

Robert Filmer (1652):

Observations upon Aristotle's Politiques (excerpts)

and

Directions for Obedience to Government in Dangerous or Doubtful Times

Observations upon Aristotle's Politiques

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It is not probable that any sure direction of the beginning of government can be found either in Plato, Aristotle, Cicero, Polybius, or in any other of the heathen authors, who were ignorant of the manner of the creation of the world: we must not neglect the scriptures and search in philosophers for the grounds of dominion and property, which are the main principles of government and justice. The first government in the world was monarchical, in the father of all flesh. Adam being commanded to multiply, and people the earth, and to subdue it, and having dominion given him over all creatures, was thereby the monarch of the whole world; none of his posterity had any right to possess anything, but by his grant or permission, or by succession from him. The earth (says the Psalmist) has he given to the children of men: which shows the title comes from the fatherhood. There never was any such thing as an independent multitude who at first had a natural right to a community. This is but a fiction or fancy of too many in these days, who please themselves in running after the opinions of philosophers and poets, to find out such an original of government as might promise them some title to liberty, to the great scandal of Christianity and bringing in of atheism, since a natural freedom of mankind cannot be supposed without the denial of the creation of Adam. And yet this conceit of original freedom is the only ground upon which not only the heathen philosophers, but also the authors of the principles of the civil law, and Grotius, Selden, Hobbes, Ascham and others, raise and build their doctrines of government, and of the several sorts or kinds, as they call them, of commonwealths.

Adam was the father, king and lord over his family: a son, a subject, and a servant or a slave were one and the same thing at first. The father had power to dispose or sell his children or servants; whence we find that, at the first reckoning up of goods in scripture, the manservant and the maidservant are numbered among the possessions and substance of the owner, as other goods were. As for the names of subject, slave and tyrant, they are not found in scripture, but what we now call a subject or a slave is there named no other than a servant. I cannot learn that either the Hebrew, Greek or Latin have any proper and original word for a tyrant or a slave: it seems these are names of later invention, and taken up in disgrace of monarchical government.

I cannot find anyone place or text in the Bible where any power or commission is given to a people either to govern themselves, or to choose themselves governors, or to alter the manner of government at their pleasure. The power of government is settled and fixed by the commandment of 'honour thy father'; if there

were a higher power than the fatherly, then this commandment could not stand and be observed. Whereas we read in scripture of some actions of the people in setting up of kings, further than to a naked declaration by a part of the people of their obedience. such actions could not amount, since we find no commission they have, to bestow any right. A true representation of the people to be made is as impossible as for the whole people to govern. The names of an aristocracy, a democracy, a commonwealth, a state, or any other of like signification are not to be met either in the law or gospel.

That there is a ground in nature for monarchy. Aristotle himself affirms, saying the first kings were fathers of families. As for any ground of any other form of government, there has been none yet alleged but a supposed natural freedom of mankind; the proof whereof I find none do undertake, but only beg it to be granted. We find the government of God's own people varied under the several titles of Patriarchs, Captains, Judges and Kings, but in all these the supreme power rested still in one person only. We nowhere find any supreme power given to the people, or to a multitude, in scripture, or ever exercised by them. The people were never the Lord's anointed, nor called gods, nor crowned, nor had the title of nursing fathers (Genesis xxxv, 11). The supreme power, being an indivisible beam of majesty, cannot be divided among, or settled upon, a multitude. God would have it fixed in one person, not sometimes in one part of the people, and sometimes in another; and sometimes, and that for the most part, nowhere, as when the assembly is dissolved it must rest in the air, or in the walls of the chamber where they were assembled.

If there were anything like a popular government among God's people, it was about the time of the Judges, when there was no king in Israel. For they had then some small show of government, such as it was, but it was so poor and beggarly that the scripture brands it with this note, that every man did what was right in his own eyes, because there was no king in Israel. It is not said, because there was no government, but because there was no king. It seems no government, but the government of a king, in the judgement of the scriptures, could restrain men from doing what they listed. Where every man does what he pleases, it may be truly said, there is no government; for the end of government is that every man should not do what he pleases, or be his own judge in his own case. For the scripture to say there was no king, is to say, there was no form of government in Israel.

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Those that are willing to be persuaded that the power of government is originally in the people, finding how impossible it is for any people to exercise such power, do surmise that though the people cannot govern, yet they may choose representers or trustees, that may manage this power for the people, and such representers must be surmised to be the people. And since such representers cannot truly be chosen by the people, they are fain to divide the people into several parts, as of provinces, cities and borough-towns, and to allow to everyone of those parts to choose one representer or more of their own. And such representers, though not any of them be chosen by the whole, or major part, of the people, yet still must be surmised to be the people; nay, though not one of them be chosen either by the people or the major part of the people of any province, city or borough for which they serve, but only a smaller part, still it must be said to be the people.

