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**PATRIARCHA**  
OR THE  
NATURAL POWER OF KINGS  
*By*  
THE LEARNED SIR ROBERT FILMER, BART.

[1680]

*Libertas .... populi, quem regna coercent Libertate perit ....* — Lucan, Lib. iii.

*Fallitur egregio quisquis sub principe credit Servitium; nunquam libertas gratior extat Quam sub Rege pio ....* — Claudian.

**CHAPTER I**  
**THAT THE FIRST KINGS WERE FATHERS OF FAMILIES**

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:

"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 first bestowed according to the discretion of the multitude."

This tenet was first hatched in the schools, and hath been fostered by all succeeding Papists for good divinity. The divines, also, 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 first cause of the fall of Adam.

But howsoever this vulgar opinion hath of late obtained a 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.

Yet upon the ground of this doctrine, both Jesuits and some other zealous 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 Dolman, in the third chapter of his first book, labours to prove that kings have been lawfully chastised by their

commonwealths. The latter, in his book *De Jure Regni apud Scotos*, maintains a liberty of the people to depose their prince. Cardinal Bellarmine and Calvin both look askint 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 Heywood, Adam Blackwood, John Barclay, and some others have learnedly confuted both Buchanan and Parsons, and bravely 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," do with one consent admit it for a truth 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. 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 state, such *arcana imperii*, or cabinet councils, the vulgar may not pry into. An implicit faith is given to the meanest artificer in his own craft; how much more is it, then, due to a prince in the profound secrets of government. The causes and ends of the greatest politic actions and motions of state dazzle the eyes and exceed the capacities of all men, save only those that are hourly versed in the managing public affairs. Yet since the rule for each man to know in what to obey his prince cannot be learnt without a relative knowledge of those points wherein a sovereign may command, it is necessary when the commands and pleasures of superiors come abroad and call for an obedience that every man himself know how to regulate his actions or his sufferings; for according to the quality of the thing commanded an active or passive obedience is to be yielded, and this is not to limit the prince's power, but the extent of the subject's obedience, by giving to Caesar the things that are Caesar's, etc.

Secondly, I am not to question or quarrel at the rights or liberties of this or any other nation; my task is chiefly to inquire from whom these first came, not to dispute what or how many these are, but whether they were derived from the laws of natural liberty or from the grace and bounty of princes. My desire and hope is that the people of England may and do enjoy as ample privileges as any nation under heaven; the greatest liberty in the world — if it be duly considered — is for a people to live under a monarch. It is the Magna Charta of this kingdom; all other shows or pretexts of liberty are but several degrees of slavery, and a liberty only to destroy liberty.

If such as maintain the natural liberty of mankind take offence at the liberty I take to examine it, they must take heed that they do not deny by retail that liberty which they affirm by wholesale. For if the thesis be true, the hypothesis will follow that all men may examine their own charters, deeds, or evidences by which they claim and hold the inheritance or freehold of their liberties.

Thirdly, I must not detract from the worth of all those learned men who are of a contrary opinion in the point of natural liberty. The profoundest scholar that ever was known hath not been able to search out every truth that is discoverable; neither Aristotle in philosophy, nor Hooker in divinity. They are but men, yet I reverence their judgments in most points, and confess myself beholding to their errors too in this. Something that I found amiss in their opinions guided me in the discovery of that truth which — I persuade myself — they missed. A dwarf sometimes may see that which a giant looks over; for whilst one truth is curiously searched after, another must necessarily be neglected. Late writers have taken up too much upon trust from the subtile schoolmen, who, to be sure to thrust down the king below the pope, thought it the safest course to advance the people above the king, that so the papal power might take place of the regal. Thus many an ignorant subject hath been fooled into this faith that a man may become a martyr for his country by being a traitor to his prince; whereas the new coined distinction of subjects into royalists and patriots is most unnatural, since the relation between king and people is so great that their well-being is so reciprocal.

2. To make evident the grounds of this question about the natural liberty of mankind, I will lay down some passages of Cardinal Bellarmine that may best unfold the state of this controversy.

