

## **Distribution Agreement**

In presenting this thesis or dissertation as a partial fulfillment of the requirements for an advanced degree from Emory University, I hereby grant to Emory University and its agents the non-exclusive license to archive, make accessible, and display my thesis or dissertation in whole or in part in all forms of media, now or hereafter known, including display on the world wide web. I understand that I may select some access restrictions as part of the online submission of this thesis or dissertation. I retain all ownership rights to the copyright of the thesis or dissertation. I also retain the right to use in future works (such as articles or books) all or part of this thesis or dissertation.

Signature:

\_\_\_\_\_  
Kurtis G. Anderson

\_\_\_\_\_  
Date

Sir Robert Filmer's Patriarcha: Royalist Propaganda

By

Kurtis G. Anderson

Masters of Arts

History

---

Dr. Patrick Allitt  
Advisor

---

Dr. Judith Evans-Grubbs  
Committee Member

---

Dr. Judd Owen  
Committee Member

Accepted:

---

Lisa A. Tedesco, Ph.D.  
Dean of the James T. Laney School of Graduate Studies

---

Date

Sir Robert Filmer's Patriarcha: Royalist Propaganda

By

Kurtis G. Anderson

Bachelors of Arts

Advisor: Patrick Allitt, PhD

An abstract of

A thesis submitted to the Faculty of the

James T. Laney School of Graduate Studies of Emory University

in partial fulfillment of the requirements for the degree of

Masters of Arts

in History

2015

## Abstract

### Sir Robert Filmer's *Patriarcha*: Royalist Propaganda

By Kurtis G. Anderson

While numerous writers rose to the defense of divine right, Sir Robert Filmer (1588-1653) provided its strongest defense, the *Patriarcha*. This work scarcely makes a new argument or proposes a unique theory. Instead, it contains a catalogue of earlier works and theories manipulated and synthesized into a work of royalist propaganda. Its strength lies in its content as well as its construction. The marshalled sources provided fellow royalists a well of arguments to draw upon for their own works. The synthesis of others' arguments created what appeared at first to be a digestible work of bonafide political theory; anti-royalist opponents found untying the synthesis troublesome and deadly, costing one of their leaders his life.

It is this dual strength that gave the *Patriarcha*, a work of mere propaganda, staying power and Filmer great influence well after his death. This thesis will explain Filmer's role in the events of seventeenth-century England that left a king without a head and a dynasty without a throne. In doing so, this thesis will contextualize Filmer as product of his family, his station, and his times. It will also engage in an ongoing debate about the uniqueness, purpose, and character of the *Patriarcha*. To do so, it will lay bare Filmer's rhetorical strategy, disingenuous use of source material, and creative construction used to write the *Patriarcha*. Finally, it will look at how the *Patriarcha* was received by its intellectual allies and contested and ultimately defeated by its intellectual opponents.

Sir Robert Filmer's Patriarcha: Royalist Propaganda

By

Kurtis G. Anderson

Bachelors of Arts

Advisor: Patrick Allitt, PhD

A thesis submitted to the Faculty of the  
James T. Laney School of Graduate Studies of Emory University  
in partial fulfillment of the requirements for the degree of  
Masters of Arts  
in History  
2015

## Table of Contents

Introduction.....	1
Chapter One: Sir Robert Filmer in Context: His Theory, His Life, and His Times .....	4
§ 1.1 Filmerian Theory .....	4
§ 1.2 Filmer in Context.....	7
§ 1.2.1 Formative Filmer: The Making of a Patriarch .....	8
§ 1.2.2 Kentish Patriarch & Intellectual.....	13
§ 1.2.3 Royalist Neutral .....	16
§ 1.2.4 “Non-Political” Works & His <i>Vertuous Wife</i> .....	18
§ 1.3 Conclusion: Towards <i>Patriarcha</i> .....	27
Chapter Two: The <i>Patriarcha</i> in Context: A Work of Propaganda.....	28
§ 2.1 The <i>Patriarcha</i> : A Text in Context.....	29
§ 2.1.1 Laslett and the Manuscript Tradition.....	29
§ 2.1.2 Cuttica’s Argument.....	31
§ 2.2 <i>Patriarcha</i> ’s Purpose: A Historiography.....	34
§ 2.3 The <i>Patriarcha</i> , Royalist Propaganda & The Synthesis Thesis .....	38
Chapter Three: A Textual Analysis of Filmer’s <i>Patriarcha</i> .....	41
§ 3.1 His Divine Argument.....	41
§ 3.1.1 Introduction.....	41
§ 3.1.2 The Basic Argument from Scripture.....	43
§ 3.1.3 Bridging Scriptural Theory and Seventeenth-Century Reality.....	46
§ 3.2 His Philosophic Argument.....	49
§ 3.2.1 Introduction.....	49
§ 3.2.2 Aristotle.....	50
§ 3.3.3. Polybius.....	52
§ 3.3 His Legal (Historical) Argument .....	54
§ 3.3.1 Introduction.....	54

§ 3.3.2. Filmer's Henry de Bracton.....	55
§ 3.4. Conclusion .....	57
Chapter Four: The Reception of Filmer & His <i>Patriarcha</i> from 1680-1689 .....	59
§ 4.1 Setting the Stage: Restoration to Exclusion.....	59
§ 4.2. Filmer's Reception in The Exclusion Crisis .....	63
§ 4.2.1 Royalist Standard Bearer .....	65
§ 4.2.2 Filmer's Whig Reception During the Exclusion Crisis .....	70
§ 4.2.3 James Tyrrell.....	71
§ 4.3. The Rising Action: The Rye House Plot.....	74
§ 4.3.1 Filmer's Influence.....	75
§ 4.3.2 Algernon Sidney's Discourse on Filmer.....	78
§ 4.4 The Denouement: The Glorious Revolution.....	80
§ 4.4.1 Filmer: The Tories' Last Stand.....	83
§ 4.4.2 John Locke's Critique of Filmer .....	85
§ 4.5. The Aftermath: The Non-Jurors & Jacobites.....	91
§ 4.6 Conclusion .....	92
Conclusion .....	94
Bibliography .....	99

## Introduction

The seventeenth-century saw the ascension of the Stuart Dynasty to the throne of England and with them the rise of the theory of the divine right of kings in Great Britain. For centuries in England, it had been tacitly accepted that all government was divinely instituted. However, the Stuarts not only believed that government had a divine component, but also that the King had received an infallible mandate to rule as God's Lieutenant on Earth. The King was answerable only to God; resistance was not just treason, but heresy. Unfortunately for the Stuarts, before the end of the seventeenth-century, they would be exiled to France and with them the theory of divine right monarchy.

While numerous writers rose to the defense of divine right, Sir Robert Filmer (1588-1653) provided its strongest last ditch defense, the *Patriarcha*. This work scarcely makes a new argument or proposes a unique theory. Instead, it contains a catalogue of earlier works and theories manipulated and synthesized into a work of royalist propaganda. Its strength lies in its content as well as its construction. The marshalled sources provided fellow royalists a well of arguments to draw upon for their own works. The synthesis of others' arguments created what appeared at first to be a digestible work of bonafide political theory; anti-royalist opponents found untying the synthesis troublesome and deadly, costing one of their leaders his life.

It is this dual strength that gave the *Patriarcha*, a work of mere propaganda, staying power and Filmer great influence well after his death. This thesis will explain Filmer's role in the events of seventeenth-century England that left a king without a head and a dynasty without a throne. In doing so, this thesis will contextualize Filmer as product of his family, his station, and his times. It will also engage in an ongoing debate about the uniqueness, purpose, and character of the *Patriarcha*. To do so, it will lay bare Filmer's rhetorical strategy, disingenuous use of



source material, and creative construction used to write the *Patriarcha*. Finally, it will look at how the *Patriarcha* was received by its intellectual allies and contested and ultimately defeated by its intellectual opponents.

The significance of the *Patriarcha*'s catalogue of sources is due to the state of divine right theory prior to the English Civil War (1642-1651). Early divine right theorists presented arguments from Scripture, history, first principles, and law, both common and natural. However, they often focused on only one form of argument or another in a single work, addressing others in different publications or with mere cursory citations. For example, Bishop Overall (1559-1619)'s *Convocation Book* (1610) and John Cowell (1554-1611)'s *The Interpreter* (1607), presented mostly Scriptural arguments in favor of the unlimited prerogative of the sovereign. Even when writers, like Bishop Rodger Maynwaring (1590-1653), gave space to more than one mode of argumentation, the size of their individual works only made the corpus of divine right theory that much larger and more difficult to digest. In the *Patriarcha*, Filmer, in less than one hundred pages, utilized all four main methods of argumentation and incorporated the theories of nearly two dozen of his predecessors. Thus, Filmer gave the royalists two things they did not have during the English Civil War: one, a ready reserve of tested arguments upon which to draw from; and second, a concise, digestible pamphlet presentable to the masses. These two qualities made him the posthumous standard bearer for the theory of the divine right of kings on the eve of the next challenge to the monarchy, the Glorious Revolution (1688).

However, just as Filmer's work gained notoriety amongst royalist circles, so too did it become infamous amongst republicans, Puritans, Parliamentarians, and anyone else who articulated any form of resistance theory, the belief that government is not absolute and can be held accountable on Earth for its actions. The number of his critics rose in tandem with his

supporters. At every major watershed of the 1680s, Filmer's work attracted a prominent critic, including James Tyrrell (1642-1718), Algernon Sidney (1623-1683) and John Locke (1632-1704). Combined, these three men wrote over a thousand pages of criticism of Filmer's 60 page *Patriarcha*. Only after John Locke pierced the veneer of political theory and cut through the web of arguments and sources did the *Patriarcha*'s preeminence finally fade; it was revealed as nothing more than mere propaganda. Yet, the dedication of his opponents to refuting his work attests to its prominence and the content of their refutations attests to what made it such a threat.

The abdication of James II in the Glorious Revolution of 1688 was the curtain call for the theory of the divine right in England. Likewise, it spelled the end of Filmer's prominence and his theory's tenability. The Stuart Dynasty and its divine mandate were replaced by John Locke and the social compact; England took a stride down the road to modernity. However, despite this defeat, Filmer's posthumous prominence continued in hearts and minds of those who still supported the exiled Stuart line, namely the Jacobites, who waged several rebellions in England throughout the early 18<sup>th</sup> Century. Although Filmer's theory has since been relegated to the waste bin of history, his *Patriarcha*, a mere piece of propaganda, stood as the quintessential defense of divine right monarchy and unwittingly impacted the lives of millions. This thesis, over the next four chapters, will examine just how this came to be.

Chapter One:  
Sir Robert Filmer in Context: His Theory, His Life, and His Times

The *Patriarcha* is Sir Robert Filmer's (1588-1653) most infamous work. Understanding this work requires two things: first, an introduction to Filmer's theory; second, a brief look inside the events of Filmer's life. They provide the critical background for understanding both why Filmer wrote the *Patriarcha* (p. 1680) and why he wrote it as propaganda disguised as political theory.

§ 1.1 Filmerian Theory

Filmer expressed his political theories during the late 1640s and early 1650s in a series of pamphlet-sized treatises rebutting intellectual threats to the divine right of kings. These political treatises were composed in the later years of his life and were written in the turbulent period of early modern English history. His most influential work, the *Patriarcha*, synthesized previous lengthy divine right arguments into a powerful piece of propaganda. To understand the difficulties of the historical context of this work, a preliminary explication of Filmer's ideas is necessary.

Filmer believed that sovereignty originated in the primordial absolute regal power of Adam, not a social contract created by free and equal men existing in the state of nature. Filmer states, "For as Adam was lord of his children, so his children under him had a command over their own children, but still with subordination to the first parent, who is lord paramount over his children's children to all generations, as being the grandfather of his people."<sup>1</sup> Filmer emphasized that "every man that is born, is so far from being free-born, that by his very birth he

---

<sup>1</sup> Filmer, *Patriarcha and Other Political Works*, ed. Peter Laslett (Oxford: BBlackwell, 1949), *PT* 57.

becomes a subject to him that begets him: under which subjection he is always to live.”<sup>2</sup> Since the first parent, Adam, had absolute power over his children and every child born is similarly subject to their father, no man could be said to have been born free. Furthermore, Filmer argues that this same paternal power is the origin of regal power and civil society. He states, “this subordination of children is the fountain of all regal authority, by the ordination of God himself. From [which] it follows, that civil power.”<sup>3</sup> In this way, paternal authority, fatherly sovereignty, begets regal power, political sovereignty, and is the genesis of civil society. Therefore, for Filmer, there never existed nor ever could have existed a collection of men born free and equal who could have contracted society into existence.

For Filmer, this argument serves two purposes. First, government descends directly from God bypassing “two thieves,” the Pope and the people; both whom claim sovereignty not given to them.<sup>4</sup> Secondly, without a contract, all rights descend from the sovereign, denying the people legitimacy for resistance to royal decree. In this way, the divine, fatherly power of Adam and his heirs is arbitrary and absolute subject only to the judgement of God.

However, many of Filmer’s critics (eg. James Tyrrell, Algernon Sidney, and John Locke) argued that it was impossible to determine who the heir of Adam was because so many kings were usurpers or conquerors, not heirs. Filmer agrees. He admits that to assert the existing kings were the literal heirs of Adam would be absurd.<sup>5</sup> He explains, however, that being the direct heir of Adam is not the appropriate measure for legitimate sovereignty. The power of the father could be transferred by his writ, ignorance of the true heir, or an act of conquest or usurpation, to one

---

<sup>2</sup> Ibid, *DO* 232.

<sup>3</sup> Ibid, *PT* 57.

<sup>4</sup> Filmer, *Patriarcha and Other Political Works*, AN 277.

<sup>5</sup> Ibid, *PT* 60.

who was not the direct patriarchal heir.<sup>6</sup> Moreover, even if the man on the throne was a usurper, he could only have possessed the throne if God had willed it. Therefore, for Filmer, it did not matter by what means a man came to possess the throne because “once a man possessed the sovereign power it was as if he were the father of his people” and thus must be obeyed.<sup>7</sup> Over time, the relationship between kingship and biological fatherhood transitioned into a relationship between kingship and a legal or normative fatherhood. The sovereign is father of his people by right of being king, which could only have occurred if God had personally willed it.

Additionally, Filmer asserts that this absolute power is arbitrary. Filmer believes that “we do but flatter ourselves, if we hope ever to be governed without an arbitrary power. No: we mistake; the question is not whether there shall be an arbitrary power; but the only point is, who shall have that arbitrary power.”<sup>8</sup> Furthermore, “a supreme, limited power was, [...], a contradiction in terms.”<sup>9</sup> For example, Filmer notes that “David’s covenant with the elders when he was anointed, [...] was not to observe any laws or conditions made by the people [...] but to keep God’s laws and serve Him.”<sup>10</sup> Similarly, the oath taken by kings, including the King of England, was not binding upon them for the King’s prerogative “is to be above all laws, for the good only of them that are under the laws” as “there can be no laws without a supreme power to command or make them.”<sup>11</sup> In this way, for Filmer, God places the king above the people for their own good.

This brief summary of Filmer’s political theory demonstrates his emphatic belief in the divine right of kings. The origins of government came from God alone through Adam, bypassing

---

<sup>6</sup> Ibid, *PT* 61.

<sup>7</sup> Ibid, *PT* 97, 106; *DO* 232.

<sup>8</sup> Ibid, *AN*, 277.

<sup>9</sup> W. H Greenleaf, *Order, Empiricism, and Politics: Two Traditions of English Political Thought, 1500-1700*. (London, New York: Published for the University of Hull by the Oxford University Press, 1964), 91-2.

<sup>10</sup> Ibid, *OG* 254.

<sup>11</sup> Filmer, *Patriarcha and Other Political Works*, *PT* 103-6.

the people entirely. Despite the fact that no living king could reasonably trace his ancestry to the House of Adam, present monarchs stood as quasi-patriarchs, symbolic heirs of Adam. In this way, regardless of their personal origins, they justly held absolute power and deserved unwavering obedience. These same origins denied the existence of any inalienable rights or privileges of the people, removing any and all possible limitations upon the sovereign power. The only recourse to abuses was an appeal to God, who would judge the king in His own time and manner. This summary of Filmer's political theory is best summarized in his final published words:

1. That there is no form of government, but monarchy only. 2. That there is no monarchy, but paternal. 3. That there is no paternal monarchy, but absolute, or arbitrary. 4. That there is no such thing as an aristocracy or democracy. 5. That there is no such form of government as tyranny. 6. That the people are not born free by nature.<sup>12</sup>

## § 1.2 Filmer in Context

Too often Sir Robert Filmer's work has been viewed almost entirely in the abstract as done above. More commonly, he is discussed merely as Locke's whipping boy.<sup>13</sup> While this approach may be suitable for comparative political theory, it leaves much to be desired when determining the historical significance of those same political ideas. No work of political theory is ever written in a vacuum; Filmer's works were written in response to a specific conflict in seventeenth-century England between Parliament and the King. His views on this decisive period of English history were informed by his own past: childhood, family relations, and station in life.

---

<sup>12</sup> Ibid, OA 229.

<sup>13</sup> See *Order, Empiricism, and Politics: Two Traditions of English Political Thought* by W.H. Greenleaf and *The Divine Right of Kings & Studies of political thought from Gerson to Grotius, 1414-1625* by John N. Figgis. These works, while informative can be contrasted to the most recent scholarship, particularly *Sir Robert Filmer (1588-1653) and the Patriotic Monarch: Patriarchalism in Seventeenth-Century Political Thought* by Cesare Cuttica.

To understand how a theorist's *magnum opus* came to be, it is important not only to know the events of his life, but also the corpus of his work.

### § 1.2.1 Formative Filmer: The Making of a Patriarch

The Filmer family was an ancient family in the English county of Kent, just southeast of London. Their family can be dated to at least the early fourteenth-century, but their coat of arms can be traced to ancient Britain.<sup>14</sup> Sir Robert Filmer's grandfather, also named Robert Filmer, was a prothonotary, the principal clerk of the court of Queen Elizabeth I's Court of the Common Pleas.<sup>15</sup> He raised the family's status when he married the daughter of Sir Robert Chester, Gentleman Usher to King Henry VIII, in 1564.<sup>16</sup> He was thus a typical sixteenth-century lawyer moving up the social ladder. While Sir Robert Filmer's grandfather brought the family status, Filmer's father, Sir Edward Filmer (1565-1629), procured the family fortune. He married Elizabeth Argall, daughter of Sir John Argall, the patriarch of another prominent Kentish family. Sir Edward bought the Manor House of East Sutton from his father-in-law, the parish over which the Filmer family became sole proprietors during Sir Edward's life time. In 1593, Sir Edward was made Justice of the Peace of Maidstone, the capital of Kent. In 1595, he levied arms for Sir William Twysden. Soon after, he was made High Sheriff of Kent and received a knighthood from Queen Elizabeth I. Sir Edward was extraordinarily active in the county and took his duties very seriously. He was also one of the main antiquarians in Kent, making literature on various subjects readily available to him and his sons.<sup>17</sup>

---

<sup>14</sup> Filmer, *Patriarcha and Other Political Works*, Introduction 1.

<sup>15</sup> *Ibid*, 1.

<sup>16</sup> Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch : Patriarchalism in Seventeenth-Century Political Thought* (Manchester, UK: Manchester University Press, 2012), 21.

<sup>17</sup> *Ibid*, 21-2.

This short background on Sir Robert Filmer's immediate ancestors sets the stage for his life and explains much about his ideas. While "new money," his family consistently served the monarchy and married into families who regularly served at court. In this way, they owed their family's status, if not their fortune, to the crown. Sir Robert Filmer's own life continued his family's habits and helps explain his later attitudes.

Sir Robert Filmer was born in 1588, the year the Spanish Armada was sent to restore Catholicism to England and was defeated by Sir Francis Drake. He was the first born son of a family that would grow to include seventeen other children. In his formative years, he would follow a similar path to those born of privilege. For his primary school education, he attended Sutton Valence, the parish school, until the age of fifteen.<sup>18</sup>

In 1603, Queen Elizabeth I died and her cousin James VI of Scotland became James I of England.<sup>19</sup> His succession to the throne sparked debates in both kingdoms over the right of succession. English Catholics asserted that the crown could not pass to James as only Catholics were the legitimate rulers of England. To the contrary, certain radical Scots argued that popular sovereignty should be exercised or different distant relations of the Queen should be called by vote to take the throne. These debates led to the wide publication of James's *True Law of Free Monarchies*, which he had written in 1598, supporting his claim to the throne based on the principle of patriarchal divine right, including hereditary succession.<sup>20</sup> These debates raged throughout the country, particularly amongst the ever interested *literati* of Filmer's home county

---

<sup>18</sup> Robert Filmer Sir, *Patriarcha and Other Writings*, ed. Johann P. Sommerville (Cambridge England ; New York: Cambridge University Press, 1991), x.

<sup>19</sup> J. P. Kenyon, *The Stuarts : A Study in English Kingship*. (London: BTBatsford, 1958), 39.

<sup>20</sup> Linda L. Peck, "Kingship, Counsel, and Law in Early Stuart Britain," in *The Varieties of British Political Thought, 1500-1800*, ed. J.G.A Pocock, Gordon J. Schochet, and Lois G. Schwoerer (Cambridge England ; New York, NY: Cambridge University Press, 1993), 85-6.



of Kent, just as Filmer matriculated at Trinity College, Cambridge in 1604. It is possible that he encountered these questions upon his arrival at university.

In 1604, the Hampton Court Conference was held, at which James I boldly declared his right as a divinely appointed monarch and Parliament published its *A Form of Apology and Satisfaction*, a list of grievances.<sup>21</sup> The various important friends Filmer made while at Trinity College, who would nearly all later engage in these debates over political obedience and political theology, further increases the likelihood of Filmer's early acquaintance with these issues.<sup>22</sup>

In 1605, Filmer left Cambridge for Lincoln's Inn, the oldest Inn of Court in England, to study the common law. In the same year, Guy Fawkes (1570-1606) and his conspirators perpetrated the Gunpowder Plot, an attempt to kill James I, his son Henry, and to destroy Parliament, in the hope of forcing a Catholic on the throne. Fawkes and his associates were convicted of treason and executed. To the average non-Catholic Englishman, this attempt confirmed every suspicion they held about Catholics: That they were more loyal to the Pope than to the monarch and conspired with Rome to install a Catholic king to subjugate England. This popular conspiracy theory became known as the "Popish Plot." The discovery of this plot led to violent reprisals against English Catholics and settled the issues of succession, taxation, and kingly prerogative for the time being.<sup>23</sup> Considering Filmer was in London during the events of the Plot, receiving his legal education, he would have know about it. If so, this provides insight into Filmer's open hostility towards Catholics in the *Patriarcha*, blaming Catholic political thought for the troubles of the period.<sup>24</sup>

---

<sup>21</sup> J. P. Kenyon, *The Stuarts*, 45-7.

<sup>22</sup> Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 29.

<sup>23</sup> J. P. Kenyon, *The Stuarts*, 47.

<sup>24</sup> Filmer, *Patriarcha and Other Writings*, PT 2-3.