Now when such representers of the people do assemble or meet, it is never seen that all of them can at one time meet together; and so there never appears a true or full representation of the whole people of the nation, the representers of one part or other being absent, but still they must be imagined to be the people. And when such imperfect assemblies be met, though not half be present, they proceed; and though their number be never so small, yet it is so big .that in the debate of any business of moment, they know not how to handle it, without referring it to a fewer number than themselves, though themselves are not so many as they should be. Thus those that are chosen to represent the people are necessitated to choose others to represent the representers themselves. A trustee of the north does delegate his power to a trustee of the south; and one of the east may substitute one of the west for his proxy. Hereby it comes to pass that public debates, which are imagined to be referred to a general assembly of a kingdom, are contracted into a particular or private assembly, than which nothing can be more destructive or contrary to the nature of public assemblies. Each company of such trustees has a prolocutor, or speaker; who, by the help of three or four of his fellows that are most active, may easily comply in gratifying one the other, so that each of them in their turn may sway the trustees, whilst one man, for himself or his friend, may rule in one business, and another man for himself or his friend prevail in another cause, till such a number of trustees be reduced to so many petty monarchs as there be men of it. So in all popularities, where a general council or great assembly of the people meet, they find it impossible to dispatch any great action either with expedition or secrecy if a public free debate be admitted; and therefore are constrained to epitomize and sub-epitomize themselves so long, till at last they crumble away into the atoms of monarchy, which is the next degree to anarchy; for anarchy is nothing else but a broken monarchy, where every man is his own monarch or governor.

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It is believed by many that, at the very first assembling of the people, it was unanimously agreed in the first place that the consent of the major part should bind the whole; and that though this first agreement cannot possibly be proved, either how or by whom it could be made, yet it must necessarily be believed or supposed, because otherwise there could be no lawful government at all. That there could be no lawful government, except a general consent of the whole people be first surmised, is no sound proposition; yet true it is that there could be no popular government without 'it. But if there were at first a government without being beholden to the people for their consent, as all men confess there was, I find no reason but that there may be so still, without asking leave of the multitude.

If it be true that men are by nature free-born, and not to be governed without their own consents, and that self-preservation is to be regarded in the first place, it is not lawful for any government but self-government to be in the world: it were sin in the people to desire, or attempt to consent to, any other government. If the fathers will promise for themselves to be slaves, yet for their children they cannot, who have always the same right to set themselves at liberty which their fathers had to enslave themselves.

To pretend that a major part, or the silent consent of any part, may be interpreted to bind the whole people is both unreasonable and un- natural; it is against all reason for men to bind others where it is against nature for men to bind themselves. Men that boast so much of natural freedom are not willing to consider

how contradictory and destructive the power of a major part is to the natural liberty of the whole people; the two grand favourites of the subjects, liberty and property (for which most men pretend to strive), are as contrary as fire to water, and cannot stand together. Though by human laws in voluntary actions a major part may be tolerated to bind the whole multitude, yet in necessary actions, such as those of nature are, it cannot be so. Besides, if it were possible for the whole people to choose their representers, then either every each one of these representers ought to be particularly chosen by the whole people, and not one representer by one part, and another representer by another part of the people, or else it is necessary that continually the entire number of the representers be present, because otherwise the whole people is never represented.

Again, it is impossible for the people, though they might and would choose a government, or governors, ever to be able to do it: for the people, to speak truly and properly, is a thing or body in continual alteration and change. It never continues one minute the same, being composed of a multitude of parts, whereof divers continually decay and perish, and others renew and succeed in their places. They which are the people this minute are not the people the next minute. If it be answered that it is impossible to stand so strictly, as, to have the consent of the whole people, and therefore that which cannot be, must be supposed to be the act of the whole people, this is a strange answer: first to affirm a necessity of having the people's consent, then to confess an impossibility of having it. If but once that liberty, which is esteemed so sacred, be broken, or taken away but from one of the meanest or basest of all the people, a wide gap is thereby opened for any multitude whatsoever that is able to call themselves, or whomsoever they please, the people....

Directions for Obedience to Government in Dangerous or Doubtful Times

All those who so eagerly strive for an original power to be in the people do with one consent acknowledge that originally the supreme power was in the fatherhood, and that the first kings were fathers of families. This is not only evident, and affirmed by Aristotle, but yielded unto by Grotius, Mr Selden, Mr Hobbes, Mr Ascham, and all others of that party, not one excepted, that I know of.

