

A Re-Examination of David Hume's Idea of Liberty and Republicanism: A Critique of Hume's Social Contract Theories of Thomas Hobbes and John Locke Evolutionary Account of Origin of Government

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Abstract: Early social contract theorists had debated on the subject matter and other topics related to politics. They tried to paint a hypothetical picture of human society before moving to the civil world. They also concerned themselves with why human beings have chosen to leave the state of nature and live in governmental systems and what makes a government legitimate. They give accounts of forms of legitimate government and their justifications. They also imagined what life would be like without government.

Key words: Social • Theorists • Politics • Picture and government

INTRODUCTION

In this work, we will look at two major thinkers in social contract theory: Thomas Hobbes and John Locke. We will also look at a key critic of their ideas: David Hume, his proposed origin of government as well as other views respectively. This will enable us to show the coherences of Hume's arguments and differences from Hobbes' and Lock's theories. In the end, we shall make possible reconciliations of divers' views in this work on the subject matter discussed [1].

Hobbes; an English and Modern philosopher in his book the Leviathan states;

In such condition there is no place for industry, because the fruit thereof is uncertain and consequently, no culture of the earth, no navigation, nor use of the commodities that may be imported by sea, no commodious building, no instruments of moving and removing such things as require much force, no knowledge of the face of the earth, no account of time, no arts, no letters, no society and which is worst of all, continual fear and danger of violent death and the life of man, solitary, poor, nasty, brutish and short [2].

This is the exact words Thomas Hobbes used to describe human life in the state of nature. According to him, life in the state of nature was characterized by man's

inhumanity to man. Everyone was a judge in his own case, determining what is good or bad based on their appetite and aversion. The state of nature for Hobbes was brutal, with individuals struggling to survive alone against fears like animals and other people coming to attack them. It was a fiction of a society without law and order which Hobbes maintained to be anarchic [3].

Human beings are rational, according to Hobbes, so it only makes sense that they would want to escape this nightmare. Since human beings are primarily self-interested as well, Hobbes believed only a strong ruler, like a king, was a good solution to moving beyond the state of nature. Due to how horrible this life was for human beings in the state of nature, even a brutal dictator would be better than life where you fear death around every corner. In this regards according to Hobbes, the need to have an authority that can make the law, interprets and as well enforce the law was paramount in order to have an organized society for mankind. This led to the emergence of 'Social Contract' theory of Hobbes [4].

In his Social Contract theory, Thomas Hobbes created what he called *The Leviathan* meaning *Sovereign* as well. The Sovereign according to Hobbes is an authority established by the people with a common needs and interest who were no longer comfortable in the state of nature, overwhelmed with the absolute power to make laws, guide, interprets and punish the violators of these laws. To this end the sovereign becomes a sole dictator of the law and also must make its subject to obey the law.

The implication of this is that the sovereign is above the law [5].

In his book *Contemporary Themes in Social and Political Philosophy*, Eze Nwokereke states that 'The Sovereign was created by the contract but was not party to the contract'. According to Him, if the sovereign is party to the contract, the sovereign may violate the contract and if this happens, there should be another body that should be appealed to in order to enforce the contract. So its either the society would need another super sovereign body endlessly, or they go back to the state of nature. And if individuals refuse to obey the laws made by the sovereign and the sovereign cannot make them to nor punish them, then we are once again back to the state of nature. The sovereign according to Hobbes is the Judge of all the Judges. It determines both the just and unjust acts. For Hobbes, if there is any external Judge against the sovereign, it will bring about interference in the activities of the government thus plunging humans back to the state of nature [6].

John Lock also an English philosopher but took a different view from Thomas Hobbes on his Social Contract theory. Lock unlike Hobbes disagreed with the trend of hereditary Monarchic rule in England, perhaps because the reign of Charles II failed to maintain the peace and order expected from Hobbes theory. The situation became worst when Charles' brother James II took over leadership of England. There were factions in his leadership which gave room for pockets of crises here and there including religion. When the situation became unstable, a bloodless coup occurred which resulted to what was known in England as the "Glorious Revolution" [7].

