

Phil 114, February 13, 2012

Sir Robert Filmer, *Patriarcha*, Ch. 1, 3 §§1, 4–7

Sir Robert Filmer, *Observations Concerning the Originall of Government*, p. 187

John Locke, *First Treatise of Government*, Ch. 1, Ch. 4 §§21–24, 29, 41–43, Ch. 6, Ch. 9

John Locke, *Second Treatise of Government*, Ch. 1

Locke wrote *two* treatises of government, and the first of these treatises is a painstaking, and frankly often tedious, refutation of Filmer's *Patriarcha*. *Patriarcha* is an uneasy alliance of Aristotelianism and divine right, the view that God bestows legitimate political authority on monarchs.

Filmer seeks to *refute* the thesis that all men are naturally free and equal, and owe obligations of obedience only as a result of their own consent. As he puts the thesis, "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 direction of the multitude" (2).

The contrast between Filmer and Hobbes is striking. Both are anxious to defend royal absolutism: the unique, unlimited, and unconditional right of kings to command their subjects. But Hobbes defends this undemocratic conclusion from democratic premises. He believes that men are naturally free and equal and therefore that men have no political obligations to which they have not consented.

One cannot defend the undemocratic conclusion, Filmer suggests, from democratic premises. If one is to defend absolutism, one must reject the premise that all men are naturally free and equal and that legitimate government therefore arises from their consent.

Filmer's alternative foundation:

- The first man, Adam, had an unlimited, unconditional, and unique right to *rule* over all of his progeny: including Eve and their children.
- Adam also had an unlimited, unconditional, and unique right to *do* whatever he liked. The world and its inhabitants were his property.
- This right to rule and to do then passed to certain of his descendants, being divided at certain points.

Therefore, men are not naturally equal. Some—namely, the heirs of Adam's rights—have the right to rule over others. And apart from those heirs, men are not naturally free. "We are all born slaves," as Locke arrestingly, but not inaccurately, summarizes Filmer. "Life and Thralldom we enter'd into together, and can never be quit of the one, till we part with the other" (I, 4).

Correspondingly, absolute monarchy is legitimate, insofar as the candidate monarch

(i) is in fact one of Adam's heirs and

(ii) inherited a right to rule over, specifically, the candidate subjects (rather than, say, people living somewhere else).

Notice that the consent of the governed is completely irrelevant. Relations of authority and obedience are settled quite independently of the choices of men.

What accounts for Adam's right to rule? And what gave his heirs that right? The ultimate answer is clear enough: God's will. There are two kinds of evidence for God's will.

- First, revealed religion: God's particular pronouncements to men, which we know from scripture.
- Second, natural religion: the way God made things, which we know simply by observing His creation.

Filmer's arguments that God willed Adam's unique, unconditional, and unlimited rights to rule and to do:

- *Argument from donation:* God gave the world to Adam. The evidence for this is scriptural. As we learn in Genesis 1:28: "And God Blessed them, and God said unto them, be Fruitful and Multiply and Replenish the Earth and subdue it, and have Dominion over the Fish of the Sea, and over the Fowl of the Air, and over every living thing that moveth upon the Earth."
- *Argument from fatherhood:* God intended for fathers to rule over their children. The evidence for this is both scriptural and natural. The Decalogue commands "Honor thy father," and it is, at any rate, uncontroversial that fathers have some natural rights to certain things from their children. Since Adam fathered everyone—including Eve, if we use a suitably abstract definition of "fathered"—it follows that Adam had a right to rule over everyone. Call this the argument from "fatherhood."

Locke's reply to the argument from donation:

- First, in the Genesis passage, God does not give Adam the right to rule over other men or to do to them what he pleases, only rights to use inferior creatures.
- Second, God does not give Adam a unique right. Since God said unto *them*, He was including Eve. Evidently, God gave men *in common* a right to use inferior creatures. Moreover, there is clear *natural* evidence that God gave men the world in common.
- Finally, even if the second argument fails, and God did give Adam a unique right to use inferior creatures, this does not imply a right to rule over men. Why not?
 - (i) "Charity gives every Man a Title to so much out of another's Plenty, as will keep him from extream want, where he has no means to subsist otherwise; and a Man can no more justly make use of another's necessity, to force him to become his Vassal, by with-holding that Relief, God requires him to afford to the wants of his Brother, than he that has more strength can seize upon a weaker, master him to his Obedience, and with a Dagger at his throat offer him Death or Slavery" (IV, 42).
 - (ii) And even if we set this point aside, "should any one be Cruel and Uncharitable to that extremity, yet all this would not prove that Propriety in Land, even in this Case, gave any Authority over the Persons of Men, but only that Compact might; since the Authority of the Rich Proprietor, and the Subjection of the Needy Beggar began not from the Possession of the Lord, but the Consent of the poor Man, who preferr'd being his Subject to starving" (IV, 43).

Locke's reply to the argument from fatherhood:

- First, against the idea that fathers have a natural right to rule over their children because they created them, Locke reminds us that it is God who really creates children.
- Second, even if we ignore this fact, it is not fathers alone who create children, but also mothers, so fathers would not have exclusive rights.
- Third, the fifth commandment says: "Honor thy father *and thy mother*," so again it couldn't give fathers an exclusive right.
- Fourth, a right to be honored, or any other genuine parental right, is not a right to rule or a right to do of the kind that Filmer imagines.

Not unlimited: that would be to condone exposing, selling, or eating children!

Not transferable (VI, 64; IX, 100).

Finally, why would this give Adam a right over his grandchildren? Wouldn't Adam's grandchildren be subject to their fathers? And isn't it a contradiction to suppose that a father and a grandfather both have a *unique* right to rule over the same person?

Locke's reply to Filmer's argument that, because Adam had the right to rule, his heirs have it:

- In the *donation* case:
 - If the right to rule came by donation, then God must donate it to the heir too.
 - The right that God actually gave us was a right to use the world to sustain ourselves. As we saw before, it is a natural principle that everyone has a title to use those things in the world that he needs for his self-preservation. This right is not transferable.
 - But if so, how is there ever inheritance of property? This seems to involve a transfer of our right to use the world. It is a natural principle, which can be seen by considering how God made things, that parents' property should go to their children. Here Locke argues that "God Planted in Men a strong desire also of propagating their Kind, and continuing themselves in their Posterity, and this give children a Title, to share in the *Property* of their Parents, and a Right to Inherit their Possessions" (IX, 88). So we have a right to use the world to sustain both ourselves and our children. That explains why we have the power to bequeath things to our children.
 - And this not only suffices to defend Locke's theory against the apparent counterexample of inheritance. It also shows that Filmer's theory cannot be right. For even if Adam had the whole world as his property, *all* of his children would have inherited it. In other words, the world would be jointly owned by all men.
- In the *fatherhood* case:
 - The right to rule by fatherhood can't be inherited any more than fatherhood can be inherited.

Locke's conclusions thus far are

- (i) that Adam himself had no unique, unlimited, and unconditional right to rule and
- (ii) that even if he had, his heirs had no such right.

For good measure, Locke adds

- (iii) that even if his heirs had such a right, there is no way to determine an heir in certain cases, which must have often have arisen in the past, and
- (iv) that even if all of these problems are waived, there is no way to determine who among those presently alive is heir: the eldest in eldest line of Adam's descendents.

Review Questions:

1. What is Filmer's point when he writes: "I... praise his building and yet dislike his foundation" (184–5).
2. Suppose the Biblical Noah (the one with the ark) is still alive. What does Filmer's theory imply?