Now for those that confess an original subjection in children, to be governed by their parents, to dream of an original freedom in mankind is to contradict themselves. And to make subjects to be free and kings to be limited, to imagine such pactions and contracts between kings and people as cannot be proved ever to have been made, or can ever be described or fancied how it is possible for such contracts ever to have been, is a boldness to be wondered at.

Mr Selden confesses that Adam, by donation from God, was made the general lord of all things, not without such a private dominion to himself as (without his grant) did exclude his children. And by donation, or assignation, or some kind of concession (before he was dead, or left any heir to succeed him) his children had their distinct territories by right of private dominion. Abel had his flocks, and pastures for them; Cain had his fields for com, and the land of Nod, where he built himself a city.

It is confessed that, in the infancy of the world, the paternal government was monarchical; but when the world was replenished with multitude of people, then the paternal government ceased, and was lost; and an elective government by the people was brought into the world. To this it may be answered that the paternal power cannot be lost. It may either be transferred or usurped; but never lost or ceases. God, who is the giver of power, may transfer it from the father to some other; he gave to Saul a fatherly power over his father Kish. God also has given to the father a right or liberty to alien[ate] his power over his children to any other, whence we find the sale and gift of children to have been much in use in the beginning of the world, when men had their servants for a possession and an inheritance as well as other goods: whereupon we find the power of castrating and making eunuchs much in use in old times. As the power of the father may be lawfully transferred or alien[at]ed, so it may be unjustly usurped. And in usurpation the title of a usurper is before, and better than, the title of any other than of him that had a former right: for he has a possession by the permissive will of God, which permission, how long it may endure, no man ordinarily knows. Every man is to preserve his own life for the service of God, and of his king or father, and is so far to obey a usurper as may tend not only to the preservation of his king and father, but sometimes even to the preservation of the usurper himself, when probably he may thereby be reserved to the correction, or mercy, of his true superior. Though by human laws a long prescription may take away right, yet divine right never dies, nor can be lost or taken away.

Every man that is born is so far from being free-born that by his very birth he becomes a subject to him that begets him. Under which subjection he is always to live, unless by immediate appointment from God, or by the grant or death of his father, he become possessed of that power to which he was subject.

The right of fatherly government was ordained by God for the preservation of mankind. If it be usurped the usurper may be so far obeyed as may tend to the preservation of the subjects, who may thereby be enabled to perform their duty to their true and right sovereign when time shall serve. In such cases, to obey a usurper is properly to obey the first and right governor, who must be presumed to desire the safety of his subjects. The command of a usurper is not to be obeyed in anything tending to the destruction of the person of the governor, whose being in the first place is to be looked after.

It has been said that there have been so many usurpations by conquest in all kingdoms that all kings are usurpers, or the heirs or successors of usurpers; and therefore any usurper, if he can but get the possession of a kingdom, has as good a title as any other.

Answer: The first usurper has the best title, being, as was said, in possession by the permission of God. And where a usurper has continued so long that the knowledge of the right heir be lost by all the subjects, in such a case a usurper in possession is to be taken and reputed by such subjects for the true heir, and is to be obeyed by them as their father, as no man has an infallible certitude, but only a moral knowledge, which is no other than a probable persuasion grounded upon a peaceable possession, which is a warrant for subjection to parents and governors. For we may not say, because children have no infallible or necessary certainty who are their true parents, that therefore they need not obey because they are uncertain. It is sufficient, and as much as human nature is capable of, for children to rely upon a credible persuasion, for otherwise the commandment of 'Honour thy father' would be a vain commandment, and not possible to be observed.

By human positive laws a possession time out of mind takes away, or bars, a former right to avoid

a general mischief, of bringing all right into a disputation not decidable by proof, and consequently to the overthrow of all civil government in grants, gifts and contracts between man and man. But in grants and gifts that have their original from God or nature, as the power of the father has, no inferior power of man can limit, nor make any law of prescription against them: upon this ground is built that common maxim that *nullum tempus occurrit regi*, no time bars a king.

All power on earth is either derived or usurped from the fatherly power, there being no other original to be found of any power whatsoever. For if there should be granted two sorts of power without any subordination of one to the other, they would be in perpetual strife which should be the supreme, for two supremes cannot agree. If the fatherly power be supreme, then the power of the people must be subordinate and depend on it. If the power of the people be supreme, then the fatherly power must submit to it, and cannot be exercised without the licence of the people, which must quite destroy the frame and course of nature. Even the power which God himself exercises over mankind is by right of fatherhood: he is both the king and father of us all. As God has exalted the dignity of earthly kings, by communicating to them his own title, by saying they are gods, so on the other side he has been pleased as it were to humble himself by assuming the title of a king to express his power, and not the title of any popular government. We find it is a punishment to have no king (Hosea iii, 4); and promised as a blessing to Abraham (Genesis xvii, 6) that kings shall come out of thee.

