

剑桥政治思想史原著系列（影印本）

CAMBRIDGE TEXTS IN THE HISTORY OF POLITICAL THOUGHT

“父权制”及其他著作

Patriarcha and Other Writings

Filmer

菲尔默

Edited by

JOHANN P.

SOMMERVILLE

中国政法大学出版社

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罗伯特·菲尔默爵士

SIR ROBERT FILMER

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*Patriarcha
and Other Writings*

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JOHANN P. SOMMERVILLE

Associate professor of History,

University of Wisconsin-Madison

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士魯普尔菲·絲節夏
SIR ROBERT FILMER

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电子信箱	zf5620@263.net
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Patriarcha and Other Writings

剑桥政治思想史原著系列

丛书编辑

Raymond Geuss

剑桥大学哲学高级讲师

Quentin Skinner

剑桥大学近代史讲座教授

在政治理论领域，“剑桥政治思想史原著系列”作为主要的学生教科丛书，如今已牢固确立了其地位。本丛书旨在使学生能够获得从古希腊到 20 世纪初期西方政治思想史方面所有最为重要的原著。它囊括了所有著名的经典原著，但与此同时，它又扩展了传统的评价尺度，以便能够纳入范围广泛、不那么出名的作品。而在此之前，这些作品中有许多从未有过现代英文版本可资利用。只要可能，所选原著都会以完整而不删节的形式出版，其中的译作则是专门为本丛书的目的而安排。每一本书都有一个评论性的导言，加上历史年表、生平梗概、进一步阅读指南，以及必要的词汇表和原文注解。本丛书的最终目的是，为西方政治思想的整个发展脉络提供一个清晰的轮廓。

本丛书已出版著作的书目，请查阅书末。

CAMBRIDGE TEXTS IN THE HISTORY OF POLITICAL THOUGHT

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Lecturer in Philosophy, University of Cambridge

QUENTIN SKINNER

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Preface

In recent years there has been an explosion of interest in social history and in Women's Studies. Research has shed much light on the history of patriarchal attitudes and practices – not least in seventeenth-century England. The writings of Sir Robert Filmer are classic texts of seventeenth-century patriarchalist political thinking. Until now, the only modern edition of Filmer's political works has been Peter Laslett's. It was published in 1949 and has become quite a scarce book. The purpose of the present edition is to make Filmer's political works readily available.

Laslett's edition drew for the first time on the important Cambridge manuscript of Filmer's longest work, the *Patriarcha*. However, the text which Laslett printed contains a substantial number of mis-readings. For example, it gives the opening words of *Patriarcha* as 'Within the last hundred years' whereas the Cambridge manuscript in fact reads 'Within this last hundred of years', and similar errors occur throughout the book. Moreover, Laslett used *only* the Cambridge manuscript of *Patriarcha*. The present edition is based not just on that manuscript, but also on another important manuscript of *Patriarcha* at Chicago University Library. In the case of works other than *Patriarcha*, Laslett reprinted the text of the 1684 republication of Filmer's writings. The 1684 edition has no textual authority. This edition is based on manuscripts of sections of Filmer's *Observations on Hobbes*, *Directions for Obedience* and *The Necessity of the Absolute Power of all Kings*, and on the authoritative first printed editions of all of Filmer's writings, published in 1648 and 1652. Laslett traced many of Filmer's sources in *Patriarcha*, but only rarely in his other

works. This edition tracks down almost all of Filmer's quotations and citations throughout his writings.

In the course of preparing this edition I have incurred many debts. I would like to thank Mark Goldie, Peter Laslett, Conrad Russell, Gordon Schochet, John M. Wallace and Corinne Comstock Weston for answering my importunate questions on Filmer and all his works. My debt to their writings, and to those of the late James Daly, will be obvious throughout. Colleagues in the History Department here in Madison have been most supportive. In particular, I am indebted to Ken Sacks for his efforts to trace a persistently recalcitrant quotation from Plato. I also owe much to Tim Fehler, who typed the entire text, and to Jack Hexter and the John M. Olin Foundation. A grant of summer support from the Foundation made it possible for me to complete the work on time.

I am grateful to the University of Chicago Library for permission to print Chicago MS 413 (*Patriarcha*), to the Syndics of Cambridge University Library for permission to print the Library's Additional MS 7078 (*Patriarcha*), and to the British Library for permission to print Harleian MS 6867, ff.255a-259a (part of the *Observations* on Hobbes), Harleian MS 4685, f.75a-b (part of the *Directions for Obedience*) and Harleian MS 6867, ff.253a-254b (part of the *Necessity*).