Secular or civil power is instituted by men, it is in the people, unless they bestow it on a prince. This power is immediately in the whole multitude, as in the subject of it; for this power is in the divine law, but the divine law hath given this power to no particular man. If the positive law be taken away, there is left no reason why amongst a multitude — who are equal — one rather than another should bear rule over the rest. Power is given by the multitude to one man or to more by the same law of nature; for the commonwealth cannot exercise this power; therefore it is bound to bestow it upon some one man, or some few. It depends upon the consent of the multitude to ordain over themselves a king, or consul, or other magistrates; and if there be a lawful cause, the multitude may change the kingdom into an aristocracy or democracy.

Thus far Bellarmine, in which passages are comprised the strength of all that ever I have read or heard produced for the natural liberty of the subject.

Before I examine or refute these doctrines, I must a little make some observations upon his words[:]

First, He saith that by the law of God power is immediately in the people; hereby he makes God to be the immediate author 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, whereas 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 away their power, whereby it followeth that there can be no democratical government, because he saith the people 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. Here I would fain know who shall judge of this lawful 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 my 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 person, 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 words are these: "If many men had been together created out of the earth, they all ought to have been princes over their posterity." In these words we have an evident confession that creation made man prince of his posterity. 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; for as Adam was lord of his children, so his children under him had a command and power 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.

4. 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 of children being the fountain of all regal authority, by the ordination of God himself; it follows that civil power not only in general is by divine institution, but even the assignment of it specifically to the eldest parents, which quite takes away that new and common distinction which refers only power universal and absolute to God, but power respective in regard of the special form of government to the choice of the people.

This lordship which Adam by command had over the whole world, and by right descending from him the patriarchs did enjoy, was as large and ample as the absolute dominion of any monarch which hath been since the creation. For dominion of life and death we find that Judah, the father, pronounced sentence of death against Thamar, his daughter-in-law, for playing the harlot. "Bring her forth," saith he, "that she may be burnt."

Touching war, we see that Abraham commanded an army of three hundred and eighteen soldiers of his own family. And Esau met his brother Jacob with four hundred men at arms. For matter of peace, Abraham made a league with Abimelech, and ratified the articles with an oath. These acts of judging in capital crimes, 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 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." Most of the civilest nations of the earth 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 multitudes, without heads or governors, and at liberty to choose what governors or government they pleased, but they were distinct families, which had fathers for rulers over them, whereby it appears that even in the confusion God was careful to preserve the fatherly authority by distributing the diversity of languages according to the diversity of families, for so plainly it appears by the text. First, after the enumeration of the sons of Japhet, the conclusion is: "By these were the isles of the Gentiles divided in their lands, every one after his tongue, after their families, in their nations." So it is said: "These are the sons of Ham, after their families, after their tongues, in their countries, and in their nations." The like we read: "These are the sons of Shem, after their families, after their tongues, in their lands, after their nations. These are the families of the sons of Noah after their generations in their nations, and by these were these nations divided in the earth after the Flood."

In this division of the world, some are of opinion that Noah used lots for the distribution of it; others affirm he sailed about the Mediterranean Sea in ten years and, as he went about, appointed to each son his part, and so made the division of the then known world into Asia, Africa, and Europe, according to the number of his sons, the limits of which three parts are all found in that Midland Sea.

6. But howsoever the manner of this division be uncertain, yet it is most certain the division itself was by families from Noah and his children, over which the parents were heads and princes.

Amongst these was Nimrod who, no doubt, as Sir Walter Raleigh affirms, was by good right lord or king over his family; yet against right did he enlarge his empire by seizing violently on the rights of other lords of families; and in this sense he may be said to be the author and first founder of monarchy. And all those that do attribute unto him the original regal power do hold he got it by tyranny or usurpation, and not by any due election of the people or multitude, or by any faction with them.

As this patriarchal power continued in Abraham, Isaac, and Jacob, even until the Egyptian bondage, so we find it amongst the sons of Ishmael and Esau. It is said, "These are the sons of Ishmael, and these are their names by their castles and towns, twelve princes of their tribes and families. And these are the names of the dukes that came of Esau, according to their families and their places by their nations."

