. John Humfrey (?), "Proposals Humbly Offered to the Lords and Commons", Somers Tracts, 8, 1688; "Some Short Considerations Humbly Offered", State Tracts, 1705.

In some writers dissolution by-passed notions of communal resistance, in others it was collapsed into a theory of resistance.¹⁰ Similarly, not all such theories embraced notions of contract where one might expect it. But in general terms, Humfrey's version makes the Humean point that political relationships are special in the sense that much of our accepted terminology depends upon prior political engagements and an established political community.¹¹ Contract, one can say then, was very problematic. It is not always where one might be confident of finding it; when it is present it is a good deal more multivalent than Hume might lead us to assume. But Hume was able to abstract one crucial point from the contract vocabulary: accept an element of contract, and one seems to be talking in terms of a revocable consent. How can one avoid this becoming a potentially capricious precedent, for future changes, even for undoing the Revolution itself? The problem was recognised at the time. As Goldie points out, only a minority of writers involved in the allegiance controversy saw the vocabulary of contract, and justified resistance to breach of contract, as even hypothetically legitimate, and of these even fewer saw it to be relevant to the events of 1688-9.¹² An appeal to contract when suffering under a regime was one thing; but after a revolution it was a different matter. This, I suspect, more plausibly accounts for the absence of reference to an original contract in the Bill of Rights than the reason put forward by Weston and Greenberg. As Haakonssen's paper makes clear, Hume's answer to the dangers of contract was drastic. Oddly enough, in negative terms it was in keeping with the arguments of Filmer; in more positive terms, Hume's alternative seems to owe much to earlier accounts of government which appropriately had been articulated in the face of a demand for a clear and public act of consent.

One of the strands of thought to re-emerge in 1688-9 from the Civil War was de-factoism, or Engagement theory. This seems to have been triggered by William Sherlock's volte face. Outspoken supporter of James one moment, he became a loyal subject of the new rulers the next.¹³ So Engagement theory, generated in the acute

10. Cf. "Proposals Humbly Offered", supra, n. 9, with John Locke, Two Treatises of Government, Second Treatise, s.19; Of the Dissolution of Government, ed. P.Laslett, Cambridge University Press, 1963, pp. 424ff.

11. Supra n.9.

12. Goldie, supra n.6, p. 489.

13. William Sherlock, The Case of Allegiance to Sovereign Powers, 1693. The abruptness of the change is a shade exaggerated here; it may be pardoned by the firmness of Sherlock's prior convictions. Goldie, supra n.6, lists thirty-five attacks on him and twelve defences, at p. 480.

moral uncertainty and sense of political impotence of 1649-51, and specifically occasioned by a new regime's requirement of an oath of allegiance, had a renewed relevance when James was ousted. It retained a lingering relevance all the time there was a possibility of his descendants being returned to the throne. Indeed, the more tenuous their claims might be the more relevant de facto theory would become should they re-possess the throne.

Overall, the original Engagers had argued roughly as follows.¹⁴ Governments are apt to rise through force, but once and so long as such governments can maintain peace and provide the protection the people need, they should be obeyed. There is a distinction between legitimacy of origin and legitimacy of behaviour (the point comes from Bartolus and Salutati, both writing on Tyranny).¹⁵ Time heals and bestows a duty to obey. This duty arises out of self-interest, and the end of government (peace and protection); it is made clear through a diversity of divine injunction, such as the fifth commandment taken in a large sense (honour thy father and thy mother); Romans XIII (obey the higher powers) the more general notion that all power is God's and so those he allows to use it must ipso facto be his agents. Indeed, the emergence of illegitimate power may well be a punishment for sin.¹⁶ Once a power is established and once it rules effectively, then God's approval can be assumed (how can battles be won otherwise?) and so consent can be inferred and certainly be required by the very peace that is maintained. Now, not all the Engagers used all these arguments, but most used most of them and it need not be laboured in detail how much of such a general line of thought resembles Hume. Hume shares with them the emphasis on the illegitimate origins of power; the balming and legitimising effects of time; the importance of self-interest and habit; the principal end of government being to give peace and protection; and even, as it were, the notion that one must consider the overall balance-sheet of government given that governments cannot be expected

14 See John Wallace, "The Engagement Controversy, 1649-52", (1969) 68 Bulletin of The New York Public Library 384-405 for a discussion and listing of the relevant literature; also Q. Skinner, "The Ideological Context of Hobbes's Political Thought", (1966) 9 Historical Journal 286-317. The most important authors were Hobbes, Ascham, Rous, Sanderson, Filmer and Lawson(?).