Filmer's strong anti-Catholicism and his unwavering support of the monarchy can be further explained by his ties to the Anglican Church. In 1610, three years before finishing his legal education, Filmer married Anne Heton (1588-1671), the heiress of Martin Heton (1554-1609), former Bishop of Ely under Queen Elizabeth I and King James I. They lived at Filmer's residence at the Porter's Lodge in Westminster Abbey.<sup>25</sup> This marriage tied Filmer and his family to the Anglican Church, specifically its high churchmen, supporters of the divine right of kings and later followers of the future Archbishop of Canterbury William Laud (1573-1645). This intimate tie to the high Anglican clergy placed Filmer squarely in the king's court.

By 1610, the favor James I had gained by surviving the Gunpowder Plot had faded away and Parliament had renewed its resistance to his tariffs issued without the consent of Parliament, despite the issue having been settled in the king's favor by the Court of Exchequer in 1606. In 1611, James I dissolved Parliament after refusing to redress its grievances as a precondition to granting his monetary requests.<sup>26</sup> James I's actions were not at all uncommon throughout the centuries prior to the English Civil War. Until 1689, the King of England not only had the power to call and dissolve Parliament at his discretion, but also it could not even meet without his decree. Despite having these powers, the dissolution was often only reserved for severe breakdowns in relations between the crown and the Parliament. This backlash from Parliament and its dissolution in 1611 happened just as Filmer married into the high church intellectual circles of London, likely impacting his later political thought. Furthermore, his experience in London during these events contextualizes Filmer as a young man and foreshadows his years of writing tracts and publishing pro-monarchy pamphlets.

---

<sup>25</sup> Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 22-3.

<sup>26</sup> J. P. Kenyon, *The Stuarts*, 53.

In 1612, Filmer was called to the bar, making him a solicitor.<sup>27</sup> In the same year, Prince Henry Stuart, James I's son, died of typhoid fever, making his son, the Duke of York, Prince Charles, heir to the thrones of Scotland and England. This incident replaced a beloved heir with a less well known son who was never groomed for the throne.<sup>28</sup> In 1618, Filmer's brother Edward Filmer (1590-1651), following a similar path to Robert's, left Trinity College, Cambridge and began his legal education at Gray's Inn in London. In 1619, Robert Filmer was knighted at Newmarket by James I. Lastly, in 1620, Anne Filmer gave birth to Filmer's son, Robert Filmer, who was subsequently baptized as an Anglican at St. Margaret's Westminster.<sup>29</sup> In 1625, King James VI and I died and his son became King Charles I.<sup>30</sup> As these events transpired in London, Filmer developed a friendship with Peter Heylyn (1599-1662),<sup>31</sup> the future deviser of Charles I's Personal Rule (1629-1640) policies, Anglican ecclesiastic, and staunch absolutist.<sup>32</sup> The growing family ties to the crown and his budding friendship with an outspoken proponent of the divine right of kings hint at Filmer's own ideas while he resided in London and further explains those expressed in his political theory.

Sir Robert Filmer returned to Kent upon his father's death in 1629.<sup>33</sup> Filmer inherited the entirety of his father's estate in East Sutton as well as many of Edward's county and parish duties. Filmer served as a magistrate and an officer in the county militia, which has been described as "the most important military organization" in England. However, Filmer was too ill

---

<sup>27</sup> Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 22.

<sup>28</sup> J. P. Kenyon, *The Stuarts*, 54.

<sup>29</sup> Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 22-3.

<sup>30</sup> J. P. Kenyon, *The Stuarts*, 71.

<sup>31</sup> Considering his connection to the high church and his age, this friendship most definitely developed after Filmer's marriage to Anne Heton, but most likely formed while Filmer still resided in London. This means the friendship may have formed in the late 1620s.

<sup>32</sup> *Ibid*, 161-3.

<sup>33</sup> Though he kept his home at the Porter's Lodge in Westminster as well.

to take over as the High Sheriff of Kent, regularly suffering from kidney stones.<sup>34</sup> In the same year, his brother Edward became an Esquire of the King's Body, further strengthening Filmer's ties to the king and his future cause.<sup>35</sup> The events of those seventeen years from 1612 to 1629 saw Filmer transition from a newlywed, knighted city lawyer travelling in high church intellectual circles to a country gentleman. Moreover, Filmer became a patriarch, the sovereign of the entire Filmer family.

The events of Filmer's formative years shaped the man he would become and the ideas he would espouse. His youth was spent as a descendent of a long line of men made by service to the crown, as an heir to a large country estate, and the son of an antiquarian engrossed in the libraries of the local gentry. The most important events of his early life painted English Catholics as traitorous and untrustworthy. His time in London, his marriage into a powerful clerical family, and his high church friends solidified his anti-Catholicism and confirmed his royalist leanings nurtured from childhood and the activities of his relatives. The death of his father brought Filmer back into the circuit of Kentish intellectual life equipped with more contacts, more friends, and more responsibility. More importantly, his new status as a *pater familias* should be seen as the capstone of his upbringing, the fulfillment of his filial obligations, and a source for his later expression of patriarchalism, patriarchy politicized to explain the origins of political power.

### § 1.2.2 Kentish Patriarch & Intellectual

When Filmer returned to Kent after his father's death in 1629 he inherited more than just his father's fortune and civic responsibilities; he succeeded his father into a place of primacy amongst the Kentish literati. As mentioned above, Filmer's father was one of the foremost

---

<sup>34</sup> Filmer, *Patriarcha and Other Political Works*, introduction 2.

<sup>35</sup> Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 23.

antiquarians and literary gentlemen in the county of Kent. His library covered a wide range of topics, including mathematics, literature, philosophy, theology, the natural sciences, and political theory.<sup>36</sup> This library, while incredibly influential on the young Robert Filmer, was equally valuable to him upon his return to Kent. The Kentish elite were famous for writing on and being experts in nearly every facet of intellectual, economic, and political life in England. This obsession created a thriving private circulation of manuscript treatises.<sup>37</sup> As part of his inheritance, he stepped directly into the center of this private intellectual world. He began his career as a writer with an unpublished manuscript that from the beginning hints at the Filmerian political theory to come.

Filmer's first manuscript attempt resulted in *Quaestio Quodlibetica* or *A Discourse Whether it may be Lawfull to take Use For Money* (1653) in 1630.<sup>38</sup> It tackled the issue of the legality of charging interest. The topic of usury was troubling for wealthy Britons, having merchant interests at home and abroad. While charging interest would obviously be very beneficial for the gentry, it had to contend with seemingly categorical bans on the practice in the Bible.<sup>39</sup> The Filmers, the Argalls, (Filmer's maternal family) and the Scotts, cousins of Filmer's, were no exception to dealing with this ethical quandary, specifically due to their combined interest in the Virginia Company. Filmer addressed the leading treatise against usury, Roger

---

<sup>36</sup> Ibid, 22.

<sup>37</sup> Filmer, *Patriarcha and Other Political Works*, Introduction 2-3.

<sup>38</sup> Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 23. Cuttica argues convincingly that the work is most likely to have been written between 1629-1634 considering his family's involvement in the Virginia Company, becoming more important at this time; In Filmer, *Patriarcha and Other Writings / Sir Robert Filmer*, x, Sommerville asserts that Filmer began writing in the 1620s, which while potentially accurate is less likely considering the above window given by Cuttica; In Filmer, *Patriarcha and Other Political Works*, 3, Laslett indicates that he wrote the manuscript in approximately 1630. This fits with Cuttica's assessment and does not necessarily conflict with Sommerville's. While there is no consensus on a specific date, it seems likely it was written close to 1630 considering the precision of all three authors' predictions. All three authors agree that the work was published in 1653 by Sir Robert Filmer's friend Sir Roger Twysden.

<sup>39</sup> Numerous passages including Exo. 22:24; Lev. 25:37; Deut. 23:20; Luke 6:34, 19:22-23.

Fenton (1565-1615)'s *A Treaties of Usurie* (1611).<sup>40</sup> His central argument provides a glimpse of his political thought. He argues that because the civil law allows usury, it must be morally permissible. This is because while the monarch need not fear his subjects, he is obligated to allow them to do what is good, and since he has allowed usury, it must be good.<sup>41</sup> In this way, Filmer's entry into the Kentish intellectual elite began with a non-political manuscript that nevertheless hints at his belief in absolute obedience to arbitrary rule, the paternal nature of monarchy, and the inherent good of kingly power.

During his time back in the midst of the Kentish gentry, Filmer became well acquainted with several of the county's prominent intellectuals, who were also known kingdom over, including Sir Edward Dering, Sir John Marsham, and Sir Thomas Culpeper (1578-1662). Filmer also became friends with Richard Lovelace (1618-1653), a prominent royalist poet. Of these Kentish *literati*, Filmer ultimately became close friends with Sir Roger Twysden (1597-1627), an outspoken royalist, who was impressed by Filmer's first manuscript. In fact, Twysden had it published the year of Filmer's death in memory of his friend.<sup>42</sup> These friends and connections show the popularity of Filmer in Kent during the 1630s as well as the diverse company and interests he kept. Parallel to his country popularity was the rise of his son Edward Filmer to the lofty position of Gentleman of the Privy Council. In 1642, on the eve of war, King Charles I knighted him. Filmer's family's position in Kent and at Court bound his hearth and home to the Royalist cause as war broke out between Parliament and the King that same year.<sup>43</sup>

---

<sup>40</sup> Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 24-26.

<sup>41</sup> Robert, Sir, Filmer, *Quaestio Quodlibetica, Or, A Discourse Whether It May Bee Lawfull to Take Use for Money*, Early English Books, 1641-1700 / 441:02 (London : Printed for Humphrey Moseley, and are to be sold at his shop ..., 1653., 1653), 113-4, 133-5, 142-3.

<sup>42</sup> Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 26, 23.

<sup>43</sup> *Ibid*, 27-8.

The First English Civil War (1642-1646) began when King Charles I raised his banner at Nottingham on August 22, 1642 in response to Parliament's Nineteen Propositions, demanding the king surrender his executive power.<sup>44</sup> While the Nineteen Propositions was the immediate cause of the conflict, disagreements between Parliament and the Stuart Kings over the powers of the monarch had been simmering since the ascent of James I in 1603. Similarly, while the raising of opposing standards marked the official dissolution of the State in the Three Kingdoms (England, Scotland, and Ireland), blood had already been drawn by the Bishops' Wars (1639-1640) in which the Presbyterian Scots, who would later become allies of Parliament, rebelled against King Charles I. It was the need to fund this war that forced Charles I to summon a hostile Parliament after eleven years of personal rule. In fact, Parliament would stay in session from 1640-1648, earning it the name of the Long Parliament.<sup>45</sup> The start of the Civil War shattered the once unified Kentish community, splitting it between a large but passive Royalist majority and an active Parliamentary minority, which included Sir Robert Filmer's cousin, Thomas Scott.

### § 1.2.3 Royalist Neutral

Filmer has taken a great deal of scholarly criticism from modern academics for his apparent inaction during the course of the First English Civil War. Peter Laslett, the twentieth-century intellectual historian who discovered Filmer's manuscripts, asserted that the most powerful criticism never levied against him was "disloyalty to his own cause."<sup>46</sup> Laslett makes this remark despite noting that Kentish Royalists, while loyal, were generally inactive and

---

<sup>44</sup> J. P. Kenyon, *The Stuarts*, 100-1.

<sup>45</sup> *Ibid*, 92-7.

<sup>46</sup> Filmer, *Patriarcha and Other Political Works*, 10.

ineffective at supporting the King. However, Laslett's criticism focuses on Filmer's failure to join the county Royalists both times they attempted to put their loyalty to the test.<sup>47</sup>

While the Royalists in Kent had complied with the Long Parliament through 1640-1, they refused to abide by the Nineteen Propositions and disarm their militia during the Maidstone Assizes in March, 1642. In protest, they signed a petition in support of the King and marched toward Whitehall, London. This march threatened revolt and was suppressed by Parliamentary forces. Undaunted, the Kentish Royalists drafted an even more ardent petition and renewed their march towards London. Parliament responded by arresting the ringleaders and violently suppressing Royalists in the county. Ironically, many of the county's youth fled to the King's camp, including Filmer's oldest son, Sir Edward.<sup>48</sup>

While Filmer did not participate in either the petition or the march, he stood for a £5,000<sup>49</sup> bail for his by now close friend, Twysden, who had been imprisoned as a Royalist ringleader. Furthermore, from 1642-1643, Filmer was plagued by Parliamentary forces. His home was ransacked nine times; he was waylaid on route to London, having his horse taken from him; and his property both in Kent and London was heavily taxed by Parliament to support their war effort. In the winter of 1643, Filmer was imprisoned at Leeds Castle. There is little evidence related to why he was arrested, but the testimony of one of his tenants indicates he may have been hoarding arms for the king. It is also likely that he was seized due to his local prominence as a Royalist writer.<sup>50</sup>

---

<sup>47</sup> Ibid, 5.

<sup>48</sup> Ibid, 5-6.

<sup>49</sup> According to the British National Archives currency calculations, £5,000 in 1642 is roughly equivalent to £429,000 today.

<sup>50</sup> Filmer, *Patriarcha and Other Political Works*, 6.



Filmer did not take up arms for the Royalist cause in 1642, or later in the Second Civil War of 1648. His apparent passivity, especially before his imprisonment, is at the very least paradoxical, especially considering Filmer would later become the standard bearer for the Royalist cause well after his death.

#### § 1.2.4 “Non-Political” Works & His *Vertuous Wife*

After the events of the First English Civil War, Filmer wrote *In Praise of the Vertuous Wife* (1646-7?).<sup>51</sup> Throughout the work, Filmer draws parallels between good wives and good parliaments, saying that to stand by one’s husband or sovereign is the fulfillment of one’s duties. However, to abandon either in a crisis is the embodiment of treachery.<sup>52</sup> The parallels between the conflicts between the King and Parliament and the role of husband and wife abound and make the work appear allegorical. Most surprisingly, however, Filmer seems to adopt a stunningly un-patriarchal view of wives and women in general:

There is no virtue in men so different which women may not hope in some sort to attain, for even sailing and war and government of kingdoms have been often times well handled by women, Queen *Dido* may be example for all [for her founding of Carthage], or rather Queen *Elizabeth* in whose time these things flourished.<sup>53</sup>

---

<sup>51</sup> The secondary literature does not speculate on a date for the penning of this tract on the nature and duties of a virtuous wife. However, it seems reasonable to place the date of its writing at sometime between 1645-1647. Laslett in Filmer, *Patriarcha and Other Political Works*, 7, indicates that Filmer may have been released from prison sometime between 1646-1647. While the earlier date is more likely, considering it is the year Parliament won the First English Civil War, the lack of evidence prevents pinning down a more precise date both for Filmer’s release from prison or his writing of this specific tract. The reason these dates are more likely for this work than others is the subject of the work itself. During the war, Filmer’s wife Anne proved resourceful, resilient, and loyal, being all reasons for high praise. The comparatively modern tone and compliments of female virtue throughout the work combined with the more than likely post-prison dating of the work make these dates highly probable. The certainty of these dates are even more likely since the first work Filmer ever published was *Of the Blasphemie against the Holy Ghost* (1646/7) and after this point nearly all of the works attributed to Filmer were published while this one remained in manuscript form. Therefore, it is likely that this work was written for private circulation amongst his friends in praise of his own virtuous wife between the years of 1646-1647.

<sup>52</sup> Robert Filmer, Sir, “In Praise of the Vertuous Wife,” in M. Ezell, *The Patriarch’s Wife : Literary Evidence and the History of the Family* (Chapel Hill: University of North Carolina Press, 1987), 176-7.

<sup>53</sup> Filmer, “In Praise of the Vertuous Wife,” 183; Quoted from Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 32, as “There is no virtue in men so different(t) wch weomen may not hope in some sort to attaine, for e[ven] sayling and warre and government of kingdoms have been often times well handled by weomen, *Queene Dido* may be example for all, or rather Q *Elizabeth* in whose tim(e) theis things flourisht.”

Sections in the *Vertuous Wife* like this one make gleaning information about Filmer's political thought from his non-political tracts troublesome if not also misleading. While Cesare Cuttica, a leading expert in early modern absolutism, provides a convincing analysis comparing Parliament to the wife, the passage he lifts up is problematic. If the wife, and women more generally, represent Parliament throughout the treatise, and if Parliament is to be subordinate to the King as a wife is to her husband, how could Parliament (woman/wife) handle war or government no differently than the King (man/husband)? If this is true, it would contradict not only modern conceptions of Filmer, but also the core tenet of his primary work, the *Patriarcha*. The title alone raises questions about using the *Vertuous Wife* too extensively as foreshadowing. However, this issue is resolved if the text is viewed primarily as extolling the virtues of his own wife.

By the time this work was written, the First English Civil War had just ended in 1646 and Filmer had finally been released from Leeds Castle. While he was away in prison, his wife, Lady Anne, regularly dealt with the hostile Parliamentarians as they regularly raided the Filmer estates, and managed the extensive holdings of the Filmer family.<sup>54</sup> Both the timing of the work and its topic seem to encourage viewing the manuscript as extolling the virtues of Lady Anne Filmer. It is also probable Filmer intended to use her as an example for other wives in the county, circulating the text as manuscript, a common practice amongst the Kentish *literati*. If this is the case, it does not detract from the allegory of wives and Parliament, but it does enable the reader to parse his veiled political commentary and his just praise for his wife.

Moreover, adopting this view further illuminates Filmer's reason for writing his political pamphlets. Cuttica and others attempt to lift Filmer up as an original thinker promoting

---

<sup>54</sup> Filmer *Patriarcha and Other Political Works*, 6; Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 166.

conventional patriarchalism. Yet, *Vertuous Wife* does not portray him as a totally orthodox patriarch.<sup>55</sup> More so, in the text he appears to reject patriarchy in favor of something closer to separate spheres, approving of generally separate roles for women and men while insisting on equality of value.<sup>56</sup> How can Filmer support patriarchy in his political tracts, specifically the *Patriarcha*, arguing that government has its origins from Adam,<sup>57</sup> and also appear to be anything but in support of it in *Vertuous Wife*? A possible answer is that Filmer's political works intended to synthesize previous arguments for the divine right of kings or defend them against criticism rather than express an original, positive theory. While this synthesis will be discussed below in chapters two and three, viewing Filmer's later works in this context helps explain his views and resolves any issue arising from his non-political works.

These events as a patriarch refined the experiences of Filmer's formative years. He stepped into the shoes of his wealthy and popular father and engaged in the intellectual life of the Kentish elite. Amongst them he acquired connections and friendships that further illuminate Filmer's political allegiances even before he chose to publish political tracts. Throughout his later life, Filmer wrote several manuscripts on non-political issues. The topics of these works include a defense of usury, a contribution to Biblical criticism, a ridicule of witch hunts, and a panegyric on the virtues of his wife and loyal wives more generally.<sup>58</sup> These manuscripts show Filmer as a country intellectual with diverse interests and comparatively "liberal" social opinions. As seen above, when the content of these non-political works is compared to his political tracts, they hint at his objective in composing these later texts. These works and

---

<sup>55</sup> Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 30, 33.

<sup>56</sup> Filmer, "In Praise of the Vertuous Wife," 188-90.

<sup>57</sup> Filmer, *Patriarcha and Other Writings*, 7.

<sup>58</sup> Filmer's defense of usury is titled, *Quaestio Quodlibetica* (1653). His contribution to Biblical criticism is titled, *Of the Blasphemie against the Holy Ghost* (1647), and his criticism of witchcraft is known as *An Advertisement to the Jury-Men of England Touching Witches* (1653).

experiences set the stage for Filmer's final years in which he wrote a series of works that made him infamous long after his death.

### § 1.2.5 Elderly Patriarch & Royalist Writer

While Filmer's non-political tracts were popularly received during his lifetime and show him to be a man conversant in a diversity of subjects, his political treatises are what make him noteworthy throughout the later seventeenth-century.<sup>59</sup> Together, his political works discuss issues of political obligation, the origins of government, and the rights and duties of both subjects and sovereigns. Each of these pamphlets targets an intellectual threat to the theory of the divine right of kings and synthesizes previous divine right arguments in its defense. All of them would be later used to defend the Stuarts against resistance theorists in the 1680s.

Filmer wrote his political tracts in two great bursts, publishing half of them in 1648 and the other half in 1652, just a year prior to his death. The first round of publications was likely the result of the start of the Second English Civil War (1648-1649). In 1648, King Charles I signed the Covenant with the Presbyterians, respecting their religious institutions, in an attempt to restore relations with the Scots and gain them as allies against Parliament. This gave Charles I an army with which to fight Oliver Cromwell (1599-1658), leader of the Parliamentary forces, head of the New Model Army, and future Lord Protector of the Commonwealth, who had been occupied with rebellions in Wales and Ireland.<sup>60</sup> The King's renewed war efforts led to newly encouraged Royalist revolts against the Parliamentarians in Essex and Kent. While Filmer was petitioned to join the uprising, he declined in his familiar fashion.<sup>61</sup> However, content to wage

---

<sup>59</sup> Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 27-8.

<sup>60</sup> J. P. Kenyon, *The Stuarts*, 105; Filmer, *Patriarcha and Other Political Works*, 7-8.

<sup>61</sup> Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 171.

his war for the King with the pen, Filmer had three tracts published anonymously by Richard Royston (1601-1686), royalist printer and bookseller.<sup>62</sup>

The first of the three tracts to be published in 1648 was *The Free-Holders Grand Inquest Touching Our Sovereigne Lord the King and His Parliament* (1648). This particular work was written in response to William Prynne's *Sovereign Power of Parliaments and Kingdoms* (1643), an influential monograph in favor of Parliament's claims. In *Free-Holders Grand Inquest*, Filmer places the king above the other three estates of the realm: Commons, Lords, and Clergy, shows Parliament's historical lack of competence, and critiques Parliament's claim of legislative sovereignty.<sup>63</sup> Unlike some of Filmer's other political tracts, this one demonstrates a great deal of legal knowledge and attempts to "confront parliamentarian discourse based on the antiquity of the ancient constitution" on its own terms.<sup>64</sup> Laslett also believes this work, based on its language and topic, could be an explication of the third and final part of the *Patriarcha*, which deals more closely with English legal and constitutional history than the rest of the work.<sup>65</sup>

The second of the three 1648 pamphlets was *The Anarchy of a Limited or Mixed Monarchy* (1648). Like the previous work, this responds to a specific pair of intellectual opponents. In this case, Filmer chose to respond to Philip Hunton's (1600-1682) *Treatise of Monarchie* (1643) and Henry Parker's (1604-1652) *Observations upon some of his Majesties Late Answers and Expressions* (1642). The former's treatise was considered the principle anti-monarchal work of its time, and the latter was a loud and effective piece of Parliamentary propaganda.<sup>66</sup> Filmer targets the latter work by declaring there was no such thing as limited or

---

<sup>62</sup> Filmer, *Patriarcha and Other Political Works*, 7.

<sup>63</sup> Filmer, *Patriarcha and Other Writings*, ed. by Johann P. Sommerville, FH 76-7, 80-1, 96, 88-9.