While proofs of this book were being prepared, Professor David Underdown of Yale University kindly drew my attention to a very important document amongst the Trumbull Papers (Misc XLII, 35). It is printed in the Sotheby's catalogue for the sale of the papers on 14 December 1989, pp. 121-2. The document shows that before 8 February 1632 Filmer brought 'a Discourse . . . of Government and in praise of Royaltie' (presumably *Patriarcha*) to Charles I's secretary Weckherlin, requesting that it be licensed for publication. Weckherlin asked the king whether a book on such a subject was fit to be published at that time, and received a negative answer.

1 SIR ROBERT FILMER

Robert Filmer was born into a prosperous gentry family in Kent in 1588, the eldest son of eighteen children. His education was typical of men of his social standing. In 1606 he entered Trinity College, Cambridge, but took no degree. Early in 1609 he gained admission to Lincoln's Inn, and eight years later he was called to the bar, but it is uncertain whether he ever went into legal practice. His writings show that he had some knowledge of English legal history, though much of his material was cribbed from a few recent authors.

Introduction

In 1608 a marriage set up between Filmer and Anne Heyton, whose father had been Bishop of Ely. The couple lived for a number of years in the Porter's Lodge at Westminster Abbey, and it may have been there that Sir Robert (who was knighted in 1610) met and befriended Peter Heylin. Heylin was a clergyman who

In seventeenth-century England, social theory – and practice – gave fathers and husbands very wide authority over their wives and children. People said that fatherly (or patriarchal) authority was derived from God. The father, they claimed, was head of the family according to the divine law of nature; his wife, children and servants owed him obedience by the will of God Himself. Fatherly power over the family was natural, and God was the author of nature. These ideas were held by people of widely differing political opinions. It was perfectly possible to argue in favour of an authoritarian and patriarchal family, and against an authoritarian state. Many theorists did in fact draw a sharp distinction between family and state, arguing that what was true of the one institution need not necessarily be true of the other. But some applied social theory to politics, and claimed that rulers have fatherly power over their subjects. Just as a father's power over his children does not stem from their consent, they said, so the king's power is not derived from the consent of his subjects, but from God alone. The state, they argued, is a family, and the king its father. They concluded that kings are accountable to God alone and that they can never be resisted by their subjects. The most famous of these theorists was Sir Robert Filmer. His patriarchalist political theory was set out in several works, of which the longest was *Patriarcha*. To understand Filmer's ideas it is necessary to know something about his life, and also about the context (or rather, contexts) of his thought.

1 SIR ROBERT FILMER

Robert Filmer was born into a prosperous gentry family in Kent in 1588, the eldest son of eighteen children. His education was typical of men of his social standing. In 1604 he entered Trinity College, Cambridge, but took no degree. Early in 1605 he gained admission to Lincoln's Inn, and eight years later he was called to the bar, but it is uncertain whether he ever went into legal practice. His writings show that he had some knowledge of English legal history, though much of his material was cribbed from a few recent authors.

In 1618 a marriage settlement was drawn up between Filmer and Anne Heton, whose father had been Bishop of Ely. The couple lived for a number of years in the Porter's Lodge at Westminster Abbey, and it may have been there that Sir Robert (who was knighted in 1619) met and befriended Peter Heylin. Heylin was a clergyman who had a prebend at the Abbey. He later gave high praise to Filmer's political thinking and was responsible for the first printed reference to his friend's *Patriarcha*. Filmer's marriage to a bishop's daughter, and his friendship with Heylin, help to account for the fact that on most points his political ideas closely resembled opinions often expressed by the higher clergy in the decades before the English Civil War. In those years it was high-ranking clergymen and courtiers who most vocally supported the elevated views on royal power of the first two Stuart kings. We have seen that Filmer had connections to the church. He also had a relative at the royal court, for his brother Edward was an esquire of the king's body. In 1629 Ben Jonson addressed a poem to Edward. Another famous poet, George Herbert, was a friend of Sir Robert himself.