15. See for example, Coluccio Salutati, De Tyranno, 1400. The emphasis on the violent origins of governments was widespread by the 17th century.

16 M.P. Hartman, Contemporary Explanations of the English Civil War, Cambridge Ph.D. thesis (unpublished) 1978, emphasises just how much of the literature on the wars and their outcome uses sin and punishment as explanatory categories.

to be perfect. When Anthony Ascham remarks that withdrawing allegiance from a peace-keeping government is like taking a hammer to one's head to dispatch a fly, he sounds remarkably like Hume. When Lawson argues that in secular society time heals and obscures the almost universally violent origins of government, and that we must judge on performance, if we are indeed competent to judge matters beyond our experience, he sounds even more Humean.¹⁷

Although it might be accepted that up to a point Hume is in a broadly de facto tradition of thought, it might also be added that with him a good deal of this tradition has fallen away, for his arguments about government are much more secular. In a sense, however, even the manner in which he deals with the question of providence itself reinforces the connection with the engagement controversy as a whole. The Engagers appealed to providence and their opponents replied that if providence could be taken as justifying the new regime, it could surely justify indiscriminately any acquisition of power.¹⁸ Explicitly this was Hume's point, but rather than concluding that de-factoism was wrong, he concluded that the appeal to providence is therefore redundant. His argument, that pushes providence as an explanatory and justificatory device to one side, is the subverted, if logical, conclusion to be drawn from engagement casuistry.

It is this principle of philosophical economy which Forbes stresses as¹⁹ underlying Hume's secularisation of political thought. Instead of providence, Hume offers a self governing notion of self-interest to explain the existence and creation of government. With a habit of self-interest there is no need to invoke original contracts, consent, or God, only the ends of government that self-interest circumscribes.²⁰ How adequate this application of a principle of economy is may be questioned; but in the light of Letwin's emphasis on Hume's distaste for religious fanaticism, the absence of the religious dimension to Hume's arguments on the origin and legitimacy of government may be seen as a means of lowering the chances of argumentative escalation from the realms of the negotiable to the realm of certain convictions, to Religious Truths and The Fate of the

17. Anthony Ascham, On the Confusions and Revolutions of Governments, 1651; George Lawson, Political Sacra et Civilis, 1660. I include this rather late text as it is appropriately systematic and because it does seem to re-work materials from a now lost engagement tract of Lawson's c. 1650.

18. This was the force of the initial attacks on Rous, but see also John Kettlewell, The Duty of Allegiance Settled Upon its True Grounds, 1691, contra Sherlock

19. Forbes, supra n. 3, pp 83f.

20. Ibid

Soul²¹ Political understanding and action, for Hume, inhabited the realm of the probable; it was the judgement of what experience taught was plausible that counted, not the demonstration or affirmation of what was absolutely sure²²

Arguments were bad if they generated extreme reaction or led to extreme action, as²³ "Of Passive Obedience", for example, makes clear. Probable consequence was a major criterion of political judgment. It was, additionally, the failure to keep the political within the bounds of compromise and the attitude that took insufficient note of probable consequence that had marked 17th²⁴ century political discourse and its Jacobite inheritors.