Lock in his works *The Essay Concerning Human Understanding and Two Treaties of Government* (1690) brought in to bear the differences in his theory of state of nature and social contract from Hobbes. Unlike Hobbes who gave a picture of state of nature as chaotic and lawlessness, Lock posited a state of nature where there is peace and harmony. According to him, people in the state of nature were guided by the power of reason. Life in the state of nature was orderly and peaceful unlike Hobbes who states life in the state of nature was nasty and brutal. For Locks, people in the state of nature were conscious of the natural rights of others guided by reason and they respected these rights. These rights includes right to life, liberty and property. That the only reason people consented to move from state of nature to social contract was to avoid abuses of rights by the few corrupted individuals who tend to undermine the rights of others in the state of nature. And again *'that government was*

needed only to maximize the opportunity exercise rights that where in fact already acknowledged in the state of nature and not to make a new one' [8]. In a quest to bring into bear sanity and enforcement of laws already known by all, political society was formed in the form of social contract.

In Social Contract, Lock maintained that the government whom the people voluntarily submit their rights to rule them is also the servant of the people. This means that the main role of government to the people is to protect their interest, secure their lives and properties, guarantee their freedom, rights and cater for their welfare in general. This according to Lock is the agreement on trust among the people before moving into the civil society and any breach of this agreement by the government may result to civil disobedience which is justifiable. According to Lock, since the citizens are the ones that instituted the government, they make their own laws through their representatives, they are the sovereign and they reserve the rights to recall any government who fails to protect the interest of the citizens as agreed. Because Lock was known as the advocate of "constitutional government, religious toleration, representative institutions, individual freedom and private property acquisition" [9] the citizens can remove an un-performing government either by election or revolution. But if the rights of the citizens are protected, the citizens are under obligation to obey the law of the state.

On the right to own property, Lock held that citizens have the right to acquire property because right to property is a natural one. That if anyone mixes his labor with object of nature, such property becomes theirs personally. Hence need to move to civil society in order for government to protect the properties acquired in the state of nature.

Lock advocated for separation of government powers because *"the infusion of all functions of government in one person would lead to tyranny and consequently, the forfeiture of natural rights as was the case with the state of nature"* [10]. To avoid this, Lock advocated for establishment of three arms of government; The Executive who is saddled with the enforcement of the law and maintaining order in the society, Legislature with the responsibility of making the law and Judiciary, in charge of interpreting the law, making judgment and making sure there is justice in the land. Lock recommended for this system of government to make the three arms independent of each other and avoid interference in their respective functions.

David Hume a Scottish Philosopher (1711-1776) at the very beginning of his essay, "Of The Original Contract" seems to agree with the social contract theory on a condition however that it is a thesis on how the very first government emerged. However, He disagreed with the defenders of this (social contract) theory who claimed that the current government is still bound by this same old contract signed by the very first generation that enacted it. According to Hume, while it is true that, perhaps, long ago some people explicitly agreed to let one person (or a few) rule them, such contracts are long forgotten and none exist today. Hobbes and Lock shared a view that we can tacitly give our consent to a contract. Lock gave a descriptive analysis on how this can be valid in his book *The Two Treatises of Government (1690)* say;

Every man, that hath any possession, or enjoyment, of any part of the dominions of any government, doth thereby give his tacit consent and is as far forth obliged to obedience to the laws of that government, during such enjoyment, as anyone under it...

From the above, Lock held that if anyone benefits from government facilities like using good road, enjoying good drinking water, health care etc., that such a person have indirectly consented to be ruled by a government and thus owes it as a duty to obey the laws of such government [11].

Against the above view, Hume explicitly said "we do not even tacitly agree to a social contract". According to him, willful consent is the only valid consent that can bind any agreement with anyone including a government. Consequently, no one has willfully consented to the authority of their government. In his words, he said;

A tacit promise is, where the will is signified by other more diffuse signs than those of speech; but a will there must certainly be in the case and that can never escape the person's notice who exerted it, however silent or tacit. But were you to ask the far greatest part of the nation, whether they had ever consented to the authority of their rulers, or promised to obey them, they would be inclined to think very strangely of you: and would certainly reply, that the affair depended not on their consent, but that they were born to such an obedience. [Treatise of Human Nature (1739-40)]

Hume argued that what made it look as if people consented to a contract with the government was a history and as generations comes and go, people are born

with the believe that they owe obedience to the government they were born into. In fact, according to Hume, based on the idea of a line of succession, politicians try hard to trick people into believing that governments have natural authority over their citizens. "Our current rulers claim that many years ago an earlier generation of citizens tacitly consented to a specific government and governments today inherit that authority over us. Since we cannot go back in time and interview that first generation of citizens, we accept the politicians' story and see ourselves as born into a condition of obedience. In short, we are tricked into accepting governmental authority and neither we nor earlier generations of citizens ever tacitly agreed to a social contract" [12].

