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HST 848 February 17, 1992 Review of Filmer and Locke Dr. Sweeney

One of the greatest problems humanity faces is how to organize governments to maintain law and order without denying essential freedoms, and what their legitimacy leans upon. Sir Robert Filmer, in Patriarchia argues, based allegedly upon Scripture, history, and reason, that absolute monarchy is the only legitimate form of government. Supporters of constitutional monarchy and natural rights couldn't let Filmer's views go unanswered. So John Locke, in his first of Two Treatises of Government is one of several Whig writers to reply to Filmer. While Locke's Treatise doesn't deal with a large chunk of Patriarchia, what parts he does deal with get clobbered unanswerably.

In Patriarchia, Filmer sets out to prove absolute monarchy was established by God through the authority He gave to Adam, the first man. The authority Adam had was because ¹⁾ he begat them through Eve, thus bringing them into existence, and because ²⁾ he was considered to own all the earth. Filmer puts the first point this way: "I see not then how the children of Adam, of any man else can be free from subjection to their parents. And this subjection of children is the only fountain of all regal authority, by the ordination of God himself" (F., p. 7). As Filmer envisioned things, the authority of the parents didn't end when "a man will leave his father and mother and shall cleave to his wife, and they will become one flesh" (Gen. 1:24). Instead, he maintained a father's authority doesn't end until his own death over his children; even though some of it might be voluntarily remitted as his children leave home and marry (F., p. 18). And, in turn, a king's authority over his people (who are ^{generally} related to him directly or indirectly by blood) is but the Father's over all his descendents.

Filmer also tries to prove his case by pointing out various flaws in democracy. The average people are ignorant, flighty, fickle, and mostly only self-interested (F., p. 28). He maintains there was more blood *this is very much the case in some places today, such as Ghana, where the extended family system is very strong.

spilled under the Roman republic by its leaders than by the Roman emperors (F., p. 29). The king has a self-interest in not hurting or killing off his subjects indiscriminately since they are the source of his power and income (F., p. 30-31). The mob, precisely because of its numbers, is harder to make accountable for its errors than a king, who since he is a single person, blame can fall on more readily and clearly (F., p. 31). And, there's no need for kings to have controls put on them to prevent tyranny since English history since the Norman conquest doesn't boast a single king deposed for tyranny (F., p. 33). There's no evidence of a literal social contract being signed (F., p. 32). Democracies allow good men like Phocion to be put to death as soon as the majority wishes to (F., p. 27).

Filmer also spends a large chunk of his time trying to prove the laws a king makes never bind him, but only his subjects. For if a king is the source of and make all laws, which is what sovereignty is, and thus is above all laws, he must be able to change them at whim. (Compare Hobbes, Leviathan, p. 184). "By the like reason, in a monarch the king must of necessity be above the laws. There can be no sovereign majesty in him that is under them. That which giveth the very being to a king is the power to give laws . . ." (F., p. 44). Clearly, Filmer wants a government of men, or rather, of a man, than of laws.

Now the derenders of constitutional monarchy couldn't let Filmer's arguments go unanswered. Intellectual default can be deadly, for in the absence of opposition the other side wins. As the controversial philosopher-novelist Ayn Rand once put it: "The uncontested absurdities of today are the accepted slogans of tomorrow" (The New Left: The Anti-Industrial Revolution, p. 51). Hence, Locke, among others like James Tyrrell, rose to the challenge of refuting Filmer.

Locke's first treatise is mostly taken up with a refutation of Patriarchia's first chapter. As such, Locke's critique is rather incomplete, for he lets the second and third chapters mostly go.* However, when he does attack Filmer *It seems originally Locke did also attack the second and third chapters of Patriarchia in detail, but those parts were long ago lost and never published.

specifically, he is simply devastating, and rips Filmer's system entirely to shreds.

cf. Clark

Locke sticks close to Scripture in his argumentation in the first treatise. Indeed, he stays closer than his opponent does, even for the first chapter. Locke notes Filmer just asserts Adam had such absolute authority over his children, for the Bible never says such (L., p. 184). He laboriously points out that Adam didn't have absolute authority over people due to Genesis 1:28, but only over animals (L. p. 192-197). Another problem Filmer encounters is how his quote of the Fifth Commandment omits the reference to mothers, whose authority is equal to the father's here by implication (L. p. 221-226), making the father's non-absolute. Also, how are we to find the heir of Adam who should be king and who has absolute sovereignty? (L., p. 271, 273). At best, only one of today's many kings are legitimate then (L., p. 256). Also, there's no particular reason why the firstborn son should rule over his brothers since he isn't their father and so didn't bring them into being (L., p. 233, 248, 249-250). Also, a father's command to his son could be cancelled by the grandfather's order--or can it?--which means there are as soon as many sovereigns as fathers (L., p. 225).

A particularly devastating comment is how Filmer says a usurping king should be obeyed, to which Locke replies Oliver Cromwell's Lord Protectorship would then have made him a perfectly suitable king to obey then: "By this notable way, our A. (author, for Filmer--EVS) may make Oliver as properly king, as any one else he could think of . . ." (L., p. 238). While many other arguments against Filmer could be cited, they collectively add up to an annihilating refutation of the parts of Patriarchia Locke did deal with.

For instance, one could reply to some of Filmer's criticisms of democracy in the following way. While it is true the common people may be ignorant, fickle, and mostly self-interested, one could hope that education (and if you value the moral aspects of it, religion) will help alleviate their nature. For the description of the common people Filmer uses was

of (presumably) totally illiterate superstitious pagans from the Roman republic. It could very well be the Roman emperors spilled far more blood and deprivations upon the people than did the politicians of the late Republic. Diocletian's persecutions of the Christians killed thousands of Christians, and his establishment of the Autocracy turned the Roman empire into a vast prison house, for most labor was tied to the land or to their father's job as an artisan by his decrees. His price controls threatened the death penalty upon anyone who dared to violate them. And here I'm describing what just one emperor did, though he was among the worst by many standards. The argument about the king having a self-interest in not killing off his subjects sounds very similar to the argument the Southern slaveowners' apologists would give: to kill a slave would be to wipe out a very expensive investment. The problem with such an argument is that such self-interest still doesn't stop terrible abuses. And judging from the actions of half-mad leaders like Stalin and Hitler in this century, you shouldn't count on rational self-interest to stop an autocrat from abusing his subjects and, indeed, slaughtering them wholesale. While the mob may be less accountable in being able to find out who's guilty of what when the government does something wrong, on the other hand the king, even if guilty of gross negligence or is simply mentally retarded, can't be removed from power, which makes bringing the king to accountability and punishment harder under an autocracy. And the fact that according to a zealous absolutist like Filmer ^{says} that no English king since the conquest had been a tyrant (which makes such a statement suspect automatically) doesn't mean lesser offenses that made many miserable didn't occur, such as the barons forcing the Magna Carta down the throat of King John helps to

The fate of future Phocians can be prevented by outlawing unlimited majority rule through demonstrate. [^] Thus, many of the arguments Filmer uses to attack democracy ^{a system of inalienable minority rights.} don't hold water upon scrutiny.

In other areas, however, Locke would run into serious problems. Any strict view of Romans 13:1-7 or I Pet. 2:13-14, which Filmer uses in Patriarchia (F., p. 34