7. Some, perhaps, may think that these princes and dukes of families were but some petty lords under some greater kings, because the number of them are so many that their particular territories could be but small and not worthy the title of kingdoms; but they must consider that at first kings had no such large dominions as they have nowadays. We find in the tune of Abraham, which was about three hundred years after the Flood, that in a little corner of Asia nine kings at once met in battle, most of which were but kings of cities apiece, with the adjacent territories, as of Sodom, Gomorrha, Shinar, etc. In the same chapter is mention of Melchisedek, king of Salem, which was but the city of Jerusalem. And in the catalogue of the kings of Edom, the names of each king's city is recorded, as the only mark to distinguish their dominions. In the land of Canaan, which was but a small circuit, Joshua destroyed thirty-one kings, and about the same time Adonibesek had seventy kings whose hands and toes he had cut off, and made them feed under his table.<sup>[1]</sup> A few years after this, thirty-two kings came to Benhadad, king of Syria, and about seventy kings of Greece went to the wars of Troy. Cæsar found more kings in France than there be now princes there, and at his sailing over into this island he found four kings in our county of Kent.



These heaps of kings in each nation are an argument their territories were but small, and strongly confirms our assertion that erection of kingdoms came at first only by distinction of families.

By manifest footsteps we may trace this paternal government unto the Israelites coming into Egypt, where the exercise of supreme patriarchal jurisdiction was intermitted because they were in subjection to a stronger prince. After the return of these Israelites out of bondage, God, out of a special care of them, chose Moses and Joshua successively to govern as princes in the place and stead of the supreme fathers; and after them likewise for a time He raised up judges to defend His people in tune of peril. But when God gave the Israelites kings, He re-established the ancient and prime right of lineal succession to paternal government And whensoever He made choice of any special person to be king, He intended that the issue also should have benefit thereof, as being comprehended sufficiently in the person of the father, although the father only was named in the grant.

8. It may seem absurd to maintain that kings now are the fathers of their people, since experience shows the contrary. It is true, all kings be not the natural parents of their subjects, yet they all either are, or are to be reputed, the next heirs to those first progenitors who were at first the natural parents of the whole people, and in their right succeed to the exercise of supreme jurisdiction; and such heirs are not only lords of their own children, but also of their brethren, and all others that were subject to their fathers. And therefore we find that God told Cain of his brother Abel, "His desires shall be subject unto thee, and thou shalt rule over him." Accordingly, when Jacob bought his brother's birthright, Isaac blessed him thus: "Be lord over thy brethren, and let the sons of thy mother bow before thee." [2]

As long as the first fathers of families lived, the name of patriarchs did aptly belong unto them; but after a few descents, when the true fatherhood itself was extinct, and only the right of the father descends to the true heir, then the title of prince or king was more significant to express the power of him who succeeds only to the right of that fatherhood which his ancestors did naturally enjoy. By this means it comes to pass that many a child, by succeeding a king, hath the right of a father over many a greyheaded multitude, and hath the title of *Pater Patriae*.

9. It may be demanded what becomes of the right of fatherhood in case the Crown does escheat for want of an heir, whether doth it not then devolve to the people? The answer is: It is but the negligence or ignorance of the people to lose the knowledge of the true heir, for an heir there always is. If Adam himself were still living, and now ready to die, it is certain that there is one man, and but one in the world, who is next heir, although the knowledge who should be that one man be quite lost.

(2.) This ignorance of the people being admitted, it doth not by any means follow that, for want of heirs, the supreme power is devolved to the multitude, and that they have power to rule and choose what rulers they please. No, the kingly power escheats in such cases to the princes and independent heads of families, for every kingdom is resolved into those parts whereof at first it was made. By the uniting of great families or petty kingdoms, we find the greater monarchies were at the first erected; and into such again, as into their first matter, many times they return again. And because the dependency of ancient families is oft obscure or worn out of knowledge, therefore the wisdom of all or most princes have thought fit to adopt many times those for heads of families and princes of provinces whose merits, abilities, or fortunes have ennobled them, or made them fit and capable of such regal favours. All such prime heads and fathers have power to consent in the uniting or conferring of their fatherly right of sovereign authority on whom they please; 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 heads of the people.