On the death of his father in 1629, Filmer inherited the family estate at East Sutton in Kent – though he continued to keep up his household at Westminster. By the 1620s Filmer had begun to turn his hand to writing, composing a short book on the much debated question of whether it was sinful to charge interest on loans. This work was first published in 1653 by Filmer's friend Sir Roger Twysden, another member of the gentry of Kent. In 1642, when Twysden was imprisoned by the House of Commons, Filmer stood bail for him. The two men shared scholarly and antiquarian interests, and they both suffered at the hands of parliament in the 1640s. But their political

attitudes were very different, for while Twysden was a moderate, Filmer was an uncompromising absolutist.

During the Civil War, Filmer himself took no part in the fighting, but his writings make it abundantly clear that he was an ideological supporter of the king, and his eldest son Sir Edward did join Charles at York on the eve of the war. Ageing and often unwell, Sir Robert stayed in Kent, which soon fell into parliamentary hands, though many of the gentry there were royalist sympathisers. Under threat of a worse fate, Filmer was coerced into contributing heavily to the parliament's war effort, and in 1643 an order was issued for his imprisonment. Sir Robert spent the following months in gaol in Leeds castle (not far from East Sutton). The exact date of his release remains uncertain, though he was certainly at liberty in the spring of 1647. A year earlier, the first Civil War had effectively ended when Charles I surrendered to parliament's Scottish allies.

It was in 1647 that Filmer first ventured into print with an essay *Of the blasphemie against the Holy Ghost*. Sir Robert had already penned manuscript treatises for circulation amongst his friends at Westminster and in Kent. But in 1647 he suddenly began to publish – and kept on doing so until his death in 1653. Quite why Filmer changed the habits of a lifetime in his final years is difficult to say. The 1640s did indeed witness an explosion in the number of printed books and pamphlets as a legion of new authors published their views on questions which the Civil War had made topical – such questions as the nature, origins and limitations of royal and parliamentary authority. Perhaps Filmer was merely following fashion in printing his ideas. It is possible, too, that he hoped his writings would advance the Stuart cause, and the secret publisher of his political pamphlets – Richard Royston – did indeed specialise in royalist propaganda.

In February 1648 Royston published *The Free-holders Grand Inquest* – an outspokenly royalist survey of English constitutional history, which may have been written well before it was published – perhaps in 1644. There are good reasons for thinking that this pamphlet is Filmer's, and it is reprinted below. But his authorship has recently been challenged in cogently argued articles by Professor Corinne Comstock Weston. The problem is discussed on p. xxxiv below. In April 1648 Royston brought out Filmer's *The Anarchy of a Mixed or Limited Monarchy*. This anonymous pamphlet replied to one of the

best-known works of parliamentary political theory, Philip Hunton's *Treatise of Monarchie*. Hunton's book was published in 1643, and internal evidence suggests that Filmer's reply was completed no later than 1644. If that is so, the reasons for the delay in publication are unclear, though it is worth noting that Filmer's arguments are far more trenchantly absolutist, and far less moderate in tone, than most royalist writings. Perhaps Filmer's work was considered unsuitable for publication at a time when most of the king's publicists were keen to stress the moderation of the royalist cause.

By issuing the *Anarchy* in April 1648, Filmer (or Royston) may have hoped to contribute to renewed royalist efforts to return Charles to power – efforts which included a major revolt in Kent in May. Filmer himself was invited to take part in this rising, but cautiously refrained. He did, however, bring out another pamphlet, entitled *The Necessity of the Absolute Power of all Kings*, in the summer of 1648. Once more this was published without the name of printer or author. In fact, the printer was Royston and the author the great sixteenth-century French theorist Jean Bodin. The pamphlet, which was compiled by Filmer, consists entirely of quotations from Richard Knolles' English translation of Bodin. The extracts were vigorously monarchical and absolutist in nature.

The *Necessity* appeared too late to aid the royalist war effort – and it is unlikely that it would have contributed much to Charles' cause even if it had been printed earlier. Clement Walker, who favoured compromise with Charles and bitterly denounced those who brought the king to trial and execution, recorded the publication of *The Necessity* on about 19 August. He called it 'a pestilent book' and warned his readers that it was thought to be 'a cockatrice hatched by the antimonarchical faction, to envenom the people against the king and prince' (Clement Walker, *Relations and Observations*, edition of 1660 but dated 1648, p. 135).