Hume further states that man could not have entered into any contract with themselves in the state of nature since all men were equal unless such contract is for the greater good of the majority. For there to be consent, there must be an alternative, a second option so that the person can willfully make a choice. According to him, government forcefully compels her citizens to obey her laws since the citizens cannot help but to obey. That political obligation can only exist where people have made a free and informed promise. Hume maintained that no such promise was ever given, at least not in conditions that would be sufficiently free to make it valid and binding.

Hume on the Origin of Government: Hume believed family is an integral part and origin of human society. That without family, there could not have been a society. In the political history of man, every man lived in natural liberty. Everyone was able to perceive another's interest. There was natural justice and equity. There was no government nor had articulated law guiding human activities yet everyone lived in peace and harmony with others. During this period, there was no need to create law, because natural justice was in place and there was no disorder in the society [13].

Hume as a supporter of Human scale polities went further to state how important size of a society is to the government. That if the size of a people in a civilized setting is smaller, it tends to foster sense of equality among the people. Again the ruler and the ruled will know themselves better than where there are larger societies.

Human society cannot be without association of individuals; according to Hume, smaller civilization gradually culminated into a republic. What is essential to republicanism according to Hume is the factor of human

scale. It is in the republic that people discovers themselves because of absolute freedom they enjoys. He says;

“All small states naturally produce equality of fortune, because they afford no opportunities of great encrease; but small commonwealths much more, by that division of power and authority which is essential to them” [6].

All things being equal, then, the ideal polity for Hume would be a polity of human scale: “Where each man had his little house and field to himself and each county had its capital, free and independent; what a happy situation of mankind!”

He talked about a ‘perfect commonwealth’, its aim and position in political history. In his essay ‘The Perfect Commonwealth’, Hume maintained that commonwealth is the only avenue citizens equality can be secured. For Hume, in commonwealth, citizens are bound to disagree due to dynamic nature of man but in the end they settle for a better good. ‘whimsical and unaccountable’ factions will arise, for human beings are naturally factious (Essays: ‘Perfect Commonwealth’,529) Here we can say that commonwealth gives the citizens the opportunity of criticizing the rulers constructively for their own good. In order to manage dispute arising from the members of the commonwealth, Hume advocated for institutional politics, which focused on arrangements of political institutions.

Organized society can only be possible where individuals have regards to law, order and justice. When there is disregard to the rule of law, disorder, confusion, crime and might paved way for creation of political institutions. Political institutions were erected to call to order the excesses of individuals in the society; there is a duty of allegiance by all to the established political institutions. From these institutions, a new set of rules are made to bring people to line together in peace and respect each other’s right. Consequently, these rules are later made from what Hume calls Laws of Nations. Hume was one of the first to depict constitutional politics without bringing division to social classes. Hume believed that it was in a quest to maintain justice, peace and mutual intercourse among communities that led to the establishment of political societies. For him, government has no other purpose than to administer justice [8].

In History and Essays, Hume lists two ‘ingredients’ of political society. ‘Authority’ (or ‘government’), the other ‘liberty’. ‘Authority’ is ‘essential’ to the existence of civil society, while ‘liberty’ is the perfection of civil society’

(Essays: ‘Of the Origin of Government’, 40). Here, Hume is suggesting that there are two steps in the development of civil society. At first ‘authority’ as very important is established and after then ‘liberty’ as perfection will be added. ‘Authority’ has priority over ‘liberty’ because the former is ‘essential’, if these two elements confront each other. What is important in this scheme is the meaning of ‘liberty’ set against ‘authority’, for Hume gave the concept various meanings. According to Forbes, the difference Hume saw between these two elements was not qualitative, but quantitative. ‘Liberty’ means more quantity of ‘a rule of law’ than ‘authority’. Indeed, the purpose of ‘authority’ is to secure justice in order to maintain peace and order, as Forbes insisted (Essays: ‘Origin of Government’, 38). Life and property are protected from invasions of fellow-citizens, by the existence of political ‘government’. In other words, in a political society that has ‘authority’ as an essential, some kind of liberty is protected. Nevertheless, this kind of liberty is not the same as ‘liberty’ as a perfection of civil society. In the last paragraph of the essay ‘Of the Origin of Government’ in which Hume directly discussed on the relation between ‘authority’ and ‘liberty’, he defines a government that also has ‘liberty’, as ‘that which admits of a partition of power among several members’ (Essays: ‘Origin of Government’, 40). Here, ‘liberty’ means an institutionalized liberty in the arrangements of political power and ‘liberty’ in this sense concerns about a mode of political power. A civil society that has ‘liberty’ has a mechanism in its political institution, which could prevent political power from being abused [11].