<sup>64</sup> Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 169-70.

<sup>65</sup> Filmer, *Patriarcha and Other Political Works*, 7.

<sup>66</sup> Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 170.

mixed monarchy. “If a limited monarchy cannot be found in Lacedaemon, I doubt [...] will hardly find it anywhere else in the whole world.” He continues saying, “We do hear a great rumour in this age of moderated and limited kings. [...] nowhere is such a moderated government [...] to be found.”<sup>67</sup> Filmer addresses the former’s arguments by targeting the validity of the contract theory of government. Filmer asks, since governments require coercive power, “if no man have power to take away his own life without [...] being a murderer of himself, how can any people confer such a power as they have not themselves upon” another.<sup>68</sup> Filmer suggests the most reasonable alternative is the Adamite basis for government based on “the original grant of government, and the fountain of all power, placed in the father of all mankind.”<sup>69</sup>

Filmer’s final pamphlet, published in 1648, was *The Necessity of the Absolute Power of all Kings: And in particular the King of England* (1648). This work differs from Filmer’s other treatises in that it does not address any single individual or text. Additionally, this is the only one of Filmer’s works to draw entirely on a single source. In fact, the entire work is just an assembly of excerpts from Richard Knolles (1545-1610)’s English translation of Jean Bodin (1530-1596)’s *Six Books on the Commonweale* (1576, translated in 1606). Filmer wrote this work to concisely “elucidate precisely the concept of indivisible and absolute monarchical sovereignty.”<sup>70</sup> Considering the Knolles edition of Bodin’s masterpiece was eight-hundred pages while Filmer’s text numbers less than one-hundred, this interpretation seems likely. Furthermore, Filmer’s approach of a concise synthesis of Bodin’s argument parallels his propagandist project in the *Patriarcha*.

---

<sup>67</sup> Robert Filmer Sir, *Patriarcha and Other Writings*, ed. by Johann P. Sommerville, AN 166-7.

<sup>68</sup> Ibid, AN 140.

<sup>69</sup> Ibid, AN 138.

<sup>70</sup> Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 170.

Despite the efforts of the Royalists, both pamphleteers and soldiers, the Second English Civil War ended within a year with another Parliamentary victory. At the start of the war, Parliament broke off all negotiations with the king, passed the Vote of No Addresses, and held him personally responsible for the war. In 1649, Oliver Cromwell and the Rump Parliament, so called because Cromwell ejected those members of the Long Parliament who refused to support him, put King Charles I on trial. They voted to have the king executed. His execution led to the publication of *Eikon Basilike*, the last testament of the king, and created the “basis of a martyrology unprecedented in English history.”<sup>71</sup> From the death of Charles I until 1652, Filmer published nothing. It is reasonable to assume he was too ill, feared for his family’s safety, or was tending to his duties as patriarch. It could be just as likely, however, that since the Royalist cause was virtually dead, especially after the failed Third English Civil War (1649-1651), Filmer realized that further publications would be futile.

However, in 1652, a year before his death, Filmer published three more political works in quick succession. The execution of the king and the failed attempt to place Prince Charles on the throne abolished the old institution of monarchy and dashed its chances at restoration for the time being. Many authors began to speculate on the legacy of the late king, propose new foundations for the state, or defend republicanism. This round of pamphlets may have thus been caused by renewed debates over the origin and form, of government.

In response to the debates of the period, Filmer published the first of the 1652 pamphlets, *Observations Concerning the Originall of Government, Upon Mr. Hobs Leviathan, Mr. Milton against Salmasius, and H. Grotius De Jure Belli* (1652). In typical Filmerian fashion, evidenced from the lengthy title, this work largely focus on criticizing specific contemporary luminaries.

---

<sup>71</sup> J. P Kenyon, *The Stuarts*, 105-6.

All three of these authors' works contributed to the corpus of the contract theory, popular sovereignty, and republican principles. Filmer finds a friend in Hobbes, consenting "with him about the rights of exercising government," but he criticizes Hobbes's State of Nature, saying it is "full of contradictions and impossibilities."<sup>72</sup> Filmer finds nothing agreeable about Milton, who "not only strips the king of all power whatsoever, but puts him in a condition below the meanest of his subjects."<sup>73</sup> Grotius attracts the ire of Filmer for his refusal to acknowledge that the law was nothing but the power of the supreme father, descended if only metaphorically from Adam.<sup>74</sup>

Filmer's second 1652 treatise, *Directions for Obedience to Governours in Dangerous and Doubtfull Times* (1652), was written to address the anxiety about obedience to the new government under Parliament, which much of the country still saw as illegitimate despite its victory on the battlefield. Filmer asserted that resistance was never a lawful means of political action, not even in support of the legitimate party.<sup>75</sup> Since "the right of fatherly government was ordained by God for the preservation of mankind, if it be usurped, the usurper" should also be obeyed so long as he upholds his paternal obligation to care for the subjects.<sup>76</sup> However, the usurper should not be obeyed so far as his orders are to the detriment or destruction of the legitimate sovereign. Yet, should enough time pass and no legitimate heir remain, the usurper has the greatest claim and becomes the father of the country and must be obeyed absolutely.<sup>77</sup>

Filmer's final political work, *Observations Upon Aristotle's Politiques Touching Forms of Government* (1652), was published along with the above pamphlet. However, it appears as if

---

<sup>72</sup> Filmer, *Patriarcha and Other Writings*; ed. by Johann P. Sommerville, *OG* Preface 184-5.

<sup>73</sup> *Ibid*, *OG* 198.

<sup>74</sup> *Ibid*, *OG* 226-7.

<sup>75</sup> Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 173.

<sup>76</sup> Filmer, *Patriarcha and Other Writings*; ed. by Johann P. Sommerville, *DO* 283.

<sup>77</sup> *Ibid*, *DO* 283-6.



this text was chronologically later.<sup>78</sup> In this final text, Filmer once again takes up the matter of mixed or limited government, but this time, he focuses on Aristotle, a common favorite amongst political theorists on both sides of the spectrum. Filmer, in this instance, takes a measured approach arguing that any instance of mixed or limited government in history has only been confined to cities or small areas and never done across an entire country. Furthermore, even those that have been tried in smaller units have never been as good as monarchy.<sup>79</sup> Filmer uses the factionalized Venice and the similarly divided United Provinces (the Netherlands) as examples.<sup>80</sup>

These works comprise nearly the entirety of Filmer's intellectual corpus. They cover issues of political obligation, resistance, the origins of government, and the complexities of the English context. On every point, Filmer supports the king and at times defends his divine right more absolutely than did the king himself. In order to make his case, Filmer cites law, history, philosophy, and theology, leaving little to no ground uncovered. Each of the above works tackles numerous issues in the context of a criticism of the king's detractors. Together, they illuminate the development of Filmerian theory in the context of the times, making the abstract concrete. While these texts reveal much about Filmer, they are all reactionary in character, never advancing a positive thesis but rather defending the monarch *ad hoc* with each new controversy or event. Their timing, construction, and topics support viewing the *Patriarcha* as an attempt to construct a codified last ditch defense of divine right monarchy, at any cost.

---

<sup>78</sup> Filmer, *Patriarcha and Other Political Works*, 8-9.; Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 173.

<sup>79</sup> Filmer, *Patriarcha and Other Writings*; ed. by Johann P. Sommerville, *OA* Preface 235-6.

<sup>80</sup> *Ibid*, *OA*, 257, 281. See also p.2n12

### § 1.3 Conclusion: Towards *Patriarcha*

Sir Robert Filmer died in 1653 aged 65. The events of his life help explain the context in which he was writing; he was born amidst violent antagonism towards English Catholics, came of age in the capital rife with contention over the claims of James I, and reigned as a patriarch over the course of three bloody civil wars. As he matured, so too did his family's ties to the crown and the likelihood of their subsequent hostility towards Parliament. While age, illness, and his duty to his family may have kept Filmer off the battlefield, his education, interests, and commitment to the theory of the divine right of kings led him to put pen to parchment in defense of his king. The above works demonstrate his diverse interests, his competence wielding the law, history, and theology for his cause, and further elucidate his theories. All of this background contextualizes Filmer and provides at least tangential support for viewing the *Patriarcha* as an original work of synthesis, albeit propaganda, in defense of the divine right of kings in early modern England.

Chapter Two:  
The *Patriarcha* in Context: A Work of Propaganda

The *Patriarcha*, the best remembered work of Sir Robert Filmer, was a pamphlet of Royalist propaganda disguised as political theory. Debates raged in the 1640s and 1650s over the origins, rights, and uses of political power. They also addressed the requirements and limits of obligation to that power. The *Patriarcha*, however, was be most influential not when it was written but in the 1680s when relations between the King and Parliament once again began to boil over. Unlike his later political pamphlets, *Patriarcha* has presented scholars with difficult questions as to the timing of its publication, the originality of its content, and what made it so effective.

In an attempt to clarify the complications presented in scholarly literature, a brief summary of the issues related to this work is required. Once that is complete, the scholarly landscape of two critical questions can be surveyed. The first will be to sift through the discussion over the dating of the *Patriarcha*, being a much disputed question. The second will be to address the historiographical debate over the influence and purpose of the work. Once the scholarly landscape has been surveyed, it will be possible to present the *Patriarcha* as a work of codification, synthesis, and ultimately propaganda. This chapter will lay the foundation for an analysis of Filmer's use of sources and arguments in the following chapter. Thus, this chapter will contextualize the *Patriarcha* as the previous chapter did Filmer.

## § 2.1 The *Patriarcha*: A Text in Context

### § 2.1.1 Laslett and the Manuscript Tradition

In the 1940s, Peter Laslett rediscovered Filmer by recovering his manuscripts from Filmer's ancestral manor at East Sutton. In 1949, Laslett organized the manuscripts into the first published edition of Filmer's political works in over three hundred years. In his introduction, he attempts to date the *Patriarcha*. He argues that since the manuscript only mentions two "civil wars," the Barons' Wars (First Baron's War 1215-1217; Second Baron's War 1264-1267) and the War of the Roses (1455-1487), it must have originally been written prior to the English Civil Wars (1642-1651, in three parts).<sup>81</sup> Laslett furthers his argument by comparing the 1680 published text of the work, which mentions three civil wars. He takes as evidence that the work was written "before it was realized that the difference between Charles I and his Parliament constituted a Civil War."<sup>82</sup> Therefore, the work must have been completed prior to 1640. Laslett also contends that the *Patriarcha* must have been written after 1635 because it quotes from *Mare Clausum* (1635) published in that year. Between these two pillars Laslett established what has since become the generally accepted date of *Patriarcha*'s composition, 1635-1640.

Moreover, Laslett provides a reason why Filmer would write his *Patriarcha* during this period. Each of his later published works was written in direct response to current events. Laslett asserts that Filmer most likely wrote the *Patriarcha* in response to the debates over Ship Money (1634-1638).<sup>83</sup> These debates resulted from a decision by William Noy, the Attorney General, to

---

<sup>81</sup> Filmer, *Patriarcha and Other Political Works*, Introduction 3. See also, *PT* 95. Despite the fact that the Barons' Wars were really two separate rebellions a half a century apart, Filmer refers to them a single instance. This is how he is able to say only two civil wars had yet afflicted England prior to the English Civil War.

<sup>82</sup> *Ibid*, *PT* 95n2.

<sup>83</sup> *Ibid*, Intro. 3.

request a tax be levied to maintain the navy, amidst concerns about the Thirty Years War (1618-1648) raging on the continent. Ship Money was levied from 1633 onward and was the most effective revenue stream the Crown ever had up to that point. The imposition of this tax on inland villages as well as those situated on the coast, without the consent of Parliament, sparked heated debates. When the legality of the tax was challenged by John Hampden, who refused to pay it, citing Parliament's supremacy over taxation, the Court of Exchequer Chamber in 1638 ruled 9-3 in favor of the King.<sup>84</sup> This ruling led many leading Parliamentarians, including Henry Parker (1604-1652), and Robert Holborne (d.1647) to believe the King could deprive the people of their goods at his pleasure. In fact, Holborne stated:

The monarch...should [he] be inclined to exact from his subjects as [is] his pleasure [taxes], he should be restrained, for that he [should] have nothing from them but upon a common consent in Parliament, [yet by the ruling] he is utterly mistaken herein.<sup>85</sup>

This statement appears to be confirmed by Sir Robert Berkeley (1584-1656), Chief Baron of the Court of Exchequer:

The law is of itself an old and trusty servant of the King: it is his instrument or means which he useth to govern his people by. I never read nor heard that *lex* was *rex*; but it is common and most true that *rex* is *lex*; and because the King is *the speaking law*,<sup>86</sup> therefore it is said that *the king has all of the rights of consent within the recesses of his heart*.<sup>87</sup>

The King of mere right ought to have, and the people of mere duty are bound to yield unto the King, supply for the defense of the kingdom.<sup>88</sup>

These fears sparked further Parliamentary resistance to the King despite the issue having been “settled” in courts. Furthermore, it is likely that this decision pressed many advocates of limits to

---

<sup>84</sup> Peck, “Kingship, Counsel, and Law in Early Stuart Britain,” in *The Varieties of British Political Thought, 1500-1800*, 110-111.

<sup>85</sup> J. W. Allen, *English Political Thought, 1603-1660* (London: Methuen & Coltd, 1938), 19.

<sup>86</sup> This is a translation of the phrase: *lex loquens*

<sup>87</sup> This is a translation of the phrase: *Rex consetur habere omnia jura in scrinio pectoris sui*.

<sup>88</sup> J. W. Allen, *English Political Thought, 1603-1660*, 20.

the monarchy to consider open opposition to the Crown, including John Pym (1584-1643), who was responsible for the alliance with the Scots against the King during the First English Civil War.<sup>89</sup> Therefore, this pressing issue and the growing antagonism between advocates of limited monarchy and the King provide a likely occasion for Filmer to write a defense of royal prerogative, irrespective of its veracity.

Richard Tuck, writing after Laslett, argues that the Chicago manuscript, the “first draft” of the *Patriarcha*, was composed between 1628 and 1631. On the other hand, he suggests, the Cambridge manuscript, the “final draft” of the work, was written sometime between 1631 and 1642. Tuck’s findings do not call into question the accuracy of Laslett’s claims. Instead, Laslett’s work on the *Patriarcha* describes the conditions and timing in which the Cambridge manuscript was written, not necessarily the entire work. If Tuck’s argument is accurate, the Chicago draft of the *Patriarcha* was initially composed in the midst of debates over the Forced Loan (1627) and the Petition of Right (1628), not Ship Money. This is the argument carried forward by Cesare Cuttica.

### § 2.1.2 Cuttica’s Argument

The Anglo-French War (1627-1629), a part of the larger Thirty Years War, necessitated additional funds and the billeting of surplus troops. The Crown ordered these things without the consent of Parliament, which had been called in 1627. Those who refused to pay the Forced Loan were imprisoned and denied *habeas corpus*.<sup>90</sup> Parliament, irate, issued the Petition of

---

<sup>89</sup> J. P. Kenyon, *The Stuarts*, 92. Kenyon argues that the debates over Ship Money were part of the events that led to the First Bishops War (1638-1639). While the attempt to force the Book of Common Prayer on the Scots was the immediate cause, an earlier step in the direction of war was the fears of Parliament over the King’s increased prerogative that resulted from the Hampden Case (1638).

<sup>90</sup> J. P. Kenyon, *The Stuarts*, 77.

Right. It asserted that taxation without consent violated the Confirmation of the Charters of 1297; refusal of *habeas corpus* violated rights protected by the Magna Carta; and martial law and billeting of troops not only violated the Magna Carta (1215), but also the laws of King Edward III, who had helped establish Parliament.<sup>91</sup> Charles I's refusal to heed Parliament's demands led to such resistance in Parliament that Charles I decided to dissolve it once again, beginning his eleven year Personal Rule (1629-1640).<sup>92</sup>

The anxiety and tension caused by this conflict seems as likely as any to have attracted Filmer's attention, especially considering he was still residing in London at the time of these events. It is also probable that Filmer participated in these debates himself, if only informally. Many divine right theorists and friends of Filmer's, most notably Bishop Roger Maynwaring (1590-1653), entered the fray in defense of King Charles I. Filmer's desire to enter into this contentious discourse is verified when Sir Robert's *Patriarcha* was denied a royal license for publication in 1632. To be ready for publication in 1632, the work must have been composed beforehand amidst the debate over the Forced Loan and Petition of Right.<sup>93</sup> While Filmer's application and subsequent denial for a license confirm Richard Tuck's earlier assessment, it also confirms Laslett's assessment of the Cambridge manuscript.

Understanding the reason behind why Filmer was denied a license to publish the *Patriarcha* is as important for determining the historical context and purpose of the work as knowing the date of its composition and cause of its later content. The mainstream scholarly position as to why Filmer was denied a license for the publication of his work is that Sir Robert's

---

<sup>91</sup> Ibid, 77-8.; Peck, "Kingship, Counsel, and Law in Early Stuart Britain," in *The Varieties of British Political Thought, 1500-1800*, 105.

<sup>92</sup> J. P. Kenyon, *The Stuarts*, 79-83.

<sup>93</sup> Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 143-5.

theories were too radical.<sup>94</sup> However, Cuttica argues that this position does not fit with the goal of Charles I's Personal Rule to remove all obstacles to his prerogative. Furthermore, it hardly explains the failure of other works to receive permission for publication during the same period. Georg Rudolf Weckherlin (1584-1653), the royal licenser, felt so uncertain about the *Patriarcha* that he twice consulted the king directly about the matter of its publication. That was not a common practice. The strong statements of Filmer's central work, despite their support for the King's unfettered prerogative, did not conform to the new image being crafted by Charles I during his Personal Rule. The King preferred a policy of silence, seeing any attempt to convince the people of their duty as unnecessary and a sign of weakness. Furthermore, the aggressive tone of patriarchal divine right kingship did not fit with the "pacifying and idealized" image the court had been crafting since the 1620s. In fact, the *Patriarcha* might have been seen as a criticism of Caroline policy and kingship rather than a defense.<sup>95</sup>

The above analysis, suggested by Cuttica, explains much about why the *Patriarcha* did not receive permission for publication during the Personal Rule of Charles I. However, it does not take the final step to fully use context in understanding the work's origins and intent. The Chicago manuscript, Filmer's first draft of his *Patriarcha*, was likely written in response to the Forced Loan and Petition of Right. Both of these events subsided by 1629 when radical Parliamentarians discredited themselves by attempting to pass three resolutions against the King. Shocked, many of the moderate members of Parliament became steadfast supporters of the King. This gave Charles I a much needed victory and the opportunity to dissolve Parliament and begin his Personal Rule.<sup>96</sup> Therefore, while the shifting royal image is an important factor in explaining

---

<sup>94</sup> Ibid, 146-7, 156n30.

<sup>95</sup> Ibid, 146-8.

<sup>96</sup> J. P. Kenyon, *The Stuarts*, 80-3.



the denial of a license to Filmer, it is equally important to note that this image change, and Filmer's attempt to have the *Patriarcha* published, both occurred in 1632. This makes his application five years after the Forced Loan, four after the Petition of Right, and three years after Parliament lost the debate and Charles I began to rule on his own. Why would King Charles I continue to rehash a debate he had already won? Why would he want to publish a work of propaganda that not only brings up these old issues, but also utilizes controversial arguments and positions? Essentially, it seems reasonable to assume that King Charles I did not want to use an combative intellectual treatise during a time of peace and relative stability.

Cuttica's and Tuck's assessments confirm that Filmer originally wrote his central work amidst the debates that raged in London from 1627 through 1629. Laslett's analysis confirms that Filmer undertook a substantial revision of his work, likely in response to the Ship Money debates (1634-1638). The works of these scholars and their conclusions about the chronological sequence of Filmer's pamphlets have influenced their views as to the underlying purpose of the *Patriarcha* and its subsequent success in the 1680s. This explanation lays the groundwork for looking beyond the obvious intent of the *Patriarcha* to discover its significance. While attempting to date the work alone has caused consternation amongst historians of this era, the debate over the reason for the *Patriarcha*'s success is anything but settled.

## § 2.2 *Patriarcha*'s Purpose: A Historiography

Now that the historical context of Filmer's *Patriarcha* has been laid out, a brief overview of the scholarly landscape is possible. The historical context of the *Patriarcha* provides only the first layer behind the writing of the work. While Filmer was likely writing in response to what he heard from friends, family, or in first person about the debates over the Forced Loan or later

about Ship Money, his timing does not mean that the work be solely about any one particular historical event of that period. While the context of the *Patriarcha* explains much, it leaves several questions unanswered, namely its significance and purpose. However, several prominent intellectual historians have endeavored to dig beyond dating to explore what the text itself tells scholars about the work's significance and purpose. This section will examine the ways in which scholars of Filmer's works have answered these deeper questions about Filmer's use of sources, about his originality, and about his influence on subsequent intellectuals.

In 1914, John Figgis wrote, "Filmer is not to be regarded as a prophet or a thinker, followed as a master by a crowd of inferior men. He was only slightly more able and far more notorious, than a host of those writers, whose names and works have faded from the general recollection."<sup>97</sup> This assessment began a long tradition of viewing Filmer's work, particularly the *Patriarcha*, as unremarkable and dependent on Locke's hostile treatment for notoriety. In 1949, Laslett again raised the question of what role Filmer had to play in the unfolding of divine right thought in the seventeenth-century.

Laslett argues that the "*Patriarcha* is not the anatomy of a political system, but an essay on political obligation and the historical origins of political power."<sup>98</sup> Furthermore, he asserts that while this essay may not contain the road map of a political ideology, it is representative of a whole tradition of speculation about politics.<sup>99</sup> In fact, Laslett asserts that "Filmer's originality, in so far as he was an original writer at all, consisted in the boldness and clarity with which he formulated" his position.<sup>100</sup> Laslett goes so far as to virtually deny Filmer any originality in

---

<sup>97</sup> John Neville Figgis, *The Divine Right of Kings.*, 2d edition with three additional essays. (Cambridge: University Press, 1914), 4.

<sup>98</sup> Filmer, *Patriarcha and Other Political Works*, 11.

<sup>99</sup> *Ibid*, 26.

<sup>100</sup> *Ibid*, 28.

content, crediting him creativity only in the organization of it. He argues that Filmer's statements "about the patriarchal basis of political power were to a large extent derivative, original only in presentation and coherence." Even "his references to Divine Right consisted of the same old well-worn phrases." Continuing, Laslett states there is not a trace of originality in his use of familiar Biblical texts. Furthermore, the footnotes of the *Patriarcha* alone, Laslett argues, prove the text itself is very largely a "tissue" of quotations from other authors. Some of the quotes are acknowledged and some unacknowledged. Some of them are accurately quoted and others so jumbled that they misrepresent the originals. Additionally, "Filmer seems to have lifted his history completely from a small group of the obvious English authors." Laslett concludes that Filmer's organization of these arguments "led to his devastating attack on the assumptions of the contractual school about the nature of society and the justification of political obligation." This is what Laslett argues made him valuable to royalists in the 1680s.<sup>101</sup> While Laslett affirms Filmer's late influence, his assessment of Filmer is largely as an innovative plagiarizer.