Now, in this general context one can turn to the more specific casualty of Hume's arguments on the origins and legitimacy of governments, the notion of contract. What I should like to draw attention to is the drastic conflation of the inherited political vocabulary that Hume effects. Contract is seen as "original" contract; the arguments about contract are taken to refute theories of consent; Hume denies that a distinction between tacit and express consent serves very much purpose; and consent itself is elided with "choice".²⁵ Letwin has pointed to Hume's carelessness with terms, but this does not seem careless, in that there²⁶ is any terminological interchangeability involved. It is rather part of a process of semantic compression that one can see at work in the political literature following the Revolution of 1688-9. This may seem philosophically illegitimate in the name of precision, but my point is that without the religious being allowed to inform the political, a good deal of the vocabulary inherited from the earlier 17th century begins to look redundant. Consider the elisions involved: I have already noted that the status of "original" in the expression "original contract" might be more or less historically specific. If historically specific, it had a potent analogue in a notion of Old

21. S.R. Letwin, The Pursuit of Certainty, Cambridge University Press, 1965, passim.

22. S R. Letwin, "Hume, Inventor of a New Task for Philosophy", (1975) 3 Political Theory, p. 136 f.

23 Hume, supra n. 2, p. 66. Passive obedience had been carried to such an "extravagant height" that it has been necessary to insist on resistance in extremis and such exceptional circumstances have proved the ground for the "pernicious" and "destructive" maxims of resistance theory.

24. This is certainly one major theme to be drawn from Hume's History, though one of the more ironic consequences he stresses is that it is to the puritan fanatics that much of Britain's freedom is owed.

25 Hume, supra n 2, p, 51.

26. Letwin, supra n 22, p. 151.

Testament covenant; if less so, it still received legitimising force from religious and ceremonial oaths taken at coronations, reiterating agreement about fundamental laws and proper magisterial conduct. Hume's arguments do not dwell on such niceties, perhaps in the interests of containing political dispute. Moreover, contract need not be co-extensive with consent,²⁷ and it was possible for people even to rely on theories of consent and trust whilst rejecting or ignoring theories of contract, whether these were taken to be historical contracts or not.²⁸

Tacit consent is important here, as Hume draws attention to it only to argue that it involves a largely meaningless distinction. But tacit consent was only contingently related, if at all, to any notion of choice. Rather it referred to status within a fictive corporation. Its meaning was derived from a well entrenched metaphor from Roman law. Those who gave express consent were those who stood or moved for the whole. Those who gave tacit consent were merely the subsumed majority considered for reasons of legal and political tidiness under the aegis of the fictive corporation effectively defined by its active members. Indeed, one may say that this image of legal corporation taken into political theory as it had been since the thirteenth century in the literature of most European countries, shaped and gave sense to the whole of the political vocabulary concerning representation, accountability, revocable and irrevocable consent, in which contract had its place. As it entered political awareness largely through ecclesiastical politics, and through the notion of the church as a corporation (the fictive body of Christ), the metaphor was as much sanctioned by religion as it was by the inheritance of decretalist law.²⁹ In Hume it is as if the metaphor had never been developed, or had become so acclimatised as to take on an air of literality. One might argue that such a metaphor gives an impossibly strained meaning to the notion of consent, though this is less so if one

27 Gordon Schochet, "The Family and the Origin of the State in Locke's Political Philosophy" in John Yolton, ed., John Locke: problems and perspectives, Cambridge University Press, 1969, p. 81f.

28. In his attack on Hobbes, An Examination... 1657, Lawson uses contract language and explicitly dismisses the notion of any original contract. In his Politica, 1660 he writes of consent (tacit and express) and of Trust, but abandons any reference to contract. The route for this seems to lead back via Althusius to the medieval analogues, power and property use.

29 I am drawing freely here on Brian Tierney, Religion, Law and the Growth of Constitutional Thought, 1150-1650, Cambridge University Press, 1982 for this emphasis on a fictive corporation and the ubiquity of the decretalist inheritance.

distinguishes choice from consent as Hume did not. But the very fact that the notion of a fictive, corporate, tacit consent appears strained, seems to presuppose precisely the secular world picture Hume is drawing for us. In a world, however, in which there is always the option of considering the difference between the ends of this life and the next, what might to us seem minimal choice and/or meaningless consent, remained crucial. If faced with overwhelming force one could live and be damned, or die in the name of God. Hume's argument about the peasant having no choice other than to live in the country in which he found himself cuts little ice with one who can ask whether or not that country is ruled by Antichrist. Seventeenth century political discourse was nurtured on eschatological martyrology which gave great impact to such questions. The model of the religious martyr was always lurking off stage left or right of the political scaffold. Hume's History makes clear that he knew this well enough. It was all the more reason to cut away the religious dimension to the political, and help the processes of semantic conflation.