In line with the above, Hume insists that all men are conscious of the necessity to maintain peace and justice among them. However, it is also impossible for all men to strive toward these because of his weakness. It is always in the nature of men to fall out of this part. Men may tend to promote their interests over another by fraud. However, transgressors of the rule of law would be punished in order to deter, correct fraud and violence.

Hume upon study maintained that order in human society is achieved by means of government powers. That it is in human nature to obey government laws than our duty to the fellow citizens. Man can only submit to the dominion powers of government for peace and order. This has come to be because man tends to be savage in a lawless society; it is the formation of government institutions that brings civility in human actions.

Hume in his book ‘The History Of England’ stood against monarchical government. He incorporated his view of institutional politics into his whole system of politics. It is well known that the target of Hume’s History

was ancient constitution theory, which insisted that the English government had constantly been a mixed balanced government since time immemorial and condemned the Stuart Dynasties in the 17th century and the Whig regime in the 18th as deviations. Hume denied there existed only one ancient constitution, insisting that England had been 'in a state of continual fluctuation' and had at least three different ancient constitutions [9].

Hume's political view was a story of the development of the European civilization in England. His Philosophical Politics was an epoch-making work as well as one of the earliest detailed pieces of research on the politics of Hume's History. It proved the importance of a 'civilized monarchy' concept in Hume's politics; In refuting 'vulgar' ancient constitutionalism, 'skeptical' Hume created the concept of 'civilized monarchy', insisting that absolute monarchy in Europe was also a bearer of the civilization. According to Forbes, Hume's civilization was primarily a legal, political concept. Hume observed civilizing processes under a monarchical government, which happened after it established a rule of law and secured lives and properties of the subjects. In Forbes' interpretation, discussion on rules of law and justice was regarded as central in Hume's politics, which meant that Hume's politics could be best seen as a successor of the natural law tradition that had been said earlier. Hume using England as an example of government without mixed government as he would prefer, maintained that the monarch rule in England restrained the exercise of liberty but possesses absolute power with sense of self interest. Hence, England then had neither civil power nor 'regular privileges' both in theory and in practice. It was a pre-civil society. It lacked general unilateral political power and laws to maintain peace and order, whose absence had been substituted by 'the social confederacy', systems under social powers. In other words, aristocrats had made 'any regular system of civil government' impossible and at best there was only an 'irregular government' [2].

It was the Tudor absolute monarchy which brought a rule of law into England. Tudor monarchy was an 'European' absolute monarchy and in fact 'any established liberties of the people' was not infringed under it. It had established the monolithic rule of law and the political power, though the monarchs used laws for the purpose of tyranny to suppress the nobility [3]. The Tudor monarchy which had thus introduced the essential ingredient 'authority', was worthy of the name 'the ancient constitution' [5]. Hume's description was of a 'civilized monarchy' established in England, though in History he did not use this term for the Tudor government. The second stage in English constitutional history was

the 17th century. During both Stuart dynasties, trial and error for constitutional reform succeeded and a mixed form of government was evolved and finally established at the Revolution. At last, the Revolution made the English government 'if not the best system of government, at least the most entire system of liberty, that ever was known amongst mankind' [7].

From this analysis, Hume has synthesized two traditions of politics (absolute Monarch and civil monarch) from which he learned, into this two stages scheme. He stresses the first stage because he is a successor of the natural law tradition which focuses on the basic human needs such as peace, order and security. Hume saw this tradition as one that treats civil power as a prerequisite for those basic needs and his concept of 'civilization' relied on this insight of this tradition. In this point however, Hume's History and his politics sets in to achieve his institutional politics, which focuses on the arrangements of political institutions, especially on those of mixed form of government advocated for.

Contemporary Views to Social Contract Theories:

Over decades after Hobbes and Lock's social contract theories, a number of criticisms have emerged against the theory.