If it please God, for the correction of the prince or punishment of the people, to suffer princes to be removed and others to be placed in their rooms, either by the factions 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; yet the ministry of men who execute God's judgments without commission is sinful and damnable. God doth but use and turn men's unrighteous acts to the performance of His righteous decrees.

10. 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

of 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 these, is the only right and natural authority of a supreme father. There is and always shall be continued to the end of the world a natural right of a supreme father over every multitude, although, by the secret will of God, many at first do most unjustly obtain the exercise of it.

To confirm this natural right of regal power, we find in the Decalogue that the law which enjoins obedience to kings is delivered in the terms of "Honour thy father," as if all power were originally in the father. If obedience to parents be immediately due by a natural law, and subjection to princes but by the mediation of a human ordinance, what reason is there that the laws of nature should give place to the laws of men, as we see the power of the father over his child gives place and is subordinate to the power of the magistrate? If we compare the natural rights of a father with those of a king, we find them all one, without any difference at all but only in the latitude or extent of them: as the father over one family, so the king, as father over many families, extends his care to preserve, feed, clothe, instruct, and defend the whole commonwealth. His war, his peace, his courts of justice, and all his acts of sovereignty, tend only to preserve and distribute to every subordinate and inferior father, and to their children, their rights and privileges, so that all the duties of a king are summed up in an universal fatherly care of his people.

[<sup>1</sup>] 1 Kings xx. 16.

[<sup>2</sup>] Gen. xxvii. 29.

## CHAPTER II

### IT IS UNNATURAL FOR THE PEOPLE TO GOVERN OR CHOOSE GOVERNORS

1. By conferring these proofs and reasons, drawn from the authority of the Scripture, it appears little less than a paradox which Bellarmine and others affirm of the freedom of the multitude, to choose what rulers they please.

Had the patriarchs their power given them by their own children? Bellarmine does not say it, but the contrary. If then the fatherhood enjoyed this authority for so many ages by the law of nature, when was it lost, or when forfeited, or how is it devolved to the liberty of the multitude?

Because the Scripture is not favourable to the liberty of the people, therefore many fly to natural reason, and to the authority of Aristotle. I must crave liberty to examine or explain the opinion of this great philosopher; but briefly, I find this sentence in the third of his *Politics*, chap. 16: δοκει δε τισιν ουδε κατα φυσιν ειναι το κυριον ενα παντων ειναι των πολιτων, οπου συνεστηκεν εξ ομοιων η πολις. It seems to some not to be natural for one man to be lord of all the citizens, since a city consists of equals. D. Lambine, in his Latin interpretation of this text, hath omitted the translation of this word τισιν, by this means he maketh that to be the opinion of Aristotle, which Aristotle allegeth to be the opinion but of some. This negligence, or wilful escape, of Lambine, in not translating a word so material, hath been an occasion to deceive many who, looking no further than this Latin translation, have concluded, and made the world now of late believe, that Aristotle here maintains a natural equality of men; and not only our English translator of Aristotle's *Politics* is, in this place, misled by following Lambine, but even the learned Monsieur Duvall, in his *Synopsis*, bears them company; and yet this version of Lambine's is esteemed the best, and printed at Paris, with Causabon's corrected Greek copy, though in the rendering of this place the elder translations have been more faithful; and he that shall compare the Greek text with the Latin shall find that Causabon had just cause in his preface to Aristotle's works to complain that the best translations of Aristotle did need correction. To prove that in these words, which seem to favour the equality of mankind, Aristotle doth not speak according to his own judgment, but recites only the opinion of others, we find him clearly deliver his own opinion that the power of government did originally arise from the right of fatherhood, which cannot possibly consist with that natural equality which men dream of; for in the first of his *Politics* he agrees exactly with the Scripture, and lays this foundation of government:

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,