Every man has a part or share in the preservation of mankind in general. He that usurps the power of a superior thereby puts upon himself a necessity of acting the duty of a superior in the preservation of them over whom he has usurped, unless he will aggravate one heinous crime by committing another more horrid. He that takes upon him the power of a superior sins sufficiently, and to the purpose; but he that proceeds to destroy both his superior and those under the superior's protection goes a strain higher by adding murder to robbery. If government be hindered, mankind perishes. A usurper, by hindering the government of another, brings a necessity upon himself to govern. His duty before usurpation was only to be ministerial or instrumental in the preservation of others by his obedience; but when he denies his own, and hinders the obedience of others, he does not only not help, but is the cause of the distraction. In hindering his superior to perform his duty he makes the duty his own. If a superior cannot protect, it is his part to desire to be able to do it, which he cannot do in the future if in the present they be destroyed for want of government. Therefore it is to be presumed that the superior desires the preservation of them that should be subject to him; and so likewise it may be presumed that a usurper in general does the will of his superior by preserving the people by government. And it is not improper to say that in obeying a usurper we may obey primarily the true superior, so long as our obedience aims at the preservation of those in subjection, and not at the destruction of the true governor. Not only the usurper, but those also over whom power is usurped may join in the preservation of themselves, yea, and in the preservation sometimes of the usurper himself.

Thus there may be a conditional duty or right in a usurper to govern; that is to say, supposing him to be so wicked as to usurp, and not willing to surrender or forgo his usurpation, he is then bound to protect by government, or else he increases and multiplies his sin.

Though a usurper can never gain a right from the true superior, yet from those that are subjects he may; for if they know no other that has a better title than the usurper, then as to them the usurper in possession has a true right. Such a qualified right is found at first in all usurpers as [it] is in thieves who

have stolen goods, and during the time they are possessed of them have a title in law against all others but the true owners, and such usurpers to divers intents and purposes may be obeyed.

Neither is he only a usurper who obtains the government, but all they are partakers in the usurpation who have either failed to give assistance to their lawful sovereign, or have given aid either by their persons, estates or counsels for the destroying of that governor under whose protection they have been born and preserved. For although it should be granted that protection and subjection are reciprocal, so that where the first fails the latter ceases, yet it must be remembered that where a man has been born under the protection of a long and peaceable government, he owes an assistance for the preservation of that government that has protected him, and is the author of his own disobedience.

It is said by some that a usurped power may be obeyed in things that are lawful, but it may be obeyed not only in lawful things, but also in things indifferent. Obedience in things indifferent is necessary, not indifferent. For in things necessarily good God is immediately obeyed, superiors only by consequence. If men command things evil, obedience is due only by tolerating what they inflict, not by performing what they require. In the first place they declare what God commands to be done, in the latter what to be suffered. So it remains that things indifferent only are the proper object of human laws. Actions are to be considered simply and alone, and so are good as being motions depending on the first mover; or jointly with circumstances: and that in a double manner. (1) In regard of the ability or possibility, whilst they may be done. (2) In the act when they be performed. Before they be done they be indifferent; but once breaking out into act they become distinctly good or evil according to the circumstances which determine the same. Now an action commanded is supposed as not yet done (whereupon the Hebrews call the imperative mood the first future), and so remains many times indifferent.

Some may be of opinion that if obedience may be given to a usurper in things indifferent as well as to a lawful power, that then there is as much obedience due to a usurped power as to a lawful. But it is a mistake, for though it be granted that in things indifferent a usurper may be obeyed as well as a lawful governor, yet herein lies a main difference, that some things are indifferent for a lawful superior which are not indifferent but unlawful to a usurper to enjoin. Usurpation is the resisting and taking away the power from him who has such a former right to govern the usurper as cannot be lawfully taken away: so that it cannot be just for a usurper to take advantage of his own unlawful act, or create himself a title by continuation of his own injustice, which aggravates, and never extenuates, his crime. And if it never can be an act indifferent for the usurper himself to disobey his lawful sovereign, much less can it be indifferent for him to command another to do that to which he has no right himself. It is only, then, a matter indifferent for a usurper to command when the actions enjoined are such as the lawful superior is commanded by the law of God to provide for the benefit of his subjects by the same, or other like, restriction of indifferent things, and it is to be presumed, if he had not been hindered, would have commanded the same, or the like, laws.