Edward Hyde (1609-1674) a British politician disagrees with Hobbes on his position that *morality is a creation of social contract* while denying morality in the state of nature. In his theory on the law of nature, Hobbes held that "The Law of nature are immutable and eternal" (that is moral values are universal and unchanging and are not creations of human convention).

The Laws of Nature are immutable and eternal. For injustice, ingratitude, arrogance, pride, iniquity, acception of persons and the rest, can never be made lawful. For it can never be that war shall preserve life and peace destroy it [5].

Hyde explicitly refuted this claim and insists Hobbes's choice of the words "immutable" and "eternal" was probably politically motivated, representing an attempt to avoid condemnation by conservative critics. In his words, Hyde wrote;

If nature has thus providently provided for the peace and tranquility of her children, by laws immutable and eternal that are written in their hearts, how come they fall into that condition of war, as to be every one against every one and to be without any other cardinal virtues, but of force and fraud? [2].

According to Hyde, since the laws of nature are immutable and eternal, how come it was not recognized in the state of nature if men can recognize these laws in social contract? In answering this, Hyde maintained that Hobbes actually denying the immutable and eternal nature of morality in the state of nature was a lie. He claims that Hobbes tries to intentionally misdirect us by describing the laws of nature as immutable and eternal when He (Hobbes) clearly does not mean it. Therefore, Hobbes must plead guilty to these charges

Another strong Critique of social contract theory of Hobbes and Lock is also a British philosopher Samuel Clarke (1675-1729). According to Clark, their social contract theory in respect to agreement is so porous in the sense that it does not create room that will make sure that people will keep to this agreement. *“Suppose that I agree to participate in the social contract. Although I understand that I’m supposed to keep the agreements that I’ve made, I occasionally see potential opportunities to violate these agreements when it might benefit me. For example, while my neighbor is not looking, I could sneak next door, steal his lawnmower and sell it to a pawnshop. If I’m careful, I will not get caught. So what should stop me from violating the social contract if I can get away with it?”* In his words;

If the rules of right and wrong, just and unjust, have none of them any obligatory force in the state of nature, antecedent to positive compact, then, for the same reason, neither will they be of any force after the compact, so as to afford men any certain and real security; (excepting only what may arise from the compulsion of laws and fear of punishment, which therefore, it may well be supposed, is all that Mr. Hobbes really means at the bottom) [1].

Clark held that if people were not encouraged to follow moral rule in the state of nature (against Hobbes position), it then follows that people cannot be encouraged to follow same rules in the social contract. Clarke recognizes that fear of punishment may provide some motivation to follow the rules, but he claims that this is not enough. For Clarke, our main motivation to follow moral rules comes directly from an awareness of eternal and immutable moral truths themselves and Hobbes denies this as a source of moral obligation. In short, according to Clarke, fear of punishment is the only source of motivation that Hobbes provided and that is not sufficient to motivate us to always keep our agreements.

Meanwhile, Hobbes trying to address this issue agrees with Clark that someone can reason as follows; *“There is no such thing as justice. . . [and that for someone] to make or not make, keep or not keep, covenants was not against reason, when it conduced to one’s benefit.”* Take, for example, someone that we can call a sneaky contract breaker. He knows the terms of the social contract and verbally agrees to them, but thinks he’s clever enough to break the rules without getting caught

Hume from the above example suggests this kind of reasoning is deceitful;

He, therefore, that breaketh his covenant and consequently declareth that he thinks he may with reason do so, cannot be received into any society that unite themselves for peace and defense but by the error of them that receive him; nor when he is received, be retained in it without seeing the danger of their error; which errors a man cannot reasonably reckon upon as the means of his security [5].

What Hobbes is saying is that people cannot take a risk of committing crime if they know that the chances of them been caught is high. Again society that caught a law breaker cannot hesitate to punish them. For Hobbes therefore fear of punishment is sufficient to restrain the “sneaky contract breaker” from committing a crime.

However, this defense by Hobbes did not go down well with Clark as he quickly holds that “Hobbes is probably right that we will not take the risk if there is a good chance that we’d be detected. But what if I plan the perfect crime, with no reasonable chance of getting caught? That is, what if I am an extra-cautious contract breaker? Hence, Hobbes needs another source of moral obligation that goes beyond an immediate fear of punishment”.

