

	<i>Maris libri duo</i> . Filmer used the Latin version, making his own translations. All Filmer's references are to book 1, chapter 4.
Selden 3	Selden, John, <i>The Privileges of the Baronage of England</i> , London 1642.
Selden 4	Selden, John, ed., <i>Eadmeri Monachi Cantuarensis Historiae Novorum</i> , London 1623.
Spelman	Spelman, Sir Henry, <i>Henrici Spelmanni Equit. Anglo-Brit. Archaeologus. In modum Glossarii ad rem antiquam posteriorem</i> , London 1626.
Starkey	Starkey, Ralph, <i>The Privileges and Practice of Parliaments in England</i> , London 1628.
Statutes	<i>The Statutes at Large</i> , 2 vols., London 1618. Page references are to vol. 1 of this edition. In addition references are given to monarch, regnal year and chapter.
Statutes of Ireland	<i>The Statutes of Ireland, beginning the third yere of K. Edward the second</i> , Dublin 1621.
Stow	Stow, John, <i>The Survey of London</i> , Everyman edition, London 1912. This reprints the enlarged text of 1603. The book was first published in 1598.
Suarez	<i>Tractatus de Legibus ac Deo Legislatore</i> . References are to book, chapter and section. The work was first published at Coimbra in 1612, and was frequently reprinted.
Vowell	Vowell, John (alias John Hooker), <i>The Order and Usage of the keeping of a Parliament</i> , London 1575.
Wing	Wing, Donald G., ed., <i>Short-Title Catalogue of Books printed in England, Scotland, Ireland, Wales and British America and of English Books printed in other Countries 1641-1700</i> , 3 vols., New York 1972, 1982, 1951.
Year Book, Edward III 22	<i>De Termino Hillarii Anno Regni Regis Edwardi tertii post Conquestum xxii</i> , London 1567.

Patriarcha^a
*The *Naturall* Power of
Kinges
Defended against the
Unnatural Liberty
of the
People.

By Arguments {
Theological
Rational
Historical
Legall*¹

*Patriarcha. That the first kings were fathers of families.

Chapter One: (1) The tenet of the natural liberty of mankind new, plausible and dangerous; (2) the question stated out of Bellarmine; some contradictions of his noted; (3) Bellarmine's argument answered out of Bellarmine himself; (4) the royal

^a *Patriarcha*: texts: A – Regenstein Library, University of Chicago, Codex MS 413.

B – Cambridge University Library MS Add. 7078.

C – Chiswell edition dated 1680 but probably published later (Wing F923 – a corrected reprint of the first (Davis) edition of 1680, Wing F922. In the case of all readings recorded below the Chiswell and Davis editions agree).

D – Bohun's edition of 1685, Wing F928.

B was found by Peter Laslett at the ancestral home of the Filmers at East Sutton Park in 1939, and is now in the Cambridge University Library. It is a fair copy, and Laslett ascribes the hand to Filmer. Manifestly, it is a text of high authority. A was bought by the Chicago University Library from the booksellers Percy Dobeil & Son of Tunbridge Wells in 1929. Nothing further is known of its provenance. It is in several hands. Schochet and Wallace argue that at least some of the manuscript was written by Filmer himself, but Tuck claims that the work is a professional scribal copy. In any event, A provides a good text which is clearly not copied from B, and which is seemingly largely free of scribal errors. There is strong evidence for supposing that A is the earlier text. For a fuller discussion of the dating of the two texts, see pp. xxxii–iv of this edition.

Copy-text is A; variant readings in B are given in the notes. An exception is that

authority of the patriarchs before the Flood; (5) the dispersion of nations over the world after the confusion of Babel, was by entire families over which the fathers were kings; (6) and from them all kings are descended; (7) all kings are either fathers of their people, (8) or heirs of such fathers or usurpers of the right of such fathers; (9) of the escheating of kingdoms; (10) of regal and paternal power and of their agreement*.²

(1) *Since the time that school divinity began to flourish, there hath been a common opinion maintained as well by divines as by divers other learned men which affirms:³ 'Mankind is naturally endowed and born with freedom from all subjection, and at liberty to choose what form of government it please, and that the power which any one man hath over others was at the first by human right bestowed according to the discretion of the multitude.'