In 1964, W.H. Greenleaf classified Filmer as a theorist of order in association with King James I and Jean Bodin. While he labeled him the paternal theorist of order, Greenleaf recognized that Filmer utilized various sources in order to make his argument.<sup>102</sup> Therefore, while presented as unoriginal, Greenleaf shows Filmer as part of a larger intellectual tradition and provides a rationale for his "plagiarism." In 1991, Johann Sommerville, one of the leading historians of English early modern intellectual history, completed a new addition of Filmer's political tracts, including the *Patriarcha*. In this work, he followed nearly lockstep with Laslett. In the introduction of his collection, Sommerville asserts that "much of Filmer's work was

---

<sup>101</sup> Ibid, 29-31.

<sup>102</sup> W. H. Greenleaf, *Order, Empiricism, and Politics*, 80-94.

derived from earlier authors, and [that] he often quotes from them at length.” He also notes that Filmer drew heavily specifically on Aristotle, Bodin, and the Bible.<sup>103</sup>

In 1994, Lind Peck, a contemporary of Sommerville, took a step back from the originality debate to frame the discussion in a new light. She noted that the *Patriarcha* was “perhaps the most powerful political statement of royal absolutism in the seventeenth century.” In attempting to explain why this was the case, she stated “he melded the diverse political vocabularies of scripture, Aristotle, and Bodin, history and law” all within the *Patriarcha*. However, instead of hinting at the larger implications of these findings, she, like Laslett, uses this to contextualize Filmer into the intellectual debates of his time, which for her was the Petition of Right.<sup>104</sup>

In 2012, Cesare Cuttica, the latest scholar to enter into the discussion, attempted to contextualize Filmer not just in the events of the time, but also in the intellectual undercurrents of the period. In doing so, Cuttica classifies Filmer as a member of the English patriarchalists who respond not only to the “Honest Patriots” of Parliament and contractual theorists, but also to traditional views of monarchy based on the divine right of kings.<sup>105</sup> While this view places Filmer’s *Patriarcha* squarely in the midst of the debates over the Petition of Right, it also attempts to reclaim Filmer as an original thinker, leading the charge to advance the argument in favor of patriarchal government.

Thus far the scholarly debate has shown an obsession with the originality of Filmer and his *Patriarcha*. Figgis dismissed Filmer, Laslett labeled him a plagiarizer, and Sommerville followed suit. Greenleaf placed him in the context of order theorists. Peck came close to

---

<sup>103</sup> Filmer, *Patriarcha and Other Writings*, xx-xxi.

<sup>104</sup> Peck, “Kingship, Counsel, and Law in Early Stuart Britain,” in *The Varieties of British Political Thought, 1500-1800*, 106-7.

<sup>105</sup> Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 116-121, 127-8; Cesare Cuttica, “Kentish Cousins at Odds: Filmer’s *Patriarcha* and Thomas Scott’s Defence of Freeborn Englishmen,” *History of Political Thought* 28, no. 4 (Winter 2007): 599–616.

asserting, similarly to Laslett, that it was the blend of sources that made Filmer's *Patriarcha* so effective. Cuttica, on the other hand, asserts Filmer's uniqueness of purpose and position.

Despite the differences of opinion between each of these scholars, they all concede that Filmer utilized a variety of sources, both old and new, in an attempt to resist republican theorists and in response to specific contemporary events. While it is important to remember the historical context of the work, it is equally important to understand what made the *Patriarcha* attractive in the 1680s. If Filmer was really as unoriginal as some of the above scholars would have it, his *Patriarcha* would hardly have been worth publishing.

In my view, the *Patriarcha* should be viewed as a work of propaganda relying on synthesis. The degree to which Filmer's thinking was 'original' is less important in assessing Filmer's significance than Filmer's effectiveness in synthesizing sources and previous arguments in favor of divine right monarchy into a powerful rhetorical weapon. It was his concise synthesis of sources, both ancient and modern, which gave the *Patriarcha* its power to shape the debate in the 1680s.

### § 2.3 The *Patriarcha*, Royalist Propaganda & The Synthesis Thesis

Figgis is right that Filmer had only a handful of followers during his lifetime. However, his thesis does not explain Filmer's mass following in the 1680s. Laslett, Sommerville, and Peck are all equally correct, it appears. That is to say, Filmer, in several of his works, but most importantly in the *Patriarcha*, makes a series of unoriginal arguments lifted more or less from his favorite sources: Aristotle, de Bracton, Raleigh, and Scripture. Filmer stitches these together with other sources and arranges them to make a coherent defense of political obligation based on divine right monarchy. While there did not exist some coordinated effort between King James I,

Jean Bodin, and Filmer to assert an “order theory” as Greenleaf seems to posit, Filmer certainly fits within the category of theorists attempting to preserve the current order based on divine right sovereignty. Cuttica’s assertion of Filmer’s originality relative to both republicans and monarchists, while limited in scope merely to Filmer’s assertion of patriarchy, hints that Filmer may still have been original. There appears little reason why Cuttica’s, Peck’s, and Laslett’s theories cannot be united. Filmer did plagiarize; he is unique in his organization of sources and previous arguments. This positioned him to present a defense of monarchy against the criticisms of resistance theorists in the 1620s and later in the 1630s.

This synthesis of scholarly sources lays the foundation upon which to make the following assertion: Filmer’s underlying purpose was to marshal a series of disparate political sources and theories and distill them into a plastic, powerful piece of Royalist propaganda. Seventeenth-century England had no shortage of apologists for the divine right. Roger Maynwaring (1589/90-1653) published *Religion and Alegiance* (1627) defending the divine right of kings and the king’s absolute royal power based on Scripture. Richard Mocket (1570-1618) wrote *God and the King* (1615), arguing that the Fifth Commandment applied as much if not more to obedience to the Father of the Kingdom as to one’s own father. Dr. Samuel Collins (1576-1651) posited a similar paternal and patriarchal basis for political obligation. Sir Frances Kynaston (1587-1642) wrote *A True Presentation of forepast Parliaments* (1629), criticizing Parliament’s assertions of ancient rights based on history and law. However, each of these previous theorists provided only a single defense of the absolute, inalienable power of the sovereign based on divine right. Together, their works totaled hundreds of pages of erudite language and were written across the early seventeenth-century. These works also make it evident that no single theory of the divine right yet existed in early modern England.

The fact that the *Patriarcha* later served as the quintessential text in defense of the monarchy as opposed to any other text prompts the question as to why. If modern scholars are right that the *Patriarcha* was either limited in scope or a simple rehashing of old adages, it does not seem likely it would have achieved its later status. These questions and evidence warrant analyzing the *Patriarcha*, irrespective of the originality of its content, as a powerful piece of Royalist propaganda, relying on a concise synthesis of various absolutist theories and sources. In fact, it is likely that Filmer's reliance on credible works of political theory give his propaganda the necessary veneer of credibility as a work of political science. Moreover, it is worth considering that it is the unique construction of the *Patriarcha* that makes it original and so useful to the Tories of the 1680s. This thesis will be tested over the course of the next two chapters.

### Chapter Three: A Textual Analysis of Filmer's *Patriarcha*

Chapter One summarized Filmer's political theory and noted several of his political tracts. Chapter Two placed his most prominent work, the *Patriarcha*, in its historical and historiographic context as a work of Royalist propaganda. This chapter will be a close textual analysis of the *Patriarcha*, exploring its sources and Filmer's rhetorical strategy. Filmer wrote the *Patriarcha* to defend the divine right of kings against an explicit threat: popular sovereignty. To accomplish this, he cited passages from his sources out of context, distorting their authors' meaning. He also passed over many prominent sources that would have at the very least complicated his arguments or contradicted them outright. In doing so, he acted as a propagandist rather than a scholar. Nevertheless, his brevity and his manipulation of sources allowed him to concentrate a mass of arguments in favor of his cause. This made him a lasting force in defense of divine right monarchy. The construction of his work made it a popular repository of source material for later royalist scholars and propagandists. They accepted his sources and his arguments. His popularity and effectiveness are attested to by his many critics who thought it necessary to refute him in detail and at length as we shall see in chapter four.

#### § 3.1 His Divine Argument

##### § 3.1.1 Introduction

Filmer synthesized verses of Scripture from the King James Version of the Old and New Testaments to construct his argument in defense of divine right monarchy. In fact, he parallels Scripture by opening his own work with passages from Genesis. Throughout the *Patriarcha*, Filmer relied almost entirely upon the Old Testament, citing often from Genesis, Joshua, Judges,



and 1st Kings. While his references to these books form the basis of his patriarchal theory of government, his references to the New Testament were hackneyed at best, even in his own time. Regardless, Filmer's ideological rendering of the Bible characterizes it as nothing less than a manifesto on divine right written by the Hand of God. He leaves no room for doubt and suppresses all complications.

Filmer realized his Biblical exegesis alone would provide a weak defense of the divine right. Thus, he appropriated malleable lines of weighty theological works for support; it would be more difficult to dismiss St. Ambrose (340-397) or Richard Hooker (1554-1600). Filmer repurposed St. Ambrose's *Apologies for David* (384-5), converting the defense of King David's rule to an ancient defense of King Charles I's prerogative. He also misrepresented Hooker's *Of the Laws of the Ecclesiastical Polity* (1648)<sup>106</sup> written to defend the Anglican Church and extol limited monarchy against claims by Catholics and Evangelical Protestants alike. Filmer lifted lines of this work out of context and passed over troublesome passages to avoid any difficulties between his strident divine right defense and the scholar's even handed theology.<sup>107</sup> Tactics like these are common throughout the *Patriarcha*.

To hide his manipulation and bolster his rhetoric, Filmer co-opted the popularity, credibility, and analysis of Sir Walter Raleigh (1552-1618), a prominent historian and adventurer in Elizabethan and Jacobean England. In fact, he essentially filtered and regurgitated Raleigh's *History of the World* (1614) to provide a credible gloss to his contrived defense of the divine right. Raleigh's sympathy for divine right monarchy made this strategy effective.<sup>108</sup>

---

<sup>106</sup> Robert Filmer, Sir, *Patriarcha and Other Writings*, introduction, xl. According to Sommerville, and considering the date of publication of the work, Filmer used a manuscript edition of the text for references to Hooker's eighth book.

<sup>107</sup> Ibid, introduction xl.

<sup>108</sup> Despite the irony that he had been executed for treason at the behest of King James I, Raleigh's writings defended the absolute, divine power of the king.

Overall, Filmer's use of sources throughout the *Patriarcha* follows this pattern of selective and strategic incorporation coupled with a heavy dose of manipulation. It all begins with the Bible.

### § 3.1.2 The Basic Argument from Scripture

Filmer begins with Genesis; with creation came the birth of political sovereignty in God's grant of fatherly power to Adam. Filmer declares, "This lordship which Adam by creation had over the whole world, and by right descending from him the patriarchs did enjoy, was as large and ample as the absolutist dominion of any monarch which hath been since creation." Thus, the patriarchs, including Adam, had every power held by contemporary monarchs: the rights of life and death, war and peace.

On capital punishment, Filmer cites the story of Judah and Tamar, his daughter-in-law. Judah orders Tamar to be brought "forth that she may be burnt for playing the harlot."<sup>109</sup> Interestingly, Judah orders Tamar to death despite her being noticeably pregnant. However, recognizing that she actually carries his child, Judah stays her punishment.<sup>110</sup> Therefore, this passage demonstrates the power of the patriarch to not only condemn and take life, but also to preserve life and pardon crimes.

Regarding the power to wage war, Filmer cites the story of Abram the Hebrew (later to be renamed Abraham), also from Genesis.<sup>111</sup> Genesis says that "when Abram heard that his brother was taken captive, he armed his trained servants, born in his own house, three hundred

---

<sup>109</sup> Robert Filmer, Sir, *Patriarcha and Other Writings*, PT 7

<sup>110</sup> Gen. 38:24, Gen. 38:35-6 [KJV]

<sup>111</sup> Filmer, *Patriarcha and Other Writings*, PT 7.

and eighteen and pursued them [...]” that had taken his brother, Lot.<sup>112</sup> Filmer claims that this passage confirms that regal power and fatherly power are identical.

Regarding peacemaking, Filmer cites the story of Abraham and Abimelech from Genesis.<sup>113</sup> Abraham met Abimelech of Palestine at a contested well which the two had fought over and “[Swore] therefore by God, that thou will not hurt me, nor my posterity nor my stock,” and “Abraham took sheep and oxen and gave them to Abimelech: and both of them made a league.”<sup>114</sup> For Filmer, this verse confirms the power of the patriarchs to make peace.

These above passages cover several chapters of Genesis but are succinctly laid out by Filmer in the span of a few paragraphs; their complexity wrung out of them. Furthermore, while there are other examples he could have drawn from, including the story of Abraham and Isaac, these stories are most easily made amenable to Filmer’s political interpretation of Scripture.

After grafting his argument onto Scripture, Filmer addresses two obstacles impeding the descent of Adam’s paternal power to the Stuart dynasty of England: the Flood of Noah and the Tower of Babel. Addressing the flood,<sup>115</sup> Filmer notes how commonplace it was for monarchs to trace their lineage directly to Noah through mythological ancestors, including Albion the giant who ruled over Britain and France. Filmer rejects such reasoning as fanciful.<sup>116</sup> However, he uses these attempts as proof that nations recognized the patriarchal origins of kingly power and its continuity from Adam.<sup>117</sup>

Addressing the Tower of Babel, Filmer asserts that God did not make people free after Babel but instead “God was careful to preserve the fatherly authority by distributing the diversity

---

<sup>112</sup> Gen. 14:10-6

<sup>113</sup> Filmer, *Patriarcha and Other Writings*; PT 7.

<sup>114</sup> Gen. 21:23-32

<sup>115</sup> Despite the fact that Abraham post-dates the flood and is an example for the unity of paternal and regal power above, Filmer evidently believed the flood needed to be addressed further.

<sup>116</sup> W. H. Greenleaf, “Filmer’s Patriarchal History,” *Historical Journal* 9, no. 2 (June 1966), 157–71.

<sup>117</sup> Filmer, *Patriarcha and Other Writings*, PT 7.

of language according to the diversity of families.” To defend this assertion, Filmer again cites Genesis, “By these were the isles of the gentiles divided in their lands; every one after his tongue, after their families, in their nations.”<sup>118</sup> Then, going beyond Genesis, Filmer references the list of kings and nations slain by Israel found in Joshua. It notes each king as ruling over a people in the manner described by the passage above from Genesis. Filmer also weaves passages from Judges and 1st Kings into his argument to lend it still greater force. He selects and orchestrates these choice passages to present the vestment of Adam’s divine grant of paternal power in the Stuart dynasty as the obvious will of God.<sup>119</sup>

This carefully orchestrated Scriptural argument is conspicuously lacking in references to the New Testament. This is likely by design; the New Testament is unwelcoming to either patriachalism or monarchy. Even the most favorable passages he references, Romans 13:1-2 and the Gospel of St. Mathew 22:20-22, leave cracks in his argument. Romans 13:1-2 reads, “Let every soul be subject to higher powers: for there is no power but from God: and those that are, are ordained of God. Therefore he that resisteth the power, resisteth the ordinance of God. And they that resist, purchase to themselves damnation.”<sup>120</sup> This is the most readily favorable New Testament verse Filmer uses. The Gospel passage, however, is far more problematic. Mathew 22:20-22 states, “And Jesus saith to them: Whose image and inscription is this? They say to him: Caesar's. Then he saith to them: Render therefore to Caesar the things that are Caesar's; and to God, the things that are God's. And hearing this they wondered, and leaving him, went their ways.”<sup>121</sup> These verses are subject to interpretations not favorable to Filmer. The difficulties presented by this passage alone indicate why Filmer drew so little from the New Testament. In

---

<sup>118</sup> Ibid, *PT* 8. Gen. 10:5

<sup>119</sup> Ibid, *PT* 9-10. Gen. 14, Gen. 26, Josh. 12:24, Judg. 1:7, I Kings 20:16

<sup>120</sup> Rom. 13:1-2

<sup>121</sup> Mathew 22:20-22

any work of propaganda, complexity weakens the force of the argument. Therefore, instead, Filmer chose to pay the New Testament lip service and avoid its Scriptural pitfalls.

Now that Filmer had completed his Scriptural exegesis and linked Adam's divine grant of paternal power in the Stuart dynasty, he had to hide it behind the reputation of others, namely Sir Walter Raleigh.

### § 3.1.3 Bridging Scriptural Theory and Seventeenth-Century Reality

To give his Scriptural argument weight, Filmer hides it behind the similar Biblical interpretation provided by the famed Sir Walter Raleigh in his *History of the World* (1614). Through the mouth of Raleigh, Filmer lays out the metes and bounds of King Charles I's power by analogy to Old Testament monarchs.

Filmer argued that the Old Testament kings were not bound by the law but by God alone. Citing Raleigh, Filmer writes, "And if practice declare the greatness of authority, even the best kings of Judah and Israel were not tied to any law, but they did whatsoever they pleased in the greatest matters."<sup>122</sup> Therefore, according to Filmer, if the greatest kings of God's Chosen People had operated without the bounds of human law, why are the kings of Europe any different? They are not. If they are not any different, then why is the king of England bound by the Common Law? He is not. Moreover, if the kings of Judah and Israel ruled absolutely, why not King Charles I? He can.

---

<sup>122</sup> Ibid, PT 35.; Walter, Sir, Raleigh, *The Historie of the Vworld In Fiue Bookes. 1 Intreating of the Beginning and First Ages of the Same from the Creation Vnto Abraham. ... 5 From the Settled Rule of Alexanders Successours in the East, Vntill the Romans (preuailing Ouer All) Made Conquest of Asia and Macedon. By Sir Walter Raleigh, Knight.*, Early English Books, 1475-1640 / 1462:02 ([London : Printed [by Humphrey Lownes] for H. Lownes, G. Latham, and R. Young, Anno Domini 1628], 1628), 393-4.

Supporting his claims, Filmer appropriates Raleigh's lengthy analysis of the Prophet Samuel's description of kingship found in the Book of 1<sup>st</sup> Samuel. Filmer adamantly rejects that Samuel's prophesy only applies to "the future ill government of Saul."<sup>123</sup> Instead, he asserts that Samuel's prophesy was not about the burdens of tyranny or monarchy but the basic obligation of subjects to their princes. He states, "For, by telling them what a king would do, he [Samuel] instructs them what a subject must suffer, yet not so that it is right for kings to do injury, but it is right for them to go unpunished by the people if they do it."<sup>124</sup> In fact, he cites Raleigh as saying, "all those inconveniences and miseries [as described by Samuel] were not intolerable, but such as have been borne, and are still borne, by free consent of subjects towards their princes."<sup>125</sup> While this line might at first appear problematic for Filmer, in the context of the argument, it is not.<sup>126</sup> These lines imply that Samuel's description did not just apply to the single instance of Saul's future reign but applied to all reigns that have ever existed and still existed at the time.

Filmer applies Samuel's prophecy to England and declares, "Nay, at this day and in this land, many tenants by their tenures and services are tied to the like subjection to subordinate and inferior lords." Accordingly this situation and its many duties "is not only agreeable to the nature of subjects but much desired by them." For proof, Filmer cites the growing population in England as well as the country's growing material wealth.<sup>127</sup> Thus, for Filmer, nothing

---

<sup>123</sup> Filmer, *Patriarcha and Other Writings*, PT 35-6.

<sup>124</sup> *Ibid*, PT 35.

<sup>125</sup> *Ibid*, PT 36; Raleigh, *The Historie of the Vvorld In Fiue Bookes*, 393.

<sup>126</sup> What might at first appear as a major concession by Filmer, "by free consent of subjects," may not be as obvious as it first appears. Considering his extreme selectivity, it seems highly unlikely he did not realize what he was doing. The most likely explanation thus seems to be that the phrase, "by free consent of subjects," means they, the subjects, have yet to complain about their condition, finding it not burdensome. This would be opposed to what appears to the modern reader as the most obvious interpretation of the passage: the subjects, as free individuals at some time consented to their social or economic condition in the kingdom relative to their prince. Such an interpretation would have made the *Patriarcha* a self-contradictory text easy to dismantle, which its opponents did not themselves even believe. What at first appears to be a glaring conceit is thus in reality a plausible misunderstanding between readers nearly four hundred years apart.

<sup>127</sup> Filmer, *Patriarcha and Other Writings*, PT 36.

distinguishes the rule of Old Testament kings from those of England. His only remaining task is to elaborate the almost limitless powers shared by the Kings of Israel and England.

Filmer takes up this task systematically by first analyzing the words of the Prophet Samuel line-by-line. Most notably, Filmer defends the right of the king to seize goods without popular consent<sup>128</sup> as within the king's natural "right of tribute."<sup>129</sup> When Samuel declares that a king shall "take the tenth of your seed, and of your vineyards, and give to his officers, and to his servants," and, "He will take the tenth of your sheep: and ye shall be his servants,"<sup>130</sup> Filmer argues these merely describe just taxes for the "necessary provision for their king's household." This entire analysis continues to plagiarize Raleigh's own.<sup>131</sup>

The wholesale use of Raleigh continues as Filmer tersely addresses the Kingship of Saul; a common argument against the absolute power of kings. Filmer asserts that Saul logically could not have been a tyrant. Referring to I Samuel 8:5, Filmer states, "Now that Saul was no tyrant, we may note that the people asked [God for] a king as all nations had. [...] They did not ask a tyrant,[...] unless we will say that all nations had tyrants." Therefore, it is impossible for Saul to have been a tyrant. Again, Filmer's analysis mirrors Raleigh's own detailed description of the events of Saul's reign and his conclusion.<sup>132</sup>

By relying on Raleigh's analysis, Filmer was able to co-opt his reputation and provide a useful gloss to his own argument. This allowed Filmer to reflect the Old Testament past as his image of seventeenth-century England. The patriarchal divine right of Adam no longer remained in Biblical theory. For Filmer, it was English reality. However, attaining this reality required

---

<sup>128</sup> He likely highlights this issue due to its contemporary relevance and the king's vulnerability on the issue of Ship Money and the Forced Loan.

<sup>129</sup> Filmer, *Patriarcha and Other Writings*, PT 36.

<sup>130</sup> I Sam. 8:15, 17

<sup>131</sup> Raleigh, *The Historie of the Vvorld In Fiue Bookes*. 393-4..

<sup>132</sup> Raleigh, *The Historie of the Vvorld In Fiue Bookes*, 394-404.

choosing select lines from Scripture, obscuring difficult verses, and concisely plagiarizing his sources' exegesis. Moreover, he conceals his argument's weaknesses by integrating each line and source together and hiding his manipulation behind a single token source. Filmer uses this method on Scripture with the help of Raleigh's work. He rinses and repeats this method in each section seen below. This two fold strategy makes Filmer's defense of the divine right a powerful piece of propaganda.

### § 3.2 His Philosophic Argument

#### § 3.2.1 Introduction

Filmer applies the same tools he used to manipulate Scripture to weave philosophy into his argument. He handpicks prominent and favorable contemporary sources, treating them similarly to how he dealt with the Old Testament. Likewise he treats ancient philosophers as he did the New Testament. He manipulates passages from select authors and consciously ignores difficult or complex passages that would introduce doubt into his narrative or call into question his entire project.