John Rawls, a contemporary proponent of social contract unlike Hobbes towed a different line of thought in his theory. Rawls presented a social economic theory whose interest is on the improvement of the total well-being of the people. In his book *A Theory of Justice*, Rawls painted an imaginary situation of human society that he call “The Original position”. Here, Rawls holds that; *“we are neither at war with one another nor trying to start a government. Instead, we are merely a group of rational, equal and self-interested people who want to devise mutually beneficial moral guidelines for reforming our social system. To help us arrive at the most*

impartial moral guideline, we temporarily ignore our actual status in society, such as the size of our bank accounts and the amount of property that we own. ..., it is as though we voluntarily stand behind a veil of ignorance. This assures that I will not try to rig the system and create moral guidelines that benefit me the most—whether I am rich or poor”.

According to Rawls, after many deliberations, members of the society will finally arrive at “two rules of justice” namely;

- Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.
- Social and economic inequalities are to be arranged so that they are both (1) reasonably expected to be to everyone’s advantage and (2) attached to positions and offices open to all.

The first rule advocates for equal freedom to all such as free speech and free movement. It also includes economic liberties, such as acquiring property and making money. Finally, it includes political liberties, such as voting and holding public office.

The second rule is a control to the amount of wealth members of the society can acquire. According to this rule, no one is expected to have unequal amount of money except if such accumulation is advantageous to everyone in the society including the poor. However I think capitalist and bourgeois will reject the second rule of Rawls as they will see it at been bias against them. They would claim they cannot be making wealth with their resources only for some lazy ones to enjoy [9].

My Position: I agree with Hume that “we do not even tacitly agree to a social contract”. This is because the basis of the contract is consent. Without consent, there is no contract. If something cannot consent, it is not under the contract. To start with, this theory (social contract) is based on hypothetical consent. It is not real, in fact there is no specific time in history this theory took place therefore it never existed at all.

It is pertinent to note that Hobbes lived in a time of great civil and religious uprising in Europe; it is normal to deduce that Hobbes personal experiences of violence among his race influenced him greatly to produce a bias nature of human being in his state of nature. In his attempt to give legitimacy to the Monarch, who is the

ultimate sovereign, who makes law, interprets and enforce the same law it makes, Hobbes came up with the issue of consent.

Both Hobbes and Lock talks about explicit and implicit consent. My understanding is that by participating and enjoying social amenities, there is implied consent. I agree with consent of the governed, but I don't actually agree with any form of consent other than explicit consent. Implied consent is possible because there is no alternative other than one to be stocked in it. I don't see how a person in a coma, or a child born into a country (an infant), or a Native of a place who's never heard of the state, or a mad person can be said to have implicitly consented to being ruled. Even in the face of an explicit rejection of consent, implicit consent is still assumed. I don't think that makes any sense. At least with hypothetical consent you can say that an explicit rejection of consent doesn't matter. We must understand that the basis of any contract is a willful consent which must be explicit. Without explicit consent, there is no contract at all. If something cannot consent willfully, it is not under the contract. Consider the case of Nigerian State where the Northern and Southern parts of the country was amalgamated by the white (Frederick Lugard) in 1914. This joining together was done without allowing all the members of the region involved give their consent (explicitly). The amalgamation was based on assumption that everyone has given their consent perhaps through indirect rule. But this assumption is wrong; some people have proved that it was based on selfish reasons and interest. Now the consequence of this assumption is clearly what is going on in the country today. Some parts of the country are agitating for complete separation from Nigeria so as to go and establish their own country and develop in their own pace since they cannot achieve self-reliance in the current ‘Nigerian project’. While some People are agitating for a review of that contract because they never gave their consent for such contract thus calling for nullification of the initial ‘purported’ contract [11].

Why are people agitating for the review of the initial purported contract? If a careful study is taken, we can observe that the set of people agitating for self-reliance in Nigeria today never existed in 1924. They are new generation; they never knew about 1914 amalgamation until they are of age and stated reading history. The main problem social contract is trying to solve has been seen as the very monster posing as the root causes of the agitation in Nigeria. In Nigeria today there are no regards to the rule of law which has led to the breakdown of law

and order, consequently returned Nigerians to the state of nature. The monarchs in Hobbes theory are the heads of state in Nigeria who makes decrees that would favor them politically, socially and economically. Hobbes completely ignores the fact that these heads of state or dictators are humans and if humans are naturally corrupts, then these rulers must be kept under control. If not, an absolute system proposed by Hobbes leads to more suffering for the poor people in Nigeria under these oppressive rulers. Lack of equality and justice has thrown Nigerian state into anarchy hence the major cause of the different kinds of agitations all over the country.