This tenet *was⁴ first hatched in the schools,^b *and hath been fostered by all succeeding papists for good divinity*.⁵ The divines *also⁶ of the reformed churches have entertained it, and the common people everywhere tenderly embrace it as being most plausible to flesh and blood, for that it prodigally distributes a portion of liberty to the meanest of the multitude, who magnify liberty as if the height of human felicity were only to be found in it – never remembering that the desire of liberty was the cause of the fall of Adam.

B usually has K. before kings' names, e.g. K. Henry VII; this has not been recorded in the notes. Copy-text for passages omitted in A is B. If a note gives a reading from A, the text is from B and vice versa. Readings from C and D are given only occasionally, and especially where they arguably correct errors in A and B. In general, C is an inferior version of A; D is a version of C with corrections and additions based on B or just possibly on an unknown manuscript closely related to B. The division into sections and the section numbers follow A, and take account of A's list of contents; but where A omits or mis-places numbers this has not been recorded; nor have the revised numbering system and list of contents adopted in B.

Two chapters included in B were printed in Filmer's *Observations* on Grotius in 1652, and are printed with that work in this edition. Elsewhere in the *Observations* Filmer refers to material from those chapters, and the *Observations* are, indeed, incomplete without them. So they have been included there, rather than in *Patriarcha*. The largest difference between A and B is the inclusion in B of the two chapters, and a number of other divergences arose to accommodate the new material. Since the chapters are here printed (as Filmer intended) with the *Observations*, it makes sense to use A as the main text for *Patriarcha*. But it deserves to be reiterated that, with the exception of the altered numbering system and table of contents, all variant readings in B may be recovered in this edition.

^b [Medieval Roman Catholic universities].

But howsoever this *vulgar⁷ opinion hath of late obtained great reputation, yet it is not to be found in the ancient Fathers and doctors of the primitive church. It contradicts the doctrine and history of the Holy Scriptures, the constant practice of all ancient monarchies, and the very principles of the law of nature. It is hard to say whether it be more erroneous in divinity or dangerous in policy.

*Yet⁸ upon the grounds of this doctrine both Jesuits and some *over zealous⁹ favourers of the Geneva discipline have built a perilous conclusion, which is 'that the people or multitude have power to punish or deprive the prince if he transgress the laws of the kingdom'. Witness Parsons and Buchanan. The first, under the name of Doleman, in the third chapter of his first book labours to prove that kings have been lawfully chastised by their commonwealths [Parsons pp. 37–63]. The latter in his book *De Jure Regni apud Scotos* maintains a liberty of the people to depose their prince. Cardinal Bellarmine *(book 3 *De Laicis*, chapter 6)¹⁰ and Mr Calvin *(*Institutes* book 4, chapter 10)¹¹ both look asquint this way.

This desperate assertion, whereby kings are made subject to the censures and deprivations of their subjects, follows (as the authors of it conceive) as a necessary consequence of that former position of the supposed natural equality and freedom of mankind, and liberty to choose what form of government it please.

And though Sir John Hayward, Adam Blackwood, John Barclay and some others have learnedly confuted both Buchanan and Parsons, and *bravely¹² vindicated the right of kings in most points, yet all of them, when they come to the argument drawn from the natural liberty and equality of mankind, *do¹³ with one consent admit it for a *truth¹⁴ unquestionable, not so much as once denying or opposing it. Whereas if they did but confute this first erroneous principle, the *whole fabric of this vast engine of popular sedition would drop down of itself*.¹⁵

The rebellious consequence which follows this prime article of the natural freedom of mankind may be my sufficient warrant for a modest examination of the original truth of it. Much hath been said, and by many, for the affirmative. Equity requires that an ear be reserved a little for the negative.