From his contemporaries he carefully selects the Richard Knolles (1545-1610) edition of *The Six Books of the Commonweale* (1606) by Jean Bodin (1520-1596) and *The Trew Law of Free Monarchies* (1598) by King James I (r.1603-1625). Bodin posits that sovereignty is a set of inalienable powers embodied in the person of the king. King James I elevates the divine nature of kingly prerogative and denigrates the powers of Parliament. Both sources were easily integrated into Filmer's narrative.

With the ancients, Filmer consciously gives the divine right an intellectual pedigree. He mentions Ulpian in the *Digest* of the Emperor Justinian I, Suetonius, Tacitus, Livy, Cicero,



Polybius, Plutarch, Plato, and Aristotle. However, Filmer only meaningfully references the last three: Plutarch, Plato, and Aristotle. He only cites Plato (*Statesman*) and Plutarch (*Sulla*) twice<sup>133</sup> merely to support his presentation of Aristotle (*Politics*) as a divine right monarchist in ancient Greece.<sup>134</sup>

As with the New Testament, what Filmer chooses to pass over in silence is telling; he offhandedly dismisses Polybius. Just as the Gospel of Mathew troubled Filmer, Polybius blamed the fall of Carthage on theories akin to divine right monarchy. Recognizing this threat, Polybius is the only philosopher Filmer takes time to neutralize directly in the whole of the *Patriarcha*.<sup>135</sup>

### § 3.2.2 Aristotle

Firstly, Filmer uses Aristotle to create a self-reinforcing logic. He asserts that Aristotle “agrees exactly with Scripture,” as he interprets it.<sup>136</sup> In this way, the reputation of Aristotle validates Filmer’s theory and the authority of Scripture validates Aristotle. This off page logical loop provides rhetorical power, requiring any refutation of his exegesis to require a rebuttal of Aristotle as well, or vice versa. This economical rhetorical strategy provides a backbone to Filmer’s propaganda.

Secondly, Filmer manipulates Aristotle to make two vital points: first, people are not born free but are born subject to their fathers, and second, monarchy is the most divine form of government. To prove people are not born free but subject to their fathers, Filmer relies on Aristotle’s concise origin story:

---

<sup>133</sup> Filmer, *Patriarcha and Other Writings*, PT 29-30.

<sup>134</sup> Ibid, PT 17, 27.

<sup>135</sup> This is outside of Cardinal Bellarmine and the Priest Suarez, who for the purposes of this paper are considered theologians.

<sup>136</sup> Ibid, PT 14.

The first society made of many houses is a village, which seems most naturally to be a colony of families or foster brethren of children and children's children. And therefore, at the beginning, cities were under the government of kings, for the eldest in every house is king. And so for kindred sake it is in colonies.<sup>137</sup>

Filmer adds: "Nor doth Aristotle confine a family to one house, but esteems it to be made of those "that daily converse together.""<sup>138</sup> If a father's absolute power stopped at the threshold of his home, the power of Adam and thus of the king would be likewise limited. However, at least as presented by Filmer, Aristotle assuages this concern and corroborates his narrative.

To prove monarchy is the most divine form of government, Filmer makes a definitional argument using Aristotle's definitions of monarchy and tyranny. He quotes Aristotle as saying, "[the] first and divinest sort of government [is] the institution of kings." Tyranny is strictly defined "to be a digression from the first and divinest."<sup>139</sup> Thus, monarchy cannot be tyranny by definition. While this argument may seem wanting, it is reinforced by the credibility of its author and the self-reinforcing loop. Moreover, by manipulating these two lines, placing them side-by-side, they have a powerful effect.<sup>140</sup> As Filmer presents it, Aristotle was the intellectual forefather of divine right monarchy, completing the self-reinforcing loop he requires.

---

<sup>137</sup> Ibid, *PT* 14.; Aristotle, *Politics*, 1252b 15-21.

<sup>138</sup> Filmer, *Patriarcha and Other Writings*, *PT* 16.; Aristotle, *Politics*, 1252b 11-15.

<sup>139</sup> Filmer, *Patriarcha and Other Writings*, *PT* 14.; Aristotle, *Politics*, 1289a 39-40

<sup>140</sup> This is an instance in which Filmer's rhetorical strategy of manipulation shines through. While he cites each line accurately, in reality the two statements are divided and are placed in a much larger context. Both facts may alter their meaning as presented by Filmer. While in context it is entirely possible to see where he got his interpretation, it does not necessarily appear to be the most obvious or the most genuine. Here are the lines from Aristotle, *Politics*, 1289a 40-1289b 4. "It is obvious which of the three perversions is the worst, and which is the next in badness. That which is the perversion of the first and most divine is necessarily the worst. And just as a royal rule, if not a mere name, must exist by virtue of some great personal superiority in the king, so tyranny, which is the worst of governments, is necessarily the farthest removed from a well-constituted form; oligarchy is little better, for it is a long way from aristocracy, and democracy is the most tolerable of the three." Aristotle, *Politics*, 1289a 40-1289b 4

### § 3.3.3. Polybius

Filmer treats Polybius much as he treats the New Testament, addressing it only as a necessity. From Polybius, Filmer only cites his account of the origin of political society in Book Six of his *General Histories*. While Filmer crafts Aristotle's origin story to support his argument, Polybius's origin story is too antagonistic: "multitudes of men after a deluge, a famine or a pestilence, met together like herds of cattle without any dependency, until the strongest bodies and boldest minds got the mastery of their fellows, even as it is among bulls, boars, and cocks." This troublesome account leads Filmer to preface this story saying, "The ignorance of the creation occasioned several errors amongst heathen philosophers. Polybius, though otherwise a most profound philosopher and judicious historian, yet here he stumbles."<sup>141</sup> Referencing him in this fashion was meant to dismiss his history. While this alone is one strategy of a propagandist, Filmer's leading remark reveals even more about his rhetorical strategy.

With Aristotle, Filmer goes out of his way to associate him with Scripture. However, with Polybius, he frankly distances him from the Bible. With Aristotle, the association with Scripture provides credibility to his philosophy. Similarly, dismissing Polybius as ignorant "of the creation" and a "heathen philosopher" immediately calls his theories into question.<sup>142</sup> In this way, Filmer uses his interpretation of the Bible as a means to validate sources, arbitrarily setting the bounds of discussion. This practice highlights his attempt to carefully craft a singular narrative in favor of divine right monarchy.

---

<sup>141</sup> Filmer, *Patriarcha and Other Writings*, PT 14.

<sup>142</sup> While neither philosopher requires an introduction or a reference philosophically, in terms of seventeenth-century debates, the Bible mattered more. If a classical author could be attached to the Bible, he was credible. If his theories contradicted Scripture, he was not looked upon favorably.

Moreover, what Filmer does not say about Polybius reveals his conscious manipulating of the debate. Filmer's one reference to Polybius came from (in the Loeb numbering) the sixth chapter of Book Six of Polybius' *Histories*. Book Six happens to be where Polybius describes the best form of government and the key to Rome's success over the course of nearly a thousand years. Polybius asserts that each of the "pure" forms of government - monarchy, aristocracy, and democracy - all begin a cycle leading into one another in a series of revolts, civil wars, and revolutions,"<sup>143</sup> making it "obvious that we must consider the most excellent constitution the one that comes out of a combination of all three of these varieties."<sup>144</sup> According to Polybius, both reason and history bear this out, by which he means the respective rise of Sparta,<sup>145</sup> Carthage,<sup>146</sup> and Rome.

These most damaging parts of Polybius's position are found just before Filmer's brief reference. He had read Polybius, saw the danger of his arguments and reputation, and promptly dismissed him. Rhetorically, Filmer creates an unbalanced dichotomy in favor of Aristotle, the Bible, and divine right monarchy versus the mistaken heathens led by Polybius. Doing so advances his narrative on the basis of a curt *ad hominin* attack, common for propaganda.

---

<sup>143</sup> Ibid, 6.6 ff. esp. 6.9.10-14

<sup>144</sup> Ibid, 6.3.7

<sup>145</sup> Interestingly, Filmer's tactic of ignoring Polybius may not be restricted to the *Patriarcha*, as previously he stated that a mixed constitution could not be found even in Lacadaemon/Sparta (*The Anarchy of a Limited or Mixed Monarchy*), implying that, if the conservative and - to some - virtuous Spartans could not manage a mixed monarchy, what makes the Parliamentarians think Britain could? This is direct contradiction, however, to Polybius (e.g. 6.3.7-9; 6.10), who even goes so far as to declare Lycurgus one of history's great statesmen because his realization that a mixed constitution guards monarchy from arrogance by fear of the people (and the dual nature of the kingship, making the Spartan constitution not even a proper monarchy in its executive powers) and the people guarded from violence and revolt due to the representative nature of the aristocracy or elders (the Ephors). Filmer would have known about Polybius and the fact that this text is the clearest, most concise development of the concept pioneered by Plato (*Rep.* 291d, 302c) and Aristotle (see above).

<sup>146</sup> Even if Polybius agreed with Filmer that the best sort of constitution would be that of a divinely sanctioned, absolute, arbitrary, and hereditary monarch, Polybius still was committed to the Aristotelian notion that states are organisms that go through periods of growth, adulthood, and then decline (e.g. 6.51). One gets the impression that Polybius' analysis for Rome's victory in the Punic Wars may well reduce down to the fact that Carthage's constitution (which Polybius also praises as being mixed and balanced) was simply older and more corroded than Rome's. This biological approach to constitutions that both Aristotle and Polybius use holds no truck for Filmer, but he does not let his readers catch on to this fact.

### § 3.3 His Legal (Historical) Argument

#### § 3.3.1 Introduction

The strength and relevance of Filmer's work rests on his ability to prove that Adam's divine grant of paternal power in the person of the king is not merely a theory but a reality attested to throughout English law. To that end, Filmer marshals a litany of sources on English law and history, his largest grouping of sources in the *Patriarcha*. To contrive the narrative he requires, he applies his familiar method: cherry pick sources, filter them of nuance, and manipulate their message. The sources he works can be organized in three categories: legal commentary, juridical texts, and legal tracts.

Filmer's use of legal commentary mirrors his use of the Old Testament and contemporary philosophy. He handpicks the works of the two most sympathetic and authoritative legal scholars to weave into his argument: William Lambarde (1536-1601) and Sir John Hayward (1560-1627). Lambarde was an antiquarian and a popular member of the sixteenth-century Kentish literati. He published a collection of Anglo-Saxon laws titled *Archeion or, a Discourse upon the High Courts of Justice in England* (w. 1568, p.1635).<sup>147</sup> Hayward was a lawyer and historian beloved by King James I for his support of the divine right of kings and hereditary succession. He wrote a pamphlet titled *An Answer to the First Part of a Certain Conference* (1603) and *The Lives of the III Norman Kings of England* (1613); both are cited by Filmer.<sup>148</sup>

Of the many English jurists, Filmer chooses Sir Thomas Egerton, Baron Ellesmere and Viscount Brackley (1540-1617) and Nicholas Fuller (1543-1620). Egerton was Lord Keeper, a member of the Privy Council under both Queen Elizabeth I and King James I (under whom he

---

<sup>147</sup> Filmer, *Patriarcha and Other Writings*, 292.

<sup>148</sup> *Ibid*, 291.

also served as Lord Chancellor). Filmer cites the speech he made in front of the Exchequer Chamber in 1609 known as *The Speech of the Lord Chancellor of England, in the Eschequer Chamber, touching the Post-nati* (1609).<sup>149</sup> Ironically, Fuller was no supporter of the Crown and was often considered the opposition leader in Parliament. Yet, Filmer cites *The Argument of Master Nicholas Fuller, in the case of Thomas Lad, and Richard Maunsell his clients* (1607). Filmer's selection of these two divergent jurists is consistent with his rhetorical strategy: first, co-opt authoritative and malleable agreements in his favor; second, curtly preempt problematic sources he cannot ignore.

Most important for Filmer's argument are the legal tracts he uses, being his primary source material. The first tract he uses is a book of English legal statutes known as *The Statutes at Large* (1618); a list of all of the laws of England from the time of the Magna Carta (1215) until 1618. The more important work is Henry de Bracton's (1210-1268) *On the Laws and Customs of England* (1260s). De Bracton had served as a legal jurist *in the presence of the king himself*<sup>150</sup> under King Henry III (r.1216-1272). This tract was highly respected but frequently referenced by both the Royalists and Parliament. Filmer would have been aware of this fact and made the priority of his legal argument to present de Bracton as proof of divine right monarchy in the earliest English law.

### § 3.3.2. Filmer's Henry de Bracton

Filmer focuses his legal argument on the contested de Bracton to defend two central assertions: first, there exist no legitimate legal grounds for resistance to the sovereign; second,

---

<sup>149</sup> Ibid, 290.

<sup>150</sup> The italicized text is a direct legal translation of *coram rege*, the name of the type of court in which de Bracton served under King Henry III.

the king is above the law and its supreme judge. Refutation of either point in English law would make the king, by Filmer's own definition, not absolute. Conversely, proving both points in English law makes his theory law. Thus, with de Bracton, Filmer can simultaneously refute his opponents and advance his argument. However, with such high stakes, Filmer utilizes every strategy available to him, bastardizing de Bracton in the process.

Contending that the king of England is not bound by the law, Filmer quotes de Bracton as saying, "*All was under him [the king], and he [the king] is under none, unless it is only under God.*"<sup>151</sup> Filmer then follows immediately with another supposedly direct quotation from de Bracton:

All are under him, and he under none but God only. If he offend, since no writ can go against him, their remedy is by petitioning to him to amend his fault. Which, if he shall not do, it will be punishment sufficient for him to expect God as revenger. Let none presume to search into his deeds, much less to oppose them.<sup>152</sup>

These above citations appear to confirm exactly what Filmer requires: the king is above the law and his will is irrefutable. However, Filmer's references are a gross misrepresentation of de Bracton pulled out of context.

The above lines are actually bisected by a lengthy discussion that directly opposes Filmer's own position. Immediately following the first reference, de Bracton states:

The king must not be under man but under God and under the law, because the law make[s] the king, Let him therefore bestow upon the law what the law bestows upon him, namely rule and power [...] for there is not *rex* [king] where will rules rather than *lex* [law].<sup>153</sup>

---

<sup>151</sup> The above italicized quotation is a translation of *Omnes sub eo, et ipse sub nullo, nisi tantum sub Deo* as cited by Filmer.

<sup>152</sup> Filmer, *Patriarcha and Other Writings*, PT 39.

<sup>153</sup> Henry de Bracton, *Bracton on the Laws and Customs of England* (Cambridge Mass: Published in association with the Selden Society by the Belknap Press of Harvard University Press, 1968), 33.

Moreover, following these few pertinent lines, de Bracton makes an analogy between Christ the King and the King of England that leaves no doubt of Filmer's disingenuous use of his work:

Since he [the king] is the Vicar of God, And that he [the king] ought to be under the law appears clearly in the analogy of Jesus Christ, whose vice-regent on earth he [the king] is, for though many ways were open to Him for his ineffable redemption of the human race, the true mercy of God chose this most powerful way to destroy the devil's work, he [Christ] would use not the power of force but the reason of justice. Thus he willed himself to be under the law that he might redeem those who live under it. Let the king, therefore, do the same, least his power remain unbridled.<sup>154</sup>

Therefore, while Filmer portrays de Bracton as codifying absolute divine right monarchy in early English law, in reality, de Bracton appears to enshrine the balanced approach to the English Constitution contrary to Royalist and Parliamentarian alike.

Moreover, Filmer's treatment of de Bracton proves his *Patriarcha* is a work of propaganda, not political theory. Filmer treats de Bracton like he treats both the Old and New Testaments. He relies heavily upon lines dredged from de Bracton that support absolute divine right monarchy, ignoring any sentiments to the contrary. Yet, Filmer goes further in his manipulation of de Bracton than any prior source. He not only cherry-picks lines but deconstructs de Bracton's text, reassembling him in a Frankenstein manner. While Filmer may be said to misread Aristotle and dishonestly cast aside Polybius, he bastardizes de Bracton.

### § 3.4. Conclusion

On its surface, Filmer weaves an intricate web of sources and arguments into a concise and powerful piece of political theory. However, upon closer inspection, Filmer's *magnum opus*, is an intricate contrivance and masterpiece of propaganda. He lays his foundation with a careful Biblical exegesis, emphasizing convincing Old Testament stories and obfuscating New

---

<sup>154</sup> Ibid, 33.



Testament challenges. He plagiarizes Sir Walter Raleigh to hide his selectivity behind the credibility of the famed explorer. Using his newly credible Scriptural interpretation, he discredits powerful opposing sources like Polybius and creates a self-reinforcing logic with Aristotle. Finally, he picks apart and reassembles de Bracton to ensconce his theory in English reality. These machinations provide Filmer the appearance of a powerful, legitimate theory.

Filmer's disingenuous selection, filtration, and manipulation of sources, while intellectually dishonest, achieved his goal: a lasting last ditch defense of divine right monarchy. The posthumous success of the *Patriarcha* is a testament to Filmer's skill as a propagandist, relying on his compilation of sources and battery of arguments not readily discernable as half-truths.

Chapter Four:  
The Reception of Filmer & His *Patriarcha* from 1680-1689

Filmer's *Patriarcha* was cited frequently during the intellectual debates between the Whigs and the Tories in the 1680s. This was not a result of its philosophic rigor but its rhetorical strength. As was shown in Chapter Three, the *Patriarcha* was a piece of propaganda composed as political theory. It was comprised of a series of disparate sources and interlocking arguments that built on Filmer's Biblical interpretation. This concise synthesis made the *Patriarcha* useful in two ways: first, it served as a ready reserve of royalist ideas upon which later thinkers were able to draw; second, its veneer of genuine political theory made it an effective last ditch defense of divine right monarchy in its own right. This made it a useful piece of propaganda for the royalist Tories and a target for their intellectual and political rivals, the Whigs.

In this manner, despite being written in the 1640s, the *Patriarcha* played an influential role in the intellectual debates surrounding three different events of the 1680s: the Exclusion Crisis, the Rye House Plot, and the Glorious Revolution. This chapter will do two things: first, illuminate the tumultuous events leading to the abdication of the last divine right monarchist, James II; second, analyze the influence of Filmer's works in these events.

#### § 4.1 Setting the Stage: Restoration to Exclusion

In 1660, the Restoration of the monarchy ended the eleven year Interregnum (1649-1660). The monarchy was restored for several reasons. First, Oliver Cromwell (1599-1658) died in 1658. He was the leader of the army and the organizer of the revolutionary government. His death left his son, Richard Cromwell (1626-1712) in command. However, the young Cromwell was unable to command his father's level of respect. Several of Oliver Cromwell's former generals began to vie for control. The political infighting weakened the revolutionary

government's control over England. It also prompted unrest and trepidation about the policies and direction of the revolutionary government, particularly amongst the upper class. These events conspired to make the return of the monarchy appear as an attractive, sensible alternative.

The Restoration began on January 2, 1660, when General George Monk marched the Army of Scotland toward London to restore the monarchy. On February 3, he allowed those members previously excluded from Parliament by Oliver Cromwell to return on the condition they dissolve Parliament. These members had previously been removed from Parliament by Cromwell in 1649 because they refused to execute the king. The army's presence allowed these members to return, and their numbers were large enough to successfully disband the last revolutionary Parliament on February 21<sup>st</sup>. A month later, Parliament reconvened with the Lords, who had also been excluded by Cromwell. With Parliament packed with those favorable to restoring the monarchy, Parliament declared Charles Stuart II the king. After a matter of weeks, Charles II returned to England amid mixed celebration and support. Thus, the restoration came on the coattails of the military and Parliamentary concession. For the next eighteen years, Parliament and Charles II managed to coexist.<sup>155</sup>

However, this changed with the advent of the Exclusion Crisis (1678-1681) in 1678. The crisis began with the Popish Plot (1678); an attempt, real or imagined, by Catholics to sabotage the Protestant royal line in order to place a Catholic monarch on the throne. In 1668, King Charles II's brother, James, the Duke of York, had converted to Catholicism. King Charles II had no legitimate children, making his now Catholic brother heir apparent. This became an issue in 1677 when his Catholic faith became public knowledge. In response, Charles II ordered James to wed his daughter, Mary, to William of Orange, the Protestant ruler of Holland. Charles II

---

<sup>155</sup> J. P. Kenyon, *The Stuarts*, 119.

intended this marriage to placate fears of a Popish Plot. The marriage would secure an alliance with a Protestant country and make it likely another Protestant ruler would eventually ascend the throne of England, preventing a Catholic dynasty. However, the marriage actually presented an opening for division between the King and Parliament. Certain members of Parliament feared a return to the bloody persecution and chaos of Queen Mary I (r.1553-1558). During her short reign, she had tried to reverse the Protestant Reformation in England, imposing harsh penalties on Protestants and ordering several violent purges throughout the country. To avoid this scenario, they attempted to use the fears of the populace to justify controlling the succession. They wanted to exclude the Catholic James in favor of his daughter Mary, who was a Protestant. They spread false rumors of a Catholic plot to kill Charles II and place his brother on the throne. This began the Exclusion Crisis.<sup>156</sup>

King Charles II responded with a strategy of divide and conquer. He invited the leaders of the exclusion movement to join his Privy Council. Once assembled, he offered them a watered down set of limitations on a Catholic monarch. They could not agree on these limitations, causing them to fight amongst themselves. This gave him time to respond. However, in 1679, he suddenly became very ill and immediately summoned his brother to his bedside. On his own initiative, without objection from his brother, James promptly cleaned out the Privy Council of opposition and had Charles II prorogue, suspend, Parliament until 1680. James's hasty actions stifled attempts to exclude him from succession for the moment. However, they also seemed to confirm the existence of the Popish Plot.<sup>157</sup>

James's actions provided the impetus for the issue of exclusion to be raised again later that same year. Although he was still bedridden, Charles II called Parliament to discuss pressing

---

<sup>156</sup> Ibid, 140.

<sup>157</sup> Ibid, 140-2.

matters of foreign policy; England's two allies, France and Holland, were about to go to war for a second time that decade. England was caught in a precarious position. However, the new leader of Parliament, the Earl of Shaftsbury, refused to debate foreign policy until the king agreed to exclude his brother from the throne.<sup>158</sup>

Shaftsbury proposed what has since been termed the Exclusion Bill. Shaftsbury's bill, proposed controls on succession to the throne. If passed, it would prohibit any Catholic from ascending the throne. Charles II rejected Shaftsbury's bill and chose to dissolve Parliament for a second time. This divided Parliament into two camps: first, the Petitioners, who insisted upon the passage of the Exclusion Bill, and, second, the Abhorrers, who supported the Crown and rejected the Bill. The Petitioners would later become the Whigs, and the Abhorrers would later become the Tories.<sup>159</sup>

In 1680, Charles II, after recovering, tried once more to call Parliament to fund his foreign policy; tensions between France and Holland were only getting worse. Once more he was met by the Earl of Shaftsbury and his one demand, pass the Exclusion Bill. The desperate situation on the Continent nearly forced him to relent. However, the Duke of York threatened to take the vote to the battlefield if the bill passed Parliament, starting another civil war. Parliament relented for the time being as they recognized that the people were not ready for another civil war.<sup>160</sup>

In 1681, Charles II capitalized on Parliament's trepidation and the public's wariness of another civil war to end the Exclusion Crisis in his favor. He dissolved the London Parliament and immediately called a new one at Oxford, an Abhorrers' stronghold. At this Parliament, he

---

<sup>158</sup> Ibid, 145.