Moreover, if social contract theory is true, then we only have moral obligations to those who also take part in the contract. However, there are beings that cannot consciously take part in the contract such as the mentally derailed, handicapped, animals, or future generations. Would one now say morally those who cannot consciously take part in the contract are excluded from all contracts in society? Why can't the hypothetical consent assumed in social contract theory also be assumed for these sets of people? This, arguably, could be used to explain our special treatment of mentally handicapped people in the society most times: while we care for them, we do so in a patronizing way. We do not usually act towards them as if they were moral agents [12, 13].

CONCLUSION

Based on our observations above, one can say that the social contract theory lacks merit in the first place because it did not include care for the future generations who does not know about it and could not have given their consent if their interests are not well considered. To further our point on consent, we could say that the consent assumed in the social contract is hypothetically implied. People that cannot consent cannot give implied consent. This is very different from those acting in a social way which allows us to presume they are acting in agreement with the social contract.

Morally, the contract theory did not accurately differentiate morality from the laws of the state. Those who explicitly did not give their consent in social contract, are they are they under obligation to obey the law? Certainly No.

Politically, we may point out that it is simply historically inaccurate (which is rather weak insofar as it isn't purported to be accurate) or that, even were it at some point true, the current socio-political structure of coercion as well as our inability (due to many factors)

of reasonably getting out of the state or society's reach negates the validity of implied consent and enable the state to enact measures completely contrary to what a society abiding by the social contract would look like.

However, in as much as there are pockets of lacuna in the contract theory, we wish to suggest that contemporary governments as a matter of fact should from time to time review their constitution which serves as the contract document binding both the people and their representatives. Since government is a continuous process and as generations comes and go, human existence too changes therefore there is need to review the contract document in order to accommodate these changes, bring government closer to the people. When people are allowed to participate in the government activities directly, they will make their input believing their interests will be fully covered thus explicitly consenting to the sovereign powers.

Definition of Terms: Consent: to express willingness and give permission

Social Contract: This is a concept used to refer to an agreement among individuals (the ruler and the ruled) who are going into civil or corporate society for their own common good.

Sovereign: This is an authority instituted by group of individuals to make laws which all ought to obey, carry out judgments and as well enforces the law. However, the sovereign even though so powerful, does not exist in total isolation from the citizens. In other words, the sovereign must have the interest of its citizens at heart less its powers may be taken away by the same people who established it.

Republic: A state where sovereignty rests with the people or their representatives, rather with a monarch or emperor.

Liberty: The condition of being free from control or restrictions.

REFERENCES

1. Contemporary Approaches to the Social Contract First published Sun Mar 3, 1996; substantive revision Wed May 31, 2017.
2. Christine Chwaszcza, 2011. Hume and the Social Contract. A Systematic Evaluation.

3. Dworkin Ronald, 1975. "The Original Position" in *Reading Rawls*, Norman Daniels (ed.), Oxford: Blackwell, 1975.
4. David Hume, of the Original Contract 1748. Edited and rendered into HTML by Jon Roland.
5. David Hume, 2014. Republicanism and the Human Scale of Political Order By Donald Livingston on Jul 22, 2014
6. David Hume and *Essays Moral*, 1985. Political and Literary (Indianapolis: Liberty Fund, 1985).
7. David Hume, A., 1978. *Treatise of Human Nature*, ed. By L.A. Selby-Bigge with text revised and variant readings by P. H. Nidditch (Oxford: Clarendon Press, 1978).
8. Eze Nwokereke, 2005. *Contemporary Themes in Social and Political Philosophy*- Feb 2005.
9. For this argument, see David Hume, "Of the Original Contract," in *Essays: Moral, Political, Literary* (Liberty Fund, 1985).
10. Forbes Duncan, 1975. *Hume's Philosophical Politics*", Cambridge University Press, Cambridge.
11. Hobbes Thomas, 1985. *Leviathan*" (ed. by C.B. McPherson), Penguin, London.
12. Hume David, 1978. *A Treatise of Human Nature*", Clarendon Press, Oxford (1987).
13. Hume David, 1741. "Of the Independency of Parliament," in *Essays Moral, Political and Literary*, Eugene Miller (ed.), Indianapolis: Liberty Fund: 1985.