If one moves from tacit consent to promising, again the absence of an informing religious background is relevant to Hume's argument. Unlike Locke, for example, he does not rely on establishing political relationships through reference to microcosmic illustrations. The case of the peasant and the man forced to jump overboard from his ship are used precisely to undermine what are taken to be political relationships. Hume argues that one cannot move from individual acts of promising (or by implication consent) to politics. The former presuppose the latter which give them meaning. So, "Honour thy father and thy mother" cannot become an image of political obligation. In Hume's argument what is missing (and what gave the shift from microcosm to macrocosm plausibility) is the common ground, a body of objective divine or natural law injunctions to keep one's promises and pay one's debts. As Forbes remarks, the force of Hume's arguments would have largely been lost on those who continued to have faith in this common ground,³⁰ such as Carmichael, as portrayed by Haakonssen, and (I would guess) Reid himself.

Hume's secularising solution was draconian, then, but we should not see it as a matter of neatly cutting away a redundancy. The political, religious and legal all mutually informed and sustained each other. Hume was certainly an heir to the Engagers, but the meaning of their arguments is quite transformed in the absence of their ultimate court of appeal. Without religion, or law, the whole realm of the political lost its inherited meaning. Hume was also the heir of Filmer and Baxter, and this may seem peculiar given the strength of their religious presuppositions and their propensity to

³⁰ Forbes, supra n 3, p. 66-7.

dissolve politics into theology. Both, however, were the enemies of consent and contract theory, Filmer more consistently than Baxter. Like Hume, Filmer asked, where is there really any element of consent in political relationships? His reason for asking was also, at least in part, like Hume's (and Baxter's): theories of consent easily lead to rebellion. Filmer chose to stand upon the Bible and for his pains was savaged by Locke. But there was a problem for Hume that did not exist for Filmer; Hume did accept not only the Revolution but also resistance in extremis; ³¹ the problem was how to make sure any resistance really was in extremis; how to do so without insisting on a general rule which would have been in contradiction to this ameliorating and probabilistic conception of the political? He realised that resistance wedded to contract and consent theory was potentially promiscuous and could play into the hands of such as the Jacobites. Hence, the requirement to seek a middle ground, collapse a metaphorically potent and uncontrollable vocabulary and get rid of that which was potentially inflammatory and capable of escalation into the rigid realms of religious certainty. Too much theory, too much attention to detail could well have made Hume's position difficult to sustain. It is perhaps not coincidental that Hume largely restricted his political comment to small sections in larger treatises or else, most characteristically, to the short essay. The essay was the supremely appropriate form for the theoretical burden Hume thought political discourse should bear. It was supremely suited also to the articulation of his sceptical and probabilistic conception of the political and the manner in which it should be judged. In this he is not just an heir, ³² to Aristotle's Rhetoric as Letwin has properly remarked, but an heir to the Essais of Montaigne. His work is in keeping with Aristotle's dictum that one should not philosophise too much about politics. This is to suggest that underlying Hume's conflation of contract vocabulary are both politico-religious concerns, and, as Letwin argues, a distinctive notion of political philosophising which is content with a high degree of uncertainty and a tolerance of negotiable approximation. ³³ If one takes Locke as a paradigm of a philosopher who explores the relationships between religion and a politics contingent upon it, Hume looks aberrant; if one takes that other great contract theorist, Hobbes, as a model of a philosopher who insists that without a refined and precise language no understanding of the political can be achieved, again, despite the strong de facto links, Hume looks to provide