In this discourse I shall give myself these cautions:

First, I have nothing to do to meddle with mysteries of *the present¹⁶ state. Such *arcana imperii* [state secrets], or cabinet councils,

of a democratical estate. For a democracy is nothing else but the power of the multitude. If this be true, not only aristocracies but all monarchies are altogether unlawful, as being ordained (as he thinks) by men, when as God himself hath chosen a democracy.

Secondly, he holds that although a democracy be the ordinance of God, yet the people have no power to use the power which God hath given them, but only power to *give*^{*26} away their power; whereby it follows *that*^{*27} there can be no democratical government, because the people, he saith, 'must give their power to one man, or to some few'; which maketh either a regal or aristocratical estate, which the multitude is tied to do, even by the same law of nature which originally gave them the power. And why then doth he say the multitude may change the kingdom into a democracy?

Thirdly, he concludes that 'if there be a lawful cause the multitude may change the kingdom *into an aristocracy or democracy*'^{*28} Here I would fain know who shall judge of this *lawful*^{*29} cause? If the multitude (for I see nobody else can) then this is a pestilent and dangerous conclusion.

(3) I come now to examine that argument which is used by Bellarmine, and is the one and only argument I can find produced by *any*^{*30} author for the proof of the natural liberty of the people. It is thus framed: that God hath given or ordained power is evident by Scripture; but God hath given it to no particular man, because by nature all men are equal; therefore he hath given power to the people or multitude.

To answer this reason, drawn from the equality of mankind by nature, I will first use the help of Bellarmine himself, whose *very*^{*31} words are these: 'if many men had been together created out of the earth, all they ought to have been princes over their posterity' (book 1 *De Romano Pontifice*, chapter 2). *In these words we have an evident confession that creation made man prince of his posterity.*^{*32} And indeed not only Adam but the succeeding patriarchs had, by right of fatherhood, royal authority over their children. Nor dares Bellarmine deny this also. 'That the patriarchs', saith he, 'were endowed with kingly power, their deeds do testify' [*De Romano Pontifice* book 1, chapter 2]. For as Adam was lord of his children, so his children under him had a command *and power*^{*33} 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*^{*34}

I see not then how the children of Adam, or of any man else, can be free from subjection to their parents. And this *subjection*^{*35} of children is the only fountain of all regal authority, by the ordination of God himself. *It*^{*36} follows that civil power not only in general is by divine institution, but even the *assignment*^{*37} of it specifically to the eldest parent, which quite takes away that new and common distinction which refers only power universal *as*^{*38} absolute to God, but power respective in regard of the special form of government to the choice of the people. *Nor leaves it any place for such imaginary pactions between kings and their people as many dream of*^{*39}

(4) 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 absolutest dominion of any monarch which hath been since the creation. For power of life and death we find that Judah, the father, pronounced sentence of death against Tamar, his daughter-in-law, for playing the harlot. 'Bring her forth', saith he, 'that she may be burnt' [Genesis xxxviii, 24]. Touching war, we see that Abraham commanded an army of 318 soldiers of his own family [Genesis xiv, 14]; and Esau met his brother Jacob with 400 men at arms [Genesis xxxiii, 1]. For matter of peace, Abraham made a league with Abimelech, and ratified the articles *by*^{*40} an oath [Genesis xxi, 23-4]. These acts of judging in capital causes, of making war, and concluding peace, are the chiefest marks of sovereignty that are found in any monarch.

(5) Not only until the Flood, but after it, this patriarchal power did continue – as the very name of patriarch doth in part prove. The three sons of Noah had the whole world divided amongst them by their father, for of them was the whole world overspread, according to the benediction given to him and his sons: 'Be fruitful and multiply and replenish the earth' *(Genesis ix, [1])*^{*41} Most of the civillest nations *in*^{*42} the world labour to fetch their original from some one of the sons or nephews of Noah, which were scattered abroad after the confusion of Babel. In this dispersion we must certainly find the establishment of regal power throughout the kingdoms of the world.

~~It is a common opinion that at the confusion of tongues there were seventy-two distinct nations erected. All which were not confused~~