<sup>159</sup> Ibid, 146-7.

<sup>160</sup> Ibid, 146-8.

once again proposed a series of limitations to be imposed on a Catholic monarch. Many of the Petitioners refused to accept this position. While some thought it was a workable compromise, Shaftsbury and his supporters did not. Their division in 1681 mirrored their division in 1679. Their inability to rally behind the compromise soured public opinion and painted the king as a moderate amongst radicals. This won King Charles II overwhelming support at home and made even some of his former opponents into “doves for the Divine Right of Kings and the Church by Law Established.”<sup>161</sup>

#### § 4.2. Filmer’s Reception in The Exclusion Crisis

Despite Charles II’s eventual victory, the Exclusion Crisis prompted heated debates across the country. These debates once again split the country between Royalists and Parliamentarians. In fact, the Exclusion Crisis was the event that often determined a person’s allegiances for the rest of the century. Those who demanded the exclusion of the Duke of York, the Petitioners, became the Whigs. Conversely, those who supported the King, the Abhorrers, became the Tories. Neither side shied away from using whatever intellectual tools it found available. Both sides resurrected the arguments of their intellectual forebears, including some which had not been heard in England since the 1640s. The Tories, ironically, relied on the work of Sir Robert Filmer.

Filmer had written during the English Civil War to defend the absolute divine right of King Charles I to rule. Filmer was both an anti-Catholic and no fan of elected monarchs. King Charles II was believed to have Catholic sympathies and was given his throne by Parliamentary vote. His brother, King James II was a devout Catholic and a contested heir. Many of his

---

<sup>161</sup> Ibid, 148-50.

Protestant subjects did not want him and favored the claims of King Charles II's illegitimate son, James Scott, Duke of Monmouth. These circumstances contrast greatly with Filmer both personally and philosophically.<sup>162</sup>

However, while ironic, it posed no philosophic problem for either Filmer or the Tories. The Tories' goal was to defend the king; Filmer's goal was the same. In fact, Filmer believed in obedience to the established authority regardless of how it came to power or its beliefs. Filmer makes this evident several times in the *Patriarcha*. He argues that if a king is removed from his throne it is the will of God:

If it please God, for the correction of the prince or punishment of the people to suffer princes to be removed and others placed in their rooms, either by the faction of the nobility or rebellion of the people, in all such cases the judgment of God –who hath power to give and to take away kingdoms- is most just.”<sup>163</sup>

He also asserts that even usurpers and elected kings are legitimate as their power comes from the right of fatherhood descended from Adam:

In all kingdoms or commonwealths in the world, whether the prince be the supreme father of the people or but the true heir of such a father, or whether he come to the crown by usurpation, or by election of the nobles or the people, or by any other way whatsoever, or whether some few or a multitude govern the commonwealth, yet still the authority that is in any one, or in many, or in all of these, is the only right and natural authority of a supreme father.<sup>164</sup>

He also adds:

---

<sup>162</sup> As noted in Chapter One, Filmer was an avid Protestant and anti-Catholic. His wife's father was a prominent member of the Anglican Clergy as were several of his friends. Filmer was an outspoken fan of the anti-Catholic King James I. Even his works attest to his staunch anti-Catholicism. In the opening pages to the *Patriarcha*, he blames the entire problem on Catholics and Calvinists. He states, “This tenet [the idea that men are born free] was first hatched in the Medieval Roman Catholic universities and hath been fostered by all succeeding papists for good divinity.” (PT

2) Filmer adds, “Yet upon the grounds of this doctrine both Jesuits and some overzealous favorers of the Geneva discipline have built [this] parlous conclusion.” (PT 3) In the preface to *The Anarchy of a Limited or Mixed Monarchy* Filmer declares, “it is most apparent that monarchy hath been crucified between two thieves, the pope and the people.” (AL 132) With such an avowed anti-Catholicism, it is ironic that the Royalists would use his pamphlets to defend at first a Catholic heir, James Stuart, and then a Catholic king, King James II.

<sup>163</sup> Robert Filmer Sir, *Patriarcha and Other Writings*, PT 11.

<sup>164</sup> Ibid, PT 11.

And he that is so elected claims not his power as a donative from the people, but as being substituted properly by God, from whom he receives his royal charter of an universal father, though testified by the ministry of the head of the people.<sup>165</sup>

Thus, while Filmer may have had personal issues with Catholics or “elected” monarchs, his theory was not predicated on them. In fact, not only did his theory not pose an issue for Tories, but also it was exactly what they needed. By using Filmer, they avoided debates over the origins of the restored monarch’s powers and religion. They did not require any further justification for absolute obedience to the king other than his mere existence. This may have streamlined the issues and focused the debate away from problematic areas for the Tories. In this way, Filmer’s theories provided an ironic but useful defense for the Tory cause.

Thus, the Tories choose to use the *Patriarcha* in two separate ways: first, as a reserve of 1640s royalist arguments that could be retrofitted to the contemporary debates of the 1680s; and second, as a useful piece of propaganda; neither relied upon the *Patriarcha* as a unique or philosophic work. Instead, both were predicated on the *Patriarcha*’s appearance as legitimate political theory and its catalogue of arguments. It gave the Tories the wealth of sources and arguments they required in a digestible pamphlet. This also made it a threat to their opponents and thus a target.

#### § 4.2.1 Royalist Standard Bearer

In response to the Whigs, the Tories began preparations for an intellectual war. To ready themselves, they reached back into the 1640s to draw upon their wartime forbears. The Tories looked to the writings of Sir Robert Filmer. In what certainly started as an attempt to overwhelm

---

<sup>165</sup> Ibid, *PT* 11.



their intellectual rivals, they gathered together his litany of concise political pamphlets. Having never before been published, the Tories found their future standard, Filmer's *Patriarcha*.

In 1679, Richard Royston (1601-1686), the Royalist publisher responsible for the anonymous publication of all of Filmer's works prior to his death, gathered together Filmer's writings, excluding the *Patriarcha*. It is not known exactly why the *Patriarcha* was absent from this edition. It may have been due to a difficulty obtaining the manuscript of the text. It was the only one of Filmer's 1640s works to not have been published during his lifetime. This incomplete collection was published under Filmer's name for the first time in 1680. By the end of 1681, Filmer's readership had so greatly expanded that a second edition of his collected works was published. In addition, an incomplete copy of the *Patriarcha* was published for the first time as a standalone text that same year. From this point onward, Filmer's theories appear consistently in the most prominent Royalist works of the period. Moreover, what these Royalist writers and commentators take away from Filmer and how they use him shows that they found his work specifically useful as a repository of sources and arguments.<sup>166</sup>

In 1680, immediately following the initial posthumous publication of Filmer's works by Royston, Sir William Temple,<sup>167</sup> 1<sup>st</sup> Baronet, and royal ambassador to the Netherlands (1628-1699) "adopted the Filmerian association of kingship with fatherhood" in his work titled *Miscellanea...by a person of honour* (1680).<sup>168</sup> He merged the images of parent and patriot into the single person of the monarch.<sup>169</sup> According to Temple, "by a natural Right as well as

---

<sup>166</sup> Filmer, *Patriarcha and Other Political Works*, introduction 34.

<sup>167</sup> Sir William Temple was actually the architect of King Charles II's divide and conquer strategy. He had advised him to use the Privy Council as a means to figure out the opposition and set them arguing amongst each other. J.P. Kenyon, *Robert Spencer, Earl of Sunderland, 1641-1702*, Facsimile edition (Westport, Conn: Greenwood Press, 1976). 23-30.

<sup>168</sup> Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 197.

<sup>169</sup> William Temple Sir, *Miscellanea ... by a Person of Honour.*, Early English Books, 1641-1700 / 78:03 (London : Printed by A.M. and R.R. for Edw. Gellibrand ... , 1680., 1680), 67.

Authority, [the father] becomes a Governor in his little State,” and if he be long lived and fruitful, “the Governor or King of a Nation.”<sup>170</sup> Temple even uses Filmer’s language, noting all Kings are “*Pater patrie*” or fathers of their country.<sup>171</sup> Temple’s history thus mirrors Filmer’s own; history, either natural or Biblical, proves the patriarchal origins of government and the absolute, fatherly power of kings.

Similarly, in 1681, John Dryden (1631-1700), the Royal Poet Laureate, published his famous poem, *Absalom and Achitophel* (1681). Dryden’s patriarchalism, incorporated throughout the poem, parallels Filmer’s rhetoric. Dryden equates regal power with fatherly power stating, “My Father Governs with unquestion’d Right; The Faiths Defender, and Mankinds Delight.”<sup>172</sup> Comparatively, Filmer states, “If we compare the natural duties of a father with those of a king we find them to be all one [...] so that all the duties of a king are summed up in an universal fatherly care of his people.”<sup>173</sup> Dryden also justifies the right of James, the Duke of York, to succeed to the throne by divine right:

For when my Father from his Toils shall Rest,  
And late argument the Number of the Best:  
His Lawful Issue shall the Throne ascend,  
Or the Collateral Line where that shall end.  
His Brother, though oppressed with Vulgar Spite;  
Yet Dauntless and Secure of Native Right.<sup>174</sup>

Likewise, Filmer declares, “It is certain that there is one man, and but one in the world, who is next heir.”<sup>175</sup> Additionally, that their heir, regardless of how he comes to the throne has “the only

---

<sup>170</sup> Ibid, 65-6.

<sup>171</sup> Ibid, 66. See *PT* 10

<sup>172</sup> John Dryden, “Absalom and Achitophel,” 10.

<sup>173</sup> Filmer, *Patriarcha and Other Writings*, *PT* 12.

<sup>174</sup> John Dryden, “Absalom and Achitophel,” 11.

<sup>175</sup> Filmer, *Patriarcha and Other Writings*, *PT* 10.

right and natural authority of the supreme father.”<sup>176</sup> Dryden’s use of Filmerian patriarchy is emblematic of the Tories’ reliance on Filmer even to justify a Catholic monarch.

Temple and Dryden demonstrate the influence of Filmerian ideas, but not his work specifically. Yet, in 1681, the future Bishop of Peterborough, White Kennett (1660-1728), cited Filmer by name in his *A Letter from a Student at Oxford to a Friend in the Country Concerning the Approaching Parliament* (1681).<sup>177</sup> He notes, “We have read (but only to know how the better to confute) those grand Patriots of Rebellion and Confusion: Hobbs, Milton, Hunton, and others [...] their fallacies so well discovered in the incomparable Treatise of [...] Filmer.”<sup>178</sup> Moreover, Kennett’s arguments come directly from the *Patriarcha*. Kennett states, “all power is primitively delegated by God to his Vicegerents upon Earth’ that therefore their authority is Divine, how whatsoever their actions.” He also declares, “Subjects and Servants [are] obliged to pay their duty not only to good and gentle Masters, but also to the froward; as [...] a wicked Prince is often ordained to be [...] the scourge of God, sent as a punishment for the wickedness of the People.”<sup>179</sup> These words echo Filmer’s own, “all are under him, and he under none but God alone [...] If he offend, since no writ can go against him, [...] it will be punishment sufficient for him to expect God as a revenger. Let none presume to search into his deeds, much less to oppose them.”<sup>180</sup> Thus, despite being a work of propaganda, Kennett places the *Patriarcha* and Filmer’s theories at a prominent Anglican seminary. He was being read as political theory by Anglican high churchmen, the monarchy’s most ardent defenders.

---

<sup>176</sup> Ibid, PT 11.

<sup>177</sup> Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 197.

<sup>178</sup> White Kennett, *A Letter from a Student at Oxford to a Friend in the Country Concerning the Approaching Parliament, in Vindication of His Majesty, the Church of England and University.*, Early English Books, 1641-1700 / 1125:22 (London : Printed for John Seeres, 1681., 1681), 14.

<sup>179</sup> Ibid, 14-5.

<sup>180</sup> Filmer, *Patriarcha and Other Writings*, PT 39.

Furthermore, in 1682, Edward Pelling (d. 1718), a King's scholar at Westminster School and a high churchman, praised Filmer in his response to Kennett's letter titled *The Apostate Protestant a Letter to a Friend...* (1682). Pelling praises Filmer for his criticism of Jesuit political theory:

And the ashes of that Learned, Loyal, and Honorable Person, Sir Robert Filmer, have been so late polluted with a great deal of dirt out of the Kennel, for no other Reason but because he was such a Fatal Enemy to that Jesuitical Principle, that the Original of all Power and Government is in the People.<sup>181</sup>

Pelling's letter further demonstrates that Filmer's propaganda was studied as serious political theory by the Tories in its own right. Conversely, Pelling's comments hint that Filmer's theories attracted dedicated detractors.

Filmer's prominence amongst Tories during the Exclusion Crisis is highlighted by his influence on the above works. His pamphlets, particularly the *Patriarcha*, played a pivotal role in setting the intellectual tone for the 1680s. As evidenced by Temple and Dryden, Tory writers drew heavily on Filmer's reserve of legal, historical, and Scriptural arguments. Kennett and Pelling, however, demonstrate that his influence was not ephemeral. The Tories studied his propaganda as bonafide political theory, citing arguments directly from his works. Filmer's reception by the Whigs, however, while unfavorable, indicates the seriousness of the threat they perceived in his *Patriarcha*.

---

<sup>181</sup> Edward Pelling d, *The Apostate Protestant a Letter to a Friend, Occasioned by the Late Reprinting of a Jesuites Book about Succession to the Crown of England, Pretended to Have Been Written by R. Doleman.*, Early English Books, 1641-1700 / 645:06 (London : Printed for W. Davis and J. Hindmarsh ..., 1682., 1682), 58-9,.

#### § 4.2.2 Filmer's Whig Reception During the Exclusion Crisis

Having finished a discussion of Royalist uses of Filmer, it naturally follows that a consideration of his Whig critics is also necessary. One fact to keep in mind, though, is that his critics often had to publish their works anonymously. This was not for want of confidence in the strength of their arguments but out of fear for their reputations, their futures, and their lives. By 1683, Filmer had become political orthodoxy in the royal court. This gave his work great status, protecting it both in the law and in society. In fact, in 1683, a fellow at Lincoln College in Oxford was expelled for having his students read John Milton's critique of Filmer's theories. The college defended its decision, terming Filmer "a valiant Tory thinker."<sup>182</sup> However, social troubles were not the only threat the Whigs had to face during the mid-1680s.

The next few sections will also include a discussion of Filmer's three most ardent critics; all published their tracts anonymously if at all. James Tyrrell (1642-1718) was the first major Whig leader to write a concerted refutation of Filmer's *Patraricha*. His *Patriarcha non monarcha* was published in 1681. Even at this early date, he published his work anonymously under the pseudonym, "A Lover of Trust and His Country." Algernon Sidney (1623-1683), the second Whig leader to attempt a refutation of the *Patriarcha*, embodied the Whigs' position amidst the Exclusion Crisis. In 1682, he paid the ultimate price for his name being linked to a refutation of the *Patriarcha*. Despite his involvement in the Rye House Plot (1683), the historian Peter Laslett asserts that Sidney was executed specifically for his work's anti-Filmerian critique.<sup>183</sup> Sidney's fate prompted Filmer's most famous detractor, John Locke (1632-1704), to delay the publication of his refutation until well after the Exclusion Crisis. In fact, he did not publish his

---

<sup>182</sup> Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 198.

<sup>183</sup> Filmer, *Patriarcha and Other Political Works*, introduction 34.

*Two Treatises of Government* (1689) until after the intellectual and political influence of the *Patriarcha* and divine right monarchy had waned amidst the Glorious Revolution. Yet, even then, he published anonymously.

All three Whig intellectual leaders were united in their shared opposition to Filmer and common circumstances that necessitated anonymity. However, all three had markedly different approaches to critiquing Filmer's *Patriarcha*. Tyrrell approached it as a piece of political theory and attempted a scholarly, philosophic refutation. Sidney tried to engage it on both the scholarly and rhetorical level. Locke, addressed it for what it was, a masterpiece of Royalist propaganda. It will be valuable to analyze each of these writers' approaches in turn.

#### § 4.2.3 James Tyrrell

Examining Tyrrell's critical remarks provides insight into what he thought was the strength of Filmer's *Patriarcha*. Immediately following the publication of Filmer's *Patriarcha* in 1680, Tyrrell published his *Patriarcha non monarcha* (1681). The fact that Tyrrell responded specifically to Filmer's *Patriarcha* so promptly provides evidence that the Whigs identified it as worthy of refutation, a credible threat. Tyrrell spends hundreds of pages attempting to refute Filmer's pamphlet. In his introduction he asserts that Filmer's *Patriarcha* contains the most mature thought on the divine right of kings. Tyrrell notes that the *Patriarcha* contains "the substance of all of them," referring to previous tracts on the divine right of kings. He also notes that the work is not original but a concise refutation of various notions Filmer had viewed as erroneous.<sup>184</sup> Tyrrell's characterization of the *Patriarcha* supports the view that its strength came

---

<sup>184</sup> James Tyrrell, *Patriarcha Non Monarcha The Patriarch Unmonarch'd : Being Observations on a Late Treatise and Divers Other Miscellanies, Published under the Name of Sir Robert Filmer, Baronet : In Which the Falseness of Those Opinions That Would Make Monarchy Jure Divino Are Laid Open, and the True Principles of Government*

both from its concise catalog of arguments and its presentation of those arguments as a work of political theory.

Tyrrell's nearly page-by-page analysis of the *Patriarcha* is incredibly detailed. Tyrrell decides to deal with numerous issues at length and at once. This makes his criticism lengthy and his organization troublesome. One of Tyrrell's strategies is to denigrate some of Filmer's most prominent sources. A notable example is his pithy dismissal of Sir Walter Raleigh. Tyrrell states that Filmer "gives us Sir Walter Raleigh's opinion that it was so (which I think is not better a proof than if he had given us his own)."<sup>185</sup> While this may be true, it is exactly what Filmer intended; present his theory behind the veneer of credible seventeenth century luminaries. Tyrrell, while criticizing Raleigh, appears to miss this characteristic of propaganda.

Much of Tyrrell's criticism of Filmer appears less than scholarly. He frequently characterizes Filmer's arguments as vulgar or flawed without explaining his claims.<sup>186</sup> However, despite the tenor of Tyrrell's arguments, he does occasionally challenge Filmer's reasoning directly. The most notable example is his criticism of the unbroken succession of the absolute power of Adam from father to son. Specifically he notes that sons "would never give their consent to such an absolute subjection." Furthermore he argues that fathers "have no such Right by the revealed [revelation]." To support this he argues that Adam could not have ordered his son to marry his sister as that would have been a grave sin. He also asserts that neither "Generation nor Position can confer an absolute right over another person," meaning neither

---

*and Property (especially in Our Kingdom) Asserted / by a Lover of Truth and of His Country.*, Early English Books, 1641-1700 / 44:01 (London : Printed for Richard Janeway ..., 1681., 1681), 2.

<sup>185</sup> Ibid, 5.

<sup>186</sup> Ibid, 3.

birth nor rank could have given Adam or any king absolute power over the people.<sup>187</sup> In this way he focuses on Filmer's central scriptural argument.

In this way, Tyrrell seems to offer an extensive but not exhaustive critique of the *Patriarcha*. Filmer's construction of the *Patriarcha*, however, makes such direct scholarly refutations difficult. The self-supporting logical system built on Scripture, Aristotle, and the credibility of contemporary heavy weights makes each line appear to reinforce the next; to disprove one argument requires a refutation of all the rest. Tyrrell's organization, structure, and argument bear this out. Even if he recognized that Scripture was all he had to go after, he nonetheless attempted a refutation of each of Filmer's points. He likely did this because he was mired in a complex political and philosophic battle amidst the Exclusion Crisis. If he had only targeted Filmer's Scriptural arguments at this point, many readers might have still found Filmer's disparate sources and arguments of interest. For Members of Parliament, many of whom were lawyers, Filmer's arguments from English legal history may have been convincing.

As discussed in Chapter Three, Filmer makes it seem as though the whole of English Common Law supported absolute monarchy. Thus to place any sort of limitation on the monarchy, including its order of succession, would be to upset a fundamental principle of the law. Some moderate Members of Parliament (MPs) may have been convinced by this even if Filmer's arguments from Scripture were disproven thanks to Tyrrell's scholarly criticism. This reaction by readers, especially MPs, was probable given the nature of the Exclusion Crisis debates, which covered areas of law and history as well as theory and Scripture.

In an attempt to address all of these possibilities, Tyrrell expanded his work and discussed each point at length. Ironically, this made his work less accessible, harder to

---

<sup>187</sup> Ibid, 32-3.



disseminate, less digestible, and thus less rhetorically effective. This was a byproduct of engaging the *Patriarcha*'s synthesis with a scholarly attempt to refute propaganda, reinforcing the dual strength of the *Patriarcha*: its catalog of sources and ability to masquerade as political theory.

#### § 4.3. The Rising Action: The Rye House Plot

Despite Whig efforts to exclude James II from the throne and refute the Tories' claims about divine right monarchy, they were unsuccessful during the Exclusion Crisis. Shaftsbury's politics and Tyrrell's criticisms did not suffice. However, the opponents of the Crown were not willing to accept political defeat in 1681. Likewise, both the Tories and the Whigs continued to wage their intellectual war behind the scenes.

The success of King Charles II and the Tories in 1681 only bought them a short two years of relative peace and stability. In the years immediately following the Oxford Parliament of 1681, Charles II gave up on requesting an independent foreign policy through Parliament. Instead, he concluded a secret agreement with the French to not call Parliament for three years. In return, they provided him a substantial subsidy. This allowed him to achieve both his domestic and foreign policy goals. He was not forced to publicly choose a side between Holland and France for the time being. This allowed him to keep England's strongest ally and not awaken new suspicions of the Popish Plot. This arrangement also benefited France. It helped to ensure the Duke of York would not be excluded in favor of Mary and her Dutch Protestant husband, an enemy of France. The French subsidy also enabled Charles II to begin his own miniature

Personal Rule, avoiding Parliament all together.<sup>188</sup> This was a double edged sword for the monarchy. While it enabled him to rule without Parliament, it agitated many of his detractors.

In the summer of 1683, some former members of Parliament silenced by the king's refusal to call a new Parliament, plotted to assassinate the King and the Duke of York. This plot became known as the Rye House Plot (1683). Two of its leading members were two of Filmer's leading critics: James Tyrrell and Algernon Sidney. While this plot ultimately failed, it still created problems for the Crown. Popular anxieties only continued to ferment, increasing discontent throughout the kingdom.<sup>189</sup> Yet, the failure of the Rye House Plot and the horror it caused in the population also served temporarily to bolster the Tory cause. It seemed to confirm their predictions of what happens when people are allowed to question authority. The Tories capitalized on the situation and further relied on Filmer's work.