31. See "Of Passive Obedience", in Hume, Political Essays, supra n. 2.

32. Letwin, supra n. 22, p. 148 & 145f.

33. Letwin, op cit, p. 148; see Frederick Whelan, Order and Artifice in Hume's Political Philosophy, Princeton University Press, 1985, p. 295 for a more detailed exploration of much the same point as Letwin makes

a stark departure, suggesting in Letwin's expression a "new task" for philosophy. But we should beware such neat juxtapositions. Philosophy was a much more fluid term in Hume's day than it is in ours, and a tradition of untechnical, empirically minded and probablistic, even rhetorical, philosophy is intimated by such names as Montaigne, Guicciardini, Machiavelli and La Rochefoucauld. Hume, and Locke too, especially in his political writings, may be counted amongst them.

This brings me to a final point about the character of Hume's attack on contract. His appeal to common sense, and experience, requires or is predicated upon a rather different form of definition than that found at large in 17th century consent and contract theories. In using words to define experience, Hume moves in a world of real definitions. His more scholastic predecessors in discussing issues such as consent, authority, sovereignty, contract and so on, moved much more in a world of nominal ones; for they were concerned with the consistent, if arbitrary, definition of words. So we find a strong tautological drift to Hobbes' (de facto) account of sovereignty. It is defined in terms of authority, and the absence of authority means it ceases to exist. In his definitional preferences, at least as far as politics was concerned, Hume is here at one with Locke, who remarked upon moral systems of philosophers teaching us nothing about morality and how in practical terms we ought to behave, but only about how to use their own vocabularies.³⁴ This difference between real and nominal definition is not incidental; it is part and parcel of the processes of terminological conflation to which I have pointed and in which Hume was involved. It also reflects Hume's understanding of philosophy - too much precision is inappropriate to the world in which we live

If we turn cautiously to Reid, it seems that some, but not all, of Hume's work is undone, and, if I understand Haakonssen correctly, Reid, more by inadvertance than design, carries Hume's attack on contract further, even in attempting to defend it. First, consent is clearly re-affirmed in Reid, and here I think he, rather than Hume, would be in the mainstream. Secondly, there is a move back to the argument from microcosm of which Hume is so suspicious. There is the patriarchal metaphor of political obligation from husband and wife (even the ultimate de facto image of rape initiating a legitimate marriage, something I think one can find in no genuine de facto thinker). There is the tailor making the "cloath", the farmer and the ox. Promising is ubiquitous and these instances of mutually binding relationships are seen as essentially like political ones - the strongest possible departure from

34 "Thus I think", in Peter King, The Life of John Locke, London, 1830, vol 2, p 127

Hume - and they are essentially alike because Reid assumes a common religious ground of objectively ascertainable divine injunctions through his somewhat Augustinian theory of language. But this is not just a return to the postulation of a common divine ground, it seems also to be a return to the quest for a more certain form of knowledge than Hume thought possible, so it suggests an alternative to Humean philosophy. For all this, Reid seems heir to the processes of conceptual conflation within the political realm to which Hume gave such a strong push. For his rescue of contract seems to destroy its discriminate classificatory power. The means is ingenious and appropriate, for Reid clearly draws on a rich Roman law inheritance. But if quasi contract involves no choice and contract does, some violation of contract seems all encompassing and threatens to become as pointlessly ubiquitous as Hume's providence.

To sum up, Contract had entered political discourse as a religiously sanctioned legal metaphor. The seventeenth century sees both its acclimitisation and its increasing diversity of use. Hume attacked it both as if it were not diversified in use, and as if it were literal. Reid seems to be defending it as a useful metaphor by the predication quasi, but he shifts to equating it with tacit consent. There seems to be something lost in this further conflation, not least the capacity of contract to operate in any discriminate fashion. If this is so, Reid would not be the first man to destroy the objects of his affection. Hume, after all, was attempting to rescue the Whigs from the probable consequences of their contract theories, and it is arguable whether he did them any great service. But if contract can be stretched to cloak so many modes of social arrangement, is one left with the Tailor who brings Reid a "cloath" and is told to make a "cloath" from it? If so, what does Reid end up with: a suit of clothes, or some unstitched pieces of cloth?