In August 1648 the king's supporters were finally vanquished, and in January 1649 Charles was executed. A republic was established, and for several years Filmer lapsed into silence. He did, however, continue to read the latest political writings, including Thomas Hobbes' *Leviathan* and John Milton's defence of England's new government against the criticisms of the learned Huguenot, Claude de Saumaise. Within a few months of the publication of these works Filmer had composed commentaries on them. In February 1652

Royston published these works, together with an essay by Filmer on the *De Jure Belli ac Pacis* of the great Dutch jurist Hugo Grotius. This commentary on Grotius is more difficult to date, and part of it also occurs in the Cambridge manuscript of Filmer's *Patriarcha*. One passage – which is not in the *Patriarcha* manuscript – dates from after 1638, for it mentions Salmasius' *De Usuris*, which was published that year. The book was entitled *Observations concerning the original of government*, and was soon re-issued with the *Anarchy*.

In almost all of his writings Filmer drew heavily upon the work of Bodin and that of Aristotle. His last political publication was a pamphlet entitled *Observations upon Aristotles Politiques touching Forms of Government*. This was an analysis of the political ideas of the Greek philosopher, in which Filmer attempted to show that Aristotle had favoured the doctrine of royal absolutism even if he had sometimes been unclear in expressing the theory. Appended to this pamphlet was a short essay called *Directions for Obedience to Government in dangerous or doubtful times*. In this work Filmer dealt with the topical question of whether a usurping government should be obeyed, concluding that only limited obedience was justified, and that nothing should be done which would prejudice the rights of the true ruler – namely Charles II. The *Observations upon Aristotles Politiques* and the *Directions* were published by Royston in May 1652. A year later Sir Robert was dead.

In addition to the works discussed so far, Filmer produced treatises on a variety of topics. In March 1653 he published *An Advertisement to the Jurymen of England touching Witches*, in which he did not actually deny the existence of witches but certainly came close to doing so. Other writings survived in manuscript. One discusses the Sabbath, while another deals with marriage and adultery, and a third (which has recently been printed) is 'In Praise of a Vertuous Wife'. But by far the most important manuscripts are two different versions of Filmer's longest political treatise, *Patriarcha*. Sir Robert probably added to this book over a period of years, and it is likely that the whole work dates from before the Civil War. The problem is discussed below (p. xxxii). It is the fullest presentation of his political ideas, and its arguments underlie much of what he said in his other writings – while a great deal of what is in those writings is little more than amplification (or repetition) of views expressed in *Patriarcha*.

Peter Heylin lamented the fact that Filmer refused to publish *Patriarcha*, and it is true that a reader of Sir Robert's writings in

the 1640s or 1650s could not have gained a fully rounded picture of Filmer's thought. His writings were occasionally noticed. In his *Certaine Considerations upon the Government of England* Sir Roger Twysden politely answered the *Anarchy's* claim that the power of all monarchs was by definition unlimited, and referred to the book as 'a learned treatise' (*Certaine Considerations*, ed. J. M. Kemble, Camden Society, 1849, p. 17). The cleric Brian Duppa, who became Bishop of Winchester at the Restoration, referred to Filmer far more favourably in 1654. A letter from him to Sir Justinian Isham provides a striking early instance of Filmer's influence. He said:

in the point of government, I know no man speaks more truth than the knight you mention, who follows it to the right head and spring, from whence the great wits have wandered, and have sought for that in their own fancy which they might have found in the plain Scripture road, where God, having created our first father to be the first monarch of the world, gave him dominion over all His creatures. (*The Correspondence of Bishop Brian Duppa and Sir Justinian Isham*, ed. Sir Gyles Isham, Bart., Northamptonshire Record Society 17 (1951) p. 91)

In 1656 John Hall of Richmond took Filmer's patriarchalism to be typical of English royalism, referring to 'the judicious author of a treatise called *The Anarchy of a Limited Monarchy*', who had 'founded monarchy on patriarchal right' in accordance with 'the most general opinion of the royalist' (*The True Cavalier examined by his Principles*, p. 126). Two years later Edward Gee included a critique of Filmer's views in his *The Divine Right and Originall of the Civill Magistrate*. In 1659 the well-known republican Henry Stubbe referred with respect to 'Sir Robert Filmeres discourses upon Aristotles politicks' (*A Letter to an Officer of the Army concerning a Select Senate*, p. 57). These instances indicate that Filmer's views already exercised some sway in the 1650s. But his works did not acquire a really wide vogue until they were republished in 1679–80, at the time of the Exclusion Crisis. In those years a heated ideological struggle between Whigs and Tories arose from moves to exclude the Catholic heir to the throne – James, Duke of York – from succession to the crown of England. In 1679 all of Filmer's political writings except *Patriarcha* and the *Necessity* were reprinted. In 1680 the *Necessity* was re-published, and in the same year *Patriarcha* at last made its appearance in print. These works were

issued as Tory propaganda, and they soon attracted responses from Whig publicists. Algernon Sidney and James Tyrell both replied to Filmer's theories. So too did John Locke, who devoted the first of his *Two Treatises of Government* of 1689 to criticising Sir Robert's ideas.