#### § 4.3.1 Filmer's Influence

Filmer's arguments were commonplace by now. In 1684, John Aucher (d.1701) published *The Arraignment of Rebellion*. He gives a Filmerian account of the hereditary transmission of political power from Adam. He states, "God's Lordship, and Sovereignty over us does originally arise from the right of a Creator, In that he is the cause, and author of our being, he must necessarily have an absolute dominion over us, who are produced, and created by him." Likewise, through this hierarchy and the extension of the principle of hereditary right "a Family becomes a kingdom: and the King, or Father of the country."<sup>190</sup>

---

<sup>188</sup> J. P Kenyon, *The Stuarts*, 149-50.

<sup>189</sup> Ibid, 150-1.

<sup>190</sup> John Aucher, *The Arraignment of Rebellion, Or, The Irresistibility of Sovereign Powers Vindicated and Maintain'd in a Reply to a Letter / by John Aucher ...*, Early English Books, 1641-1700 / 884:04 (London : Printed by M.F. for William Abington ..., 1684., 1684), 95-8.

While he does not cite Filmer by name, his argument is identical to Filmer's own position in the *Patriarcha*. The king is superior precisely because he begets the whole society; "His wars, his peace, his courts of justice and all his acts of sovereignty tend only to preserve and distribute to every subordinate and inferior father [...] their rights and privileges [...]"<sup>191</sup>

In the same year, John Walker adopted Filmer's language in *The Antidote* (1684). In his pamphlet, Walker attests that obedience is due to the king who is the *pater patriae*, the father of the country, for the public good.<sup>192</sup> Filmer makes this exact argument when he states that the king "halth the title of *pater patriae* [*father of the fatherland*]." <sup>193</sup>

After the death of King Charles II in 1685, Filmer's arguments became increasingly influential. John Northleigh's *The Triumph of our Monarchy* (1685) combined several of Filmer's arguments into a single treatise, mirroring Filmer's own rhetorical strategy. Throughout the text he presents the king as the father of the country and a descendent from Adam. Copying Filmer, Northleigh notes that it is not whether power is arbitrary but who should wield that power.<sup>194</sup> In fact, in making that point, he quotes Filmer nearly exactly. He states, "The Question is not, whether there shall be an Arbitrary Power, but the Dispute is who shall have it."<sup>195</sup> Filmer makes an identical argument saying, "No, we mistake. The question is not, whether there shall be an arbitrary power, but the only point is who shall have that arbitrary power, whether one man or many?"<sup>196</sup> It is not likely their words are nearly identical by mere coincidence. Thus, Aucher,

---

<sup>191</sup> Filmer, *Patriarcha and Other Writings*, PT 12.

<sup>192</sup> John Walker, *The Antidote: Or, a Seasonable Discourse on Rom. 13. 1 Shewing the Necessity and Reasonableness of Subjection to the Higher Powers. With an Account of the Divine Right or Original of Government. By John VWalker, M.A.*, Early English Books, 1641-1700 / 2202:05 (London : printed by Th. Hodgkin, for Anthony Stephens Bookseller, near the theatre in Oxford, 1684., 1684), 113.

<sup>193</sup> Filmer, *Patriarcha and Other Writings*, PT 10. The brackets are Filmer's

<sup>194</sup> John Northleigh, *The Triumph of Our Monarchy, over the Plots and Principles of Our Rebels and Republicans Being Remarks on Their Most Eminent Libels / by John Northleigh ...*, Early English Books, 1641-1700 / 966:58 (London : Printed for Benj. Tooke ..., 1685., 1685), 623, 670-1.

<sup>195</sup> Ibid, 671.

<sup>196</sup> Filmer, *Patriarcha and Other Writings*, AL 132.

Walker, and Northleigh all attest to the continued prominence of the *Patriarcha* in defending divine right monarchy during the Rye House Plot.

During this Plot, Filmer's status as the preeminent Royalist writer was upheld by the authorities. While his popularity had led to the expulsion of an Oxford fellow during the Exclusion Crisis, this time it led to an execution. According to the historian Peter Laslett, it led to the first and only state execution in England's history based solely on the basis of criticizing a private citizen's political work.<sup>197</sup> In 1683, Algernon Sidney was sentenced to death on two counts of treason: first, participating in the Rye House Plot, and second, writing that kings could be legitimately removed from the throne.<sup>198</sup> While on the scaffold, Sidney condemned the fact that Filmer had become the "canonical scripture of political obedience."<sup>199</sup>

Sidney's scathing remarks were reflected in a series of unpublished manuscripts published posthumously as *Discourses Concerning Government* (1698).<sup>200</sup> Even the preface attests to his intent to critique Filmer. The work's publisher notes that on the scaffold, Sidney alluded to a larger work than the manuscripts uncovered by the authorities. He notes this work was "written against the Principles contained in Filmer's Book," the *Patriarcha*.<sup>201</sup> Sidney's execution attests to the threat his argument opposed to the established order and the rise of Filmer's status as "the *ipsissima verba* (very words) of the established order."<sup>202</sup>

---

<sup>197</sup> Filmer, *Patriarcha and Other Political Works*, introduction, 36-7.

<sup>198</sup> Ibid, introduction, 37.

<sup>199</sup> Ibid, introduction, 37.

<sup>200</sup> Howard Nenner, "The Later Stuart Age," in J. G. A Pocock, Gordon J. Schochet, and Lois G Schworer, *The Varieties of British Political Thought, 1500-1800* (Cambridge England ; New York, NY: Cambridge University Press, 1993), 190-1.

<sup>201</sup> Algernon Sidney, *Discourses Concerning Government, by Algernon Sydney with His Letters Trial Apology and Some Memoirs of His Life* (London: printed for AMillar, 1763), The Preface.

<sup>202</sup> Filmer, *Patriarcha and Other Political Works*, introduction 34.

### § 4.3.2 Algernon Sidney's Discourse on Filmer

Algernon Sidney's *Discourses* is strikingly similar to Tyrrell's earlier critique of Filmer. The primary differences appear to be the length and the structure. These differences alone provide evidence for what Sidney believed about Filmer's *Patriarcha*.

First, Sidney's work is more than double the length of Tyrrell's, numbering over five hundred pages. Secondly, Sidney's structure is far less systematic than Tyrrell's. Sidney is apt to bounce from argument to argument across the *Patriarcha* as opposed to taking a line-by-line approach. The apparently scattered character of Sidney's analysis appears to be the result of his attempt to broach the task thematically by argument rather than following Filmer's own roadmap. While this paper breaks Filmer's different arguments down into three or four broad categories, Sidney identifies countless more. In attempt to break up his analysis and refute every one of Filmer's arguments, Sidney divides off his work into ninety eight sections. Each one focuses on a single argument or source used in the *Patriarcha*.<sup>203</sup>

In his introduction, Sidney explains why he takes this approach. He declares:

I hope to show that he hath not used an Argument that is not false, nor cited one Author whom he hath not perverted and abused. Whilst my work is so to lay open these Snares that the most simple may not be taken in them, I shall not examine how Sir Robert came to think himself a Man fit to undertake so great a work, as to destroy the principles, which from the beginning seem to have been common to Mankind; but only weighing the Positions and Arguments he aledged, will, if there be either truth or strength in them.<sup>204</sup>

Thus, Sidney saw through the *Patriarcha*'s charade; it was not a work of political theory but a series of manipulated sources and arguments contorted into a threatening work of propaganda, taking in the "simple minded." This realization is the primary difference between Tyrrell and

---

<sup>203</sup> The section headers of his work are numbered and titled by argument throughout the text. Algernon Sidney, *Discourses Concerning Government [electronic Resource] by Algernon Sydney with His Letters Trial Apology and Some Memoirs of His Life*.

<sup>204</sup> *Ibid*, 5.

Sidney. Yet, even knowing this, Sidney notes why he must go through each one of Filmer's arguments. If he did not, some might still be convinced. In this way, he had the same dilemma as Tyrrell. He was forced to engage a series of interlocking arguments that obscured the central, Scriptural claim. Sidney's own words and organization attests to the strength of the *Patriarcha* as a work of propaganda and a threat to the Whigs.

Despite realizing the nature of Filmer's text and organizing his work accordingly, Sidney's criticisms and rhetoric are nearly identical to Tyrrell's. He combines a regular use of curt dismissals with instances of substantive criticism. In line with his stated purpose, however, his most common mode of critique is to attack Filmer's highly manipulative use of sources. The most notable instance is his observations on Henry de Bracton. Sidney begins by pointing out Filmer's willful manipulation of source material. He states, "According to his custom he takes pieces of passages from good Books, and turns them directly against the plain meaning of the Authors, expressed in the whole scope and design of their Writings."<sup>205</sup> He then argues that de Bracton was not a useful legal source. He states that "Bracton spoke of the politick capacity of the King, when no Law had forbidden him to divide it from his natural."<sup>206</sup> Thus, his works were not even applicable to the present situation in the Kingdom of England. Sidney goes a step further and for a moment accepts the use of de Bracton as a valid source. In doing so, he criticizes Filmer's highly selective and manipulative use of his text. While Filmer asserts de Bracton indicates subjects cannot question the sovereign, Sidney rightly points out that he neglects to include de Bracton's various statements that bind the king to the law.<sup>207</sup> This single example represents the tenor of his remaining text.

---

<sup>205</sup> Ibid, 289.

<sup>206</sup> Ibid, 289.

<sup>207</sup> Ibid, 290. See Appendix A.

Regardless of the effectiveness or correctness of Sidney's claims, his criticism of the *Patriarcha* highlights the strength of Filmer's construction. The organization, length, and content of Sidney's criticism all further confirm the effectiveness of Filmer's self-reinforcing logic hidden behind the glossy finish of credible sources. While damning when pointed out by critics, the complexity of Filmer's construction makes such realizations difficult and time consuming for the average reader to identify. This made it a powerful rhetorical weapon. Sidney's ability to reveal Filmer's web and pick it apart are what make Sidney's work more damaging than Tyrrell's and a step closer to John Locke's. In fact, this realization may have cost Sidney his life.

His ability to recognize and explain the weaknesses of Filmer's *Patriarcha* in an orderly fashion may have made his work more accessible and effective than previous Whig criticisms. However, the Royal prerogative was a powerful ally and a formidable enemy. The Crown and the courts were able to discern that Sidney's work was a threat to their position and thus rid themselves of it and its author. Although Sidney may have been more effective rhetorically than Tyrrell, his immediate influence was cut short by his execution; his text was only published at the end of the Glorious Revolution when the political battle had already been won. Filmer's continued prominence would call for another criticism; this time by John Locke.

#### § 4.4 The Denouement: The Glorious Revolution

In 1685, King Charles II died, making his brother, James II King of England. James II's Catholic faith continued to bother a great many of his subjects. The failure of the Rye House Plot led some English Protestants to prefer Charles II's illegitimate Protestant son, James Scott, 1<sup>st</sup> Duke of Monmouth. Monmouth landed on the West coast of England and gathered a small force of nonconformists, craftsmen, and farmers to press his claim to the throne. Their force was

unable to defeat trained soldiers and Monmouth was eventually forced to surrender. He and his associates were executed for treason following what has been called the Bloody Assizes; a series of trials convicting nearly a thousand people associated with Monmouth's Rebellion. This victory allowed James II to reign unopposed until the Glorious Revolution.<sup>208</sup>

After putting down Monmouth's Rebellion, King James II ruled in relative peace and stability for three years. Overestimating his gains, he decided to attempt to restore rights to English Catholics. However, he ran into stiff resistance from the Anglican Church, traditional allies of the Crown. After the Restoration, the Church of England exerted a virtual monopoly on faith in the kingdom. King Charles II had imposed harsh penalties for being a Catholic or a non-conformist, particularly a Puritan. This made the Anglican Church not only the official religion of the kingdom, but also a major force in English social and political life. Many of its clergy received valuable privileges and being Anglican was required for success even as a layperson; The Test Acts of 1672 and 1678 required one to profess the Anglican faith in order to serve in government, become a military officer, or attend either Oxford or Cambridge. However, since James II's conversion to Catholicism, he continually moved for greater toleration of English Catholics, which angered the Anglican Church.<sup>209</sup>

The Crown's traditional allies finally turned on James II when he demanded they enforce his Edict of Toleration (1688). This edict practically nullified all of the previous prohibitions on English Catholics. While it did not change the law, it protected them from its punishments. This was a very unpopular move both within and outside the Anglican Church. The vast majority of England's population was avowedly Protestant and violently anti-Catholic. In fact, English anti-

---

<sup>208</sup> Steven C.A Pincus, *1688: the first modern revolution*, New Haven: Yale University Press, 2009, 4; J. P Kenyon, *The Stuarts*, 163-4.

<sup>209</sup> Pincus, *1688*, 4; J.P. Kenyon, *The Stuarts*, 164-8.



Catholicism often united English Protestants even across denominational lines. This made the reaction of the Anglican Church a legitimate threat to James II's reign.<sup>210</sup>

In 1688, seven Anglican bishops joined together and refused to issue the edict from their pulpits. In response, James II had them arrested and charged with seditious libel. His advisors had warned him that such a move would isolate the Anglican Church and tarnish his popular reputation. Once again, James II's rashness caused problems for the Crown. His advisors' predictions underestimated the reality. The courts, another traditional ally of the Crown, acquitted the bishops, setting them free. This took the force out of James II's Edict of Toleration. Neither the church nor the courts were willing to defend him or his policies. In an attempt to preserve their privileges both turned to Parliament. This isolated James II from his family's long time allies; Church and courts had supported his father, King Charles I, and his brother, King Charles II. The little support James II had left was no match for his growing opposition.<sup>211</sup>

Parliament and the king were normally in balance with powerful factions throughout the kingdom supporting either side. However, James II's failed policies temporarily brought both the Anglican Church and the courts into Parliament's camp. By 1688, Parliament was packed with Whigs. Despite the ongoing theoretical battle, the Tories could not debate away James II's miscalculations, which had united the populace behind the Whigs. With the church, the courts, and the people behind them, the Whig led Parliament seized the opportunity to assert the rights it had claimed during the 1680 Exclusion Crisis: the power to alter succession.<sup>212</sup>

Parliament's efforts were galvanized by the birth of a Stuart male Catholic heir in the summer of 1688. On June 10, 1688, James II's wife gave birth to son, James Stuart. This gave

---

<sup>210</sup> J.P. Kenyon, *The Stuarts*, 166-7.

<sup>211</sup> *Ibid*, 166-7, 172.

<sup>212</sup> *Ibid*, 167-8.

James II his first legitimate male heir. More importantly, for him, it secured the Stuart line. Unfortunately for him, the thought of a Catholic dynasty enraged the Protestant populace. They did not want a Catholic king consistently undermining their privileges, allying with their Catholic enemies abroad, and taking orders from Rome. On the day James II's son was born, the Whig led Parliament and several Anglican clergymen joined together to draft an invitation to the Protestant William of Orange to escort his wife, Mary Stuart, to the throne of England. He readily obliged.<sup>213</sup>

The English people were not willing to defend a Catholic monarch or resist the claims of the much beloved Protestant couple. William and Mary were seen as a moderate and reasonable choice by many Englishmen.<sup>214</sup> Furthermore, the slow, steady, and mostly peaceful advance of the couple across the kingdom created an air of inevitability about them. In fact, they only had to fight a single pitched battle at Reading shortly after landing on the coast. Sensing the danger to his family and realizing his total political isolation, the once combative James II abdicated the throne and fled England. He lived out the rest of his days with his relatives in the court of King Louis XIV.<sup>215</sup>

Throughout these events, Whigs and Tories wrote furiously against one another in an attempt to influence the final political outcome. Filmer's *Patriarcha* remained at the center.

#### § 4.4.1 Filmer: The Tories' Last Stand

To defend James II, the Tories issued a new edition of the complete works of Sir Robert Filmer. In 1685, Edmund Bohn published this definitive collection. It included the most accurate

---

<sup>213</sup> Ibid, 169-73.

<sup>214</sup> Ibid, 176-9.

<sup>215</sup> Ibid, 174-81.

version of the *Patriarcha* available until the historian Peter Laslett uncovered the Cambridge manuscript in the 1940s. Bohn's foreword to the collection was titled *A Defense of Sir Robert Filmer* (1685). This was written specifically to counter Sidney's criticism. Additionally, Bohn found Filmer particularly attractive considering the state of the kingdom in 1685. He believed that it was very similar to that of Filmer's time prior to the English Civil War. Thus, he argued that the *Patriarcha* could provide vital insight on how to avoid another dissolution of the civil government. Furthermore, Bohn found Filmer's claim that the king was the father of his country the most practical and useful insight for the present situation.<sup>216</sup>

Despite Bohn's new edition of Filmer's works and his defense of his theories, the Tories did not fare well leading up to the Glorious Revolution. The political realities left little room for intellectual conjecture or rehashing old propaganda. The Anglican Church, the courts, and most of Parliament had abandoned the king by 1688. Without his traditional allies, the Tory presses ran out of fodder and political support. Moreover, they were not able effectively to defend a king who was not willing to defend himself. The moment King James II fled to France the political war was all but over. Filmer's prominence was intimately tied with the king's fortunes. The same had been true during his lifetime. When there was no longer a king to defend, Filmer's treatises lost their potency. When the Tories were forced to retreat, Filmer was left vulnerable not only to criticism, but also to caricature.

---

<sup>216</sup> Cesare Cuttica, *Sir Robert Filmer (1588-1653) and the Patriotic Monarch*, 212-9.

#### § 4.4.2 John Locke's Critique of Filmer

Filmer's posthumous political and philosophic influence survived both Tyrrell's and Sidney's critiques. However, John Locke's *Two Treatise on Civil Government* (1689)<sup>217</sup> spelled the end of Filmer's intellectual influence. Locke not only refuted Filmer's philosophy, he dismantled his synthesis and thus his rhetorical strength. After 1689, Filmer's theory was relegated to the fringes of history. By the end of the *First Treatise* Filmer is reduced to a hollow caricature. The *Second Treatise* follows this up with a new Lockean vision of the world. Both of these texts were written together during the Exclusion Crisis. However, due to the hostility under which the Whigs were forced to write, John Locke did not publish either text until the Glorious Revolution was already under way. The *Second Treatise* makes a powerful statement about the *First*. By the end of his first work, Locke is so confident in his refutation of Filmer that he does not even mention him, his work, or his ideas as he discusses his new political philosophy in his second work. The effectiveness of Locke's criticism is attested to by the success of his *Second Treatise* compared to his *First*. Every student of political science is inundated with Locke's political theories on life, liberty, and property. Hardly any ever hear the name Sir Robert Filmer. While this phenomenon has been alluded to in the secondary literature, no one has yet looked at Locke to better understand what had made the *Patriarcha* such a threatening work.

Locke's introduction attests to the prominence of Filmer's *Patriarcha*. Locke states, "I therefore took it into my hand with all the expectation, and read it through with all the attention due to a treatise, that made such a noise at its coming [...]"<sup>218</sup> He also notes "from him [Filmer] every one, who would be as fashionable as French was at court, has learned, and runs away with"

---

<sup>217</sup> This work was first written during the Exclusion Crisis but was not published until the Glorious Revolution. Even then it was published anonymously.

<sup>218</sup> John Locke, *Locke: Two Treatises of Government Student Edition* (Cambridge University Press, 1988), §1.

his system of politics.<sup>219</sup> It is thus apparent that by Locke's own estimation, Filmer's *Patriarcha* was not only popular on its own, but also served as the basis for Tory political philosophy throughout the period.

Moreover, in his introduction, Locke reveals his strategy for refuting Filmer's *Patriarcha*. First, he reduces Filmer's theory to two principles: "That all government is absolute monarchy," and "That no man is born free."<sup>220</sup> Then, he boils it down to a single argument from Scripture; the opposite approach Filmer takes in the *Patriarcha*. Locke states, "But if this foundation fails, all his fabric fails with it, and governments must be left again to the old way of being made by contrivance and the consent of men."<sup>221</sup> Later, he defines this more clearly saying, "Here we have the sum of all his arguments, for Adam's sovereignty, and again against natural freedom, which I find up and down in his other treatises: and they are these following: God's creation of Adam, the dominion he gave him over Eve, and the dominion he had as father over his children."<sup>222</sup> The entire organization of his *First Treatise* attests this as his strategy. Each chapter focuses on Filmer's paternal Scriptural argument reaching back to the divine grant of power from God to Adam. He completely neglects all of Filmer's other arguments and sources. By the end of the first chapter, Locke turns Filmer's "darling tenet of Adam's sovereignty" into a joke.<sup>223</sup>

As noted in Chapter Three, Filmer's central argument is based upon the Bible. Thus, Locke's focus on the Biblical issue is potent; target the keystone, take down the whole arch. However, it was precisely that entire edifice that made the *Patriarcha* such a threat to the Whigs.

---

<sup>219</sup> Ibid, §5.

<sup>220</sup> Ibid, §2.

<sup>221</sup> Ibid, §6.

<sup>222</sup> Ibid, §14.

<sup>223</sup> Ibid, §14.

In fact, Locke's own words reveal this to be the *Patrarcha's* rhetorical strength. In the opening sections to his first chapter, Locke notes the following:

I observe not that he states the question, or rallies up any arguments to make good his opinion, but rather tells us the story, as he think fit, of this strange kind of domineering phantom, called the fatherhood [...].<sup>224</sup>

These lines do not attest to a lack of arguments by Filmer. Instead, Locke merely characterizes them as a story, dismissing them as baseless. In doing so, similarly to Filmer's strategy, he frames the discussion to his advantage. If he can take out Filmer's central tenet, the grant of both patriarchal and regal power to Adam from God, the synthesis becomes smoke and mirrors. Locke even declares this to be his strategy in the opening lines of his *First Treatise*:

[I] confess myself mightily surprised, that in a book, which was to provide chains for all mankind, I should find nothing but a rope of sand, useful perhaps to such, whose skill and business it is to raise a dust, and would blind the people the better to mislead them [...].<sup>225</sup>

Hidden beneath his own rhetoric, Locke recognizes Filmer's rhetorical strategy and identifies both its strength and its weakness. Locke points out that the bulk of Filmer's text is meant to blind and confuse both readers and critics alike. Considering the *Patriarcha* as a piece of propaganda makes this characterization quite the compliment. It also identifies the work's source of strength. Yet, Locke dismisses this and instead focuses on the *Patriarcha's* central substantive source, Scripture. Without Scripture, Aristotle's defense of monarchy is easily co-opt able. Without the divine right of Adam, de Bracton's legal position loses its staying power. Without the Bible, Raleigh's analysis means nothing. Thus even though he notes Filmer's use of alternate source material he dismisses it as inconsequential, a mere story.

---

<sup>224</sup> Ibid, §6.

<sup>225</sup> Ibid, §1.