Not long ago, Filmer was read (if he was read at all) only as background to Locke. But if we want to understand Filmer it makes little sense to approach him through Locke (an extremely hostile critic) or through the debates on the Exclusion Crisis (which occurred a quarter of a century after Filmer's death). Rather, we must locate him in the context of his own times.

2 THE CONTEXTS OF FILMER'S THOUGHT

In 1588, the year of Filmer's birth, the Spanish Armada sailed for England. In 1605, when he entered Lincoln's Inn, the Gunpowder Plot was discovered. One of the main threats to England in Filmer's formative years seemed to come from Roman Catholics at home and abroad. Many years later, Filmer continued to equate Catholicism with disobedience to the monarch and with rebellion. 'If we would truly know what popery is', he said, 'we shall find by the laws and statutes of the realm, that the main, and indeed the only point of popery is the alienating and withdrawing of subjects from their obedience to their prince, to raise sedition and rebellion' (*Anarchy*, pp. 132–3). In the opening sections of *Patriarcha* Filmer singled out for special criticism two leading Roman Catholic thinkers – Bellarmine and Suarez. The political ideas of these men lay at the centre of much of the debate between British Protestants (including James I) and Catholics both British and continental, during the first decades of the seventeenth century.

Bellarmino and Suarez argued that the powers of kings were at first derived from the people. The rights of fathers over their families, they held, were granted to them directly by God, and were not a consequence of the consent of their children. But a father's power was very different from a king's, and a family was not a state. In states, power was at first held by the community as a whole and when it transferred authority to a king it could do so on conditions of its own choosing. If the king failed to fulfil the conditions, he might forfeit his power and be removed.

The ideas of original popular sovereignty, of legitimate resistance, and of limited monarchy were expressed not only by Catholics such as Suarez and Bellarmine, but also (as Filmer knew) by Protestants, including the Scottish thinker George Buchanan. Such theories had helped to foment civil war in France where at different times in the later sixteenth century both Catholics and Protestants had taken up arms against the king. In order to help preserve peace, Jean Bodin published *Six Livres de la Republique* (six books of the commonweal) in 1576. Bodin argued that in every state there must be a sovereign who alone makes law, but who is not subject to it, and who is accountable only to God. This sovereign must be absolute and indivisible – for a limited sovereign was a contradiction in terms, and divided sovereignty was a recipe for anarchy. In no circumstances, he held, would subjects be justified in resisting their sovereign. Bodin's book was translated into English in 1606, and it greatly influenced Filmer, who drew on it extensively. Sir Robert fully accepted Bodin's views on sovereignty and resistance. But he did not derive his patriarchal political theory from the Frenchman, for Bodin did not identify royal with fatherly power.

Filmer wrote as though his patriarchal theory was original (*Patriarcha* pp. 4–5). It was not. Many of his most characteristic claims were expressed by critics of Catholic and Protestant resistance theories in late Elizabethan and Jacobean England. An excellent example is Hadrian Saravia, a clergyman of Flemish extraction. Saravia held ecclesiastical livings in Kent and was one of the translators of the Authorised Version of the Bible under James I. In 1593 the Royal Printer published a Latin treatise by Saravia on political authority – *De Imperandi Autoritate*. In this book Saravia accepted the idea of absolute and indivisible sovereignty. Mixed monarchy – in which the king shared power with his subjects – was, he asserted, impossible, and any attempt to institute it would be bound to lead to disaster. Kings, he claimed, were lawmakers, and were not subject to their own laws. Of course, kings ought to rule in the public good, but if they failed to do so their subjects could never use force against them.

On all these points, Saravia's opinions coincided with those of Filmer – and of Bodin. Unlike Bodin, however, Saravia went on to formulate a patriarchalist account of the origins and nature of government, drawing on Scripture (and, in particular, on the book