By doing this Locke characterizes the *Patriarcha* as relying on a single questionable argument. Both Tyrrell and Sidney had attempted to confront the amalgamation of sources and arguments head on. Sidney even identified Filmer's rhetorical strategy before beginning his argument-by-argument criticism. Yet, both were forced to engage all of his points in an attempt to win the rhetorical battle. Ironically, this made their works better pieces of political theory and worse pieces of political propaganda. Locke, however, was able to dismantle Filmer's *Patriarcha* turning Filmer's own rhetorical tools against him; reverse the synthesis and thus its strength. For whatever reason, he chose a different strategy than Tyrrell and Sidney. Regardless, it paid off. He chose not to take down the *Patriarcha* brick-by-brick or argument-by-argument. Instead, he chipped away at its foundation, the sovereignty of Adam.

His reduction of the *Patriarcha* to its core argument makes it vulnerable. Locke realizes this and devotes the remainder of his *First Treatise* building on the breakthrough of his first chapter. In his first chapter he identifies what he sees as all of Filmer's defenses for Adam's sovereignty, "God's creation of Adam, the dominion he gave him over Eve, and the dominion he had as father over his children."<sup>226</sup> Specifically, Locke addresses "Adam's Title to Sovereignty" "by Creation," "by Donation," "by the Subjection of Eve," and "by Fatherhood." In this way, Locke controls the discussion and limits Filmer's defenses to these four points, all Biblical. After that, it becomes a battle of Biblical interpretations and wit. He targets each one and dismantles it by a combination of dismissal, definition, and logical binds using Filmer's own supposed words and Scripture against him. To demonstrate the effectiveness of his strategy, only a brief look at one of Locke's points is necessary.

---

<sup>226</sup> Ibid, §14.

Locke spares little time in getting to the heart of his criticism. He starts by disputing Filmer's supposed claim that Adam's mere creation by God denies the natural freedom of mankind. Locke insists the Filmer gives no explanation or justification for this. So, Locke declares his intent to analyze anyway. In doing so, Locke does not merely provide a refutation of Filmer, he belittles him. Locke states, "but how Adam's being created, which was nothing but his receiving a being immediately from omnipotency, and the hand of God, gave Adam a sovereignty over anything, I cannot see." He continues, "For I find no difficulty to suppose the freedom of mankind, though I have always believed in the creation of Adam." He gets to the point when he says "if bare existence by that power, and in that way, will give dominion, without any more ado, our A- [Author], by this argument, will make a lion have as good a title to it as he [Adam]. Finally, he notes that Filmer does not say it is by creation but "by the appointment of God," and thus moves to that point after remarking, "and one might have supposed mankind free without denying the creation of Adam."<sup>227</sup>

Locke then occupies his work with an elaborate rhetorical back and forth between himself and his portrayal of Filmer's arguments. He quotes a few lines from around the *Patriarcha* then attempts to twist them into a logic bind. Locke has Filmer saying, "as soon as Adam was created, he was proprietor of the whole world, because by the right of nature it was due to Adam to be governor of his posterity." Locke then points to another of Filmer's supposed lines where he is to have said Adam was created before government, "for there could not be actual government till there were subjects." Locke then twists these lines saying, "But he could not *de facto* be by Providence constituted the governor of the world at a time, when there was actually no government, no subject to be governed, which our A- here confesses."<sup>228</sup>

---

<sup>227</sup> Ibid, §15.

<sup>228</sup> Ibid, §16.



Locke also uses this same strategy and combines it with his own analysis to great effect. Locke has Filmer declare that Adam's right comes from nature. Locke points out that if this were true, "there was no need for a positive donation" from God as it was already a law by Creation.<sup>229</sup> He then binds Filmer further by reminding his readers that Adam gains no sovereignty by his mere creation.<sup>230</sup>

This strategy does more than merely cut away the *Patriarcha*'s synthesis; it turns it in on itself with just Scripture and wit. Locke uses Filmer's own words against him. He takes his statements and binds him in a series of internal logical traps, each worse than the last and building on those around it. What makes it worse is that Locke does this with Filmer's central divine argument. If he had focused his energies on Aristotle or Henry de Bracton like Sidney or Tyrrell, maybe the result would have been different. Instead, Locke targets Filmer's foundation and uses it against him. Locke thus also dismantles Filmer's *Patriarcha* by turning its rhetorical strength against it.

Locke's creative and effective criticism nevertheless attests to the effectiveness of the *Patriarcha* and the threat it posed to the Whigs. Even while being left entirely alone on the intellectual landscape, Filmer's *Patriarcha* still proved a threat to resistance theorists. Its synthesis of arguments and sources made it an effective rhetorical weapon for the Tories and protected it from Sidney and Tyrell. Both had to engage all of his arguments in the heat of the debate. They were in a trenchant legal and political battle, not just a philosophic one. However, Locke's treatise was further removed from the conflict and was able to target the *Patriarcha* solely on theoretical grounds. It eventually succumbed to Locke's strategy; ignore the edifice and

---

<sup>229</sup> Ibid, §16.

<sup>230</sup> Ibid, §17.

target the foundation. In doing so, he dismantled the *Patriarcha*'s synthesis, leaving its Scriptural argument exposed. He then bound it up in logical contradiction and conceits.

#### § 4.5. The Aftermath: The Non-Jurors & Jacobites

Even when the Whigs in Parliament ultimately won the political battle and Locke's critique pushed Filmer's ideas to the periphery, Filmer's *Patriarcha* remained prominent in England. It served as the central political treatise of the Non-Jurists and the Jacobites. The Non-Jurists were largely made up of dissenting magistrates and gentry. They asserted that one could not pledge an oath of allegiance to a new monarch while the other one still lived. Thus, they refused to recognize William and Mary as legitimate rulers of England. Compared to the Jacobites, their influence was minimal. Their objection was not to Parliament's interference in succession, the religion of the new monarch, etc. Instead, their objection was academic and limited to the lifespan of James II. Once he died, their cause and concern largely went away.<sup>231</sup>

The Jacobites, however, remained a force in English politics throughout the eighteenth-century. They are titled after the Latin name for James and derived their support largely from the populace of the Scottish Highlands. They believed Parliamentary interference with royal succession was illegitimate. Thus, they supported the Stuart dynasty's claims to the throne of England even after James II's death. Unlike the Non-Jurists, their belief brought them to launch a series of rebellions to try and put James II and his heirs back on the throne. These several bloody yet unsuccessful attempts became known as the Jacobite Risings, which occurred for nearly a

---

<sup>231</sup> Filmer, *Patriarcha and Other Political Works*, introduction, 41.

century.<sup>232</sup> While both groups refused to recognize the authority of William and Mary, the Jacobites retained their loyalty to the Stuart Dynasty well into the nineteenth-century.<sup>233</sup>

Despite these groups, however, the political and intellectual battle both gave way to the Whigs. The political battle ended in 1688. The intellectual conflict saw John Locke and his theories of popular sovereignty and representative government slowly expand in prominence in the following centuries. Meanwhile, the Stuart dynasty, Sir Robert Filmer, and divine right monarchy conversely diminished into obscurity.

#### § 4.6 Conclusion

Locke's caricature of Filmer as a one-trick theorist focused on patriarchy has largely remained even amongst modern scholars. However, the above explication of the intellectual reception of Filmer's *Patriarcha* throughout the last decade of Stuart rule tells an entirely different story. Filmer was not raised up as the standard bearer for the Tories on the merits of unique arguments or even a single effective claim. Instead, his concise synthesis of previous arguments and sources in favor of the divine right of kings made him a valuable resource. Many Tories cited the *Patriarcha* in order to make paternal and patriarchal claims on behalf of the king. Others used it to advance Scriptural, historical, or philosophic arguments. Even a select few took his work wholesale to refute the beliefs of their ideological adversaries. More importantly, this same synthesis made the work an effective piece of propaganda.

Moreover, Filmer's critics prove more valuable than his Tory supporters in uncovering what exactly made the *Patriarcha* such a threat to the Whigs. If the *Patriarcha* were merely

---

<sup>232</sup> Pincus, *1688*, 7, 489. According to Pincus, the Glorious Revolution led to a series of events supported or related to the Jacobite cause, including the wars in Ireland and Scotland, and even the Nine Years War.

<sup>233</sup> Filmer, *Patriarcha and Other Political Works*, introduction, 41.

another philosophic treatise putting forward a singular defense of the divine right of kings, it would hardly have posed such a threat to the Whigs. James Tyrrell's initial scholarly refutation would have likely been enough to nip Filmer's posthumous influence in the bud. However, Tyrrell's criticism did not prove effective enough, requiring Sidney and then Locke to pick up the pen. Both of them saw the *Patriarcha*, in their own words, as a threat to the natural liberty of the people. By their organization, comments, and arguments, all three attest to what made the *Patriarcha* particularly threatening, its synthesis. Tyrrell saw the combination of arguments and challenged it as a piece of scholarship. Sidney saw through Filmer's rhetoric but was forced by circumstances to attempt a broader refutation of his points. Finally, Locke identified the work as propaganda, dismantled the synthesis of sources and arguments, and then targeted the central claim of Filmer's treatise. Thus, the *Patriarcha's* critics' tireless refutations confirm its popularity and attest to the rhetorical effectiveness of its construction. It was not its collection of arguments but the act of collecting them and construing them as political theory that made the *Patriarcha* a threat and forced them to respond in the way they did.

Therefore, together, both the Tories and the Whigs prove the synthesis thesis. It was not the *Patriarcha's* new, unique, or scholarly arguments that aided the Tories and threatened the Whigs. It was the synthesis of disparate source and arguments that made it both a deep reserve of source material and an effective piece of propaganda for the Tories.

## Conclusion

Sir Robert Filmer was born into a world where divine right monarchy was the order of the day. Despite minor legal contentions, the question was not if the king was divinely appointed but which dynasty God intended to rule over England. The violence that plagued England during Filmer's youth was largely sectarian. English Catholics and Protestants traded monarchs and persecutions in the mind and late sixteenth century. Filmer's family chose the winning side, the Church of England. In an England ruled by divine right, Filmer's family received many boons. They rose from the petite middle class into the minor gentry all by the grace of one king or another. By marriage, he also had strong ties to the Anglican high churchmen. Having spent his life in England during the late sixteenth and early seventeenth-centuries as part of the gentry and wed to the daughter of an Anglican clergyman, Filmer's status as a devout Royalist was perfectly normal.

According to most modern scholars, even his specific political theories were run of the mill. They were taken from his predecessors and contemporaries: kings, churchmen, and Kentish Royalist intellectuals. Each line of argumentation could be traced to one text or another. This was especially true for his most famous work, the *Patriarcha*. In fact, Filmer integrated so much previous scholarship into the pamphlet that Laslett calls him nothing short of a plagiarizer. Most modern scholars follow this trend. The one exception is Cuttica. He asserts that this text advanced an original patriarchal argument. While scholarship on Filmer's work has progressed, it has not changed much. It can be largely boiled down to two camps split over one issue: the first, headed by Laslett, finds Filmer unoriginal, and the second, headed by Cuttica, argues the opposite. In reality, both are right. In fact, neither alone can explain why the *Patriarcha* was so popular in the 1680s.

After breaking down Filmer's *Patriarcha*, it can be organized into three parts, roughly corresponding to its three chapters. Its first chapter presents the Scriptural argument: Adam was given a divine grant of authority which descends by right of inheritance to kings of the present day. This is the foundation for his entire work. To defend it, he turns to Sir Walter Raleigh's Biblical analysis. In his second chapter, he defends the implications of patriarchal divine right monarchy with a philosophic argument. To accomplish this he relies on a combination of contemporary sources and classical thinkers. The central figure of his philosophic defense is Aristotle. Between the first and second chapters Filmer establishes a self-reinforcing argument where the Bible and Aristotle's philosophy mutually support one another. In his third and final chapter, Filmer makes his work relevant to seventeenth-century English debates between the King and Parliament. He turns to Henry de Bracton and integrates his theory into England's legal reality. Specifically, he attempts to refute claims by resistance theorists and supporters of popular sovereignty about legitimate resistance and limited monarchy. Both concepts were abhorrent to Filmer's theory. By the end of the *Patriarcha*, Filmer synthesizes a web of disparate sources and arguments into a concise defense of divine right monarchy, a masterpiece of propaganda. He presents it as not only the best option, but as the only one. In this way, Filmer's arguments were not original. However, the construction of his text was unique and explains his posthumous popularity.

By putting all of these arguments and sources in one place, Filmer unwittingly made his *Patriarcha* the Tories' first line of defense in the 1680s. Tory intellectuals from university students and faculty to the Poet Laureate cited Filmer's *Patriarcha* or at least made reference to its theories. They did not use it to advance a purely patriarchal argument for divine right monarchy. While many did, others cited different components of its Scriptural argument,

including the lessons of the Prophet Samuel. Other thinkers used the *Patriarcha*'s philosophic points to dispute with their Whig opponents. Yet others took the work whole and presented it as a refutation of a litany of arguments all at once.

Similarly, this synthesis of sources and arguments made the *Patriarcha* a threat to the Whigs. While the Whigs responded due to the Tories incessant use of the text, their responses show what made the *Patriarcha* a mainstay of the 1680s. The Tories would not have been able to continually use the *Patriarcha* if it was not deceptively resilient in the face of criticism. Most attempts to refute Filmer's claims in the *Patriarcha* resulted in extensive but not exhaustive critiques. James Tyrrell was the first to attempt a refutation of the *Patriarcha* in 1680. His scholarly, systematic approach proved troublesome as each argument of the *Patriarcha* appears at first to reinforce the others, making each argument necessary. Even if he was able to see through this veneer, the political realities of the Exclusion Crisis required him to address more than was necessary in order to adequately respond to all possible uses of the text. Algernon Sidney's adopted a thematic approach in 1683 that resulted in over ninety separate arguments, matching the number Sidney identified in Filmer's text. Sidney's breakdown of the *Patriarcha* reveals the rhetorical composition of the text, highlighting both its strength and its weakness. However, like Tyrrell, Sidney was also forced to address all of Filmer's arguments, even the ones he recognized as frivolous. He could leave no stone unturned for fear of the "weak minded," as Sidney called them, falling prey to what he termed as Filmer's snares. In the end, John Locke laid the *Patriarcha* to rest by cutting the Gordian Knot. He boiled Filmer's argument down to its central Scriptural foundation and took aim. For whatever reason, be it distance from events, influence from Sidney's work, or a lesson learned, Locke's choice to ignore the synthesis and focus on Filmer's Scriptural argument was as rhetorically effective as it was philosophically

destructive. In this way, these three attempts in their own way highlight what the Whigs found so threatening about the *Patriarcha*, its concise original synthesis.

An analysis of the text of the *Patriarcha* confirms the existence of a synthesis. Its reception by the Tories for its variety of arguments and sources confirms that this synthesis is what made Filmer's work useful to them. The repeated criticisms of three Whig luminaries, their differing rhetorical strategies, and the ultimate success of John Locke's approach all confirm that it was the synthesis that made the *Patriarcha* such a lasting threat.

Thus, both camps of scholars are right. Filmer's work was constructed of a web of plagiarized sources and arguments. Yet, he wove them together in an original pattern to create his Royalist propaganda in the guise of political theory. Only the synthesis thesis presented in Chapter Two captures this reality. Moreover, thus far, it is the only theory that provides a satisfactory explanation as to why the *Patriarcha*, and not another bygone text, was the mainstay feature of the intellectual battlefield in the 1680s.

While this paper has done a great deal to further our understanding of Sir Robert Filmer, his *Patriarcha*, and the intellectual debates of seventeenth-century England, a great deal more is still to be done. This paper has put forth the synthesis thesis and supported it with evidence from both the text itself and its historical reception, but much more can be done to further substantiate it.

First, a closer look at many of the minor sources referenced in the *Patriarcha* would provide greater insight into the concision and breadth of Filmer's synthesis. Furthermore, such a study would help determine the rhetorical strength of Filmer's arguments. Doing this would help to further explain why the Tories found the text so attractive the Whigs found it so troublesome.



Second, a similar textual analysis of Filmer's other political pamphlets is necessary. If the analysis of his other works reveals a similar strategy, it poses many questions. Specifically, it would beg the question as to why the *Patriarcha* and not another one of his tracts became the central Tory text of the 1680s. Furthermore, doing this would provide insight into Filmer's own beliefs. It would be equally informative to determine if he wrote his other texts as propaganda or as scholarship.

Third, a closer evaluation of Filmer's reception and rejection by Whig thinkers would be informative. While this paper endeavors to show how their responses confirms the threat of his synthesis, looking closer at their specific responses may help to further substantiate this thesis. Additionally, a comparative analysis of their works to Filmer's *Patriarcha* might reveal the nuances of their own scholarship, propaganda, and concerns.

All of these avenues should be explored in tandem or separately. For now, however, it is equally important to further study and question the textual and historical analysis provided in this paper. Further debate and discussion will hopefully improve upon its findings or else continue to provide an appreciation for the works of Sir Robert Filmer.

## Bibliography

## Primary Sources

Aristotle. *Loeb Classical Library*. Translated by H. Rackham. Vol. 264, *Politics*. Cambridge, Mass. Harvard University Press, 1944.

Aucher, John. *The Arraignment of Rebellion, Or, The Irresistibility of Sovereign Powers Vindicated and Maintain'd in a Reply to a Letter / by John Aucher ...* Early English Books. 1641-1700 / 884:04 (London : Printed by M.F. for William Abington ..., 1684., 1684).

Bracton, Henry de. *Bracton on the Laws and Customs of England* (Cambridge Mass: Published in association with the Selden Society by the Belknap Press of Harvard University Press, 1968).

Dryden, John. "Absalom and Achitophel."

Filmer, Robert Sir. "In Praise of the Vertuous Wife," in M. Ezell, *The Patriarch's Wife : Literary Evidence and the History of the Family* (Chapel Hill: University of North Carolina Press, 1987).

Filmer, Robert Sir. *Patriarcha and Other Political Works*. Ed. Peter Laslett (Oxford: BBlackwell, 1949).

Filmer, Robert, Sir, *Patriarcha and Other Writings*. Ed. Johann P. Sommerville (Cambridge England ; New York: Cambridge University Press, 1991).

Filmer, Robert Sir. *Quaestio Quodlibetica, Or, A Discourse Whether It May Bee Lawfull to Take Use for Money*. Early English Books. 1641-1700 / 441:02 (London : Printed for Humphrey Moseley, and are to be sold at his shop ..., 1653., 1653).

Kennett, White. *A Letter from a Student at Oxford to a Friend in the Country Concerning the Approaching Parliament, in Vindication of His Majesty, the Church of England and University*. Early English Books. 1641-1700 / 1125:22 (London : Printed for John Seeres, 1681., 1681).

Locke, John. *Locke: Two Treatises of Government Student Edition* (Cambridge University Press, 1988).

Nenner, Howard. "The Later Stuart Age," in J. G. A Pocock, Gordon J. Schochet, and Lois G Schwoerer. *The Varieties of British Political Thought, 1500-1800* (Cambridge England ; New York, NY: Cambridge University Press, 1993).

Northleigh, John. *The Triumph of Our Monarchy, over the Plots and Principles of Our Rebels*

*and Republicans Being Remarks on Their Most Eminent Libels / by John Northleigh ...* Early English Books. 1641-1700 / 966:58 (London : Printed for Benj. Tooke ..., 1685., 1685).

Pelling, Edward d. *The Apostate Protestant a Letter to a Friend, Occasioned by the Late Reprinting of a Jesuites Book about Succession to the Crown of England, Pretended to Have Been Written by R. Doleman.* Early English Books. 1641-1700 / 645:06 (London : Printed for W. Davis and J. Hindmarsh ..., 1682., 1682).

Sidney, Algernon. *Discourses Concerning Government, by Algernon Sydney with His Letters Trial Apology and Some Memoirs of His Life* (London: printed for AMillar, 1763).

Temple, William Sir. *Miscellanea ... by a Person of Honour.* Early English Books. 1641-1700 / 78:03 (London : Printed by A.M. and R.R. for Edw. Gellibrand ... , 1680., 1680).

Tyrrell, James. *Patriarcha Non Monarcha The Patriarch Unmonarch'd : Being Observations on a Late Treatise and Divers Other Miscellanies, Published under the Name of Sir Robert Filmer, Baronet : In Which the Falseness of Those Opinions That Would Make Monarchy Jure Divino Are Laid Open, and the True Principles of Government and Property (especially in Our Kingdom) Asserted / by a Lover of Truth and of His Country.* Early English Books. 1641-1700 / 44:01 (London : Printed for Richard Janeway ..., 1681., 1681).

Walker, John. *The Antidote: Or, a Seasonable Discourse on Rom. 13. 1 Shewing the Necessity and Reasonableness of Subjection to the Higher Powers. With an Account of the Divine Right or Original of Government. By John VWalker, M.A.* Early English Books. 1641-1700 / 2202:05 (London : printed by Th. Hodgkin, for Anthony Stephens Bookseller, near the theatre in Oxford, 1684., 1684).

Walter, Sir, Raleigh, *The Historie of the Vvorld In Fiue Bookes. 1 Intreating of the Beginning and First Ages of the Same from the Creation Vnto Abraham. ... 5 From the Settled Rule of Alexanders Successours in the East, Vntill the Romans (preuailing Ouer All) Made Conquest of Asia and Macedon. By Sir Walter Raleigh, Knight.* Early English Books. 1475-1640 / 1462:02 ([London : Printed [by Humphrey Lownes] for H. Lownes, G. Latham, and R. Young, Anno Domini 1628], 1628).

## Secondary Sources

Allen, J.W. *English Political Thought, 1603-1660* (London: Methuen & Coltd, 1938).

Cuttica, Cesare. "Kentish Cousins at Odds: Filmer's Patriarcha and Thomas Scott's Defense of Freeborn Englishmen." *History of Political Thought* 28, no. 4 (Winter 2007).

Cuttica, Cesare. *Sir Robert Filmer (1588-1653) and the Patriotic Monarch : Patriarchalism in Seventeenth-Century Political Thought* (Manchester, UK: Manchester University Press, 2012).

- Figgis, John Neville. *The Divine Right of Kings*. 2d edition with three additional essays. (Cambridge: University Press, 1914).
- Greenleaf, W.H. "Filmer's Patriarchal History." *Historical Journal* 9, no. 2 (June 1966).
- Greenleaf, W.H. *Order, Empiricism, and Politics: Two Traditions of English Political Thought, 1500-1700*. (London, New York: Published for the University of Hull by the Oxford University Press, 1964).
- Kenyon J.P. *Robert Spencer, Earl of Sunderland, 1641-1702*. Facsimile edition (Westport, Conn: Greenwood Press, 1976).
- Kenyon, J.P. *The Stuarts : A Study in English Kingship*. (London: BTBatsford, 1958).
- Peck, Linda L. "Kingship, Counsel, and Law in Early Stuart Britain," in *The Varieties of British Political Thought, 1500-1800*. Ed. J.G.A Pocock, Gordon J. Schochet, and Lois G. Schworer (Cambridge England ; New York, NY: Cambridge University Press, 1993).
- Pincus, Steven C.A. *1688: the first modern revolution*. New Haven: Yale University Press, 2009.