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Filmer

Patriarcha and Other Writings

Edited by Johann P. Sommerville

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SIR ROBERT FILMER
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SIR ROBERT FILMER

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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.

Introduction

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 parliamentarian 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 parliamentarian 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 Filmores 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.

Bellarmine 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 Authoritate*. 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

of Genesis) to confirm his views. Resistance theorists grounded their claims upon the idea that free peoples had originally transferred political authority to the king. This transference, they said, took place upon whatever conditions the people desired. Later kings succeeded to the crown of the original monarch – and also to the conditions upon which he had held it. A king who failed to abide by these conditions might be resisted and perhaps even deposed. So the doctrine that the people had at first been free was used to mount an argument in favour of limited monarchy and legitimate resistance.

Saravia challenged the argument by attacking the notion of the original freedom of mankind. 'By nature', he wrote, 'people are not born free' (*De Imperandi Authoritate*, reprint of 1611 in *Diversi Tractatus Theologici*, p. 125). Everyone was born into a family, and subject to its head – the father. The first communities, then, were not free peoples composed of citizens with equal rights. Rather, they were families in which the father ruled. Moreover, these early families were *political* communities. The book of Genesis made it clear that the first fathers had governed as kings over their families – which included not only children but also grandchildren and more remote descendants, and which could grow to be very populous indeed, since the Bible recorded that in those times men might live for many centuries. Even after the death of the first father, the family remained in being as a political entity. Power over the family (or state) now passed to the first father's successor by right of primogeniture. Unlike the original father, this successor might not be the lineal ancestor of all his subjects, but he did inherit fatherly power over them – and one of the hallmarks of this power was that it was not derived from the consent of the subjects. God in His wisdom could even transfer power from the ruling line to someone else, or alter the form of government from monarchy (the original and best variety) to one of the other two valid but less excellent possibilities – aristocracy and democracy. If this happened, the governing authorities would still hold fatherly power, and be accountable to God alone.

Saravia's book was republished in 1611, at a time when controversy over the origins and nature of political authority was at its height between James I and his supporters on the one hand, and such Catholics as Cardinal Bellarmine on the other. In the course of this controversy, a number of authors adopted a patriarchalist view of the origins of kingship. An example is John Buckeridge, Bishop of Rochester

in Kent, and later of Ely – the see which Filmer's father-in-law had once held. In a Latin work against Bellarmine, published in 1614, Buckeridge argued that fatherly power was the basis of all just power (*De potestate papae in rebus temporalibus*, 1614, p. 531), and he declared that 'paternal and regal power are the same in substance and essence' (p. 282). Preaching a sermon before James I in 1618, the bishop repeated his patriarchalist message. 'The power of the king', he declared, 'is no other but *patria potestas*, that fatherly power that was placed by God immediately in Adam over all the families that issued from him' (*A sermon preached before his Maiestie at Whitehall*, 1618, p. 7).

Similar ideas occur in writings by Lancelot Andrewes, Thomas Jackson and other leading clergymen, and indeed in the canons adopted by the clergy's representatives in convocation in 1606. Nor was it only clerics who adopted such views. Sir Edward Rodney was a gentleman who in 1626 delivered a speech encouraging payment of a benevolence to the king, though many thought it illegal (Cambridge University Library MS Dd. 3. 84, pp. 149–50). He also wrote an essay 'Of Divine Providence' (pp. 110–25) in which he argued that 'monarchy sprang from paternal government' and that therefore 'the consent of the people was no more necessary than the consent of children to the paternal' (p. 116). Rodney insisted that a father's power over his children continued even after they ceased to be minors (p. 116), and claimed that the government of the Old Testament Jews was paternal and therefore monarchical long before they introduced kings (p. 115). He cited Aristotle to support his contention 'that the best and most natural form of government is that of monarchy, as taken from the paternal' (p. 114).

Patriarchalist political theory was thus common in early seventeenth-century England. It was frequently used to rebut the claims that royal power springs from the consent of the subject, and that kings can therefore sometimes be resisted. Controversy over the origins of royal power lay at the centre of much of the debate between Protestants and Catholics in the years immediately after the Gunpowder Plot – and this debate provides one of the main contexts of Filmer's ideas.

Not all of those who held high views on royal power were patriarchalists. James I, who wrote a good deal on politics, placed little stress on the equation between royal and paternal power. The king's works

were frequently cited by Filmer on the interpretation of the prophet Samuel's famous words about monarchy, and especially on the royal power to make laws. James claimed that it was kings, not parliaments, who made laws, and that the monarch could interpret the laws which he had made. Filmer shared these views, and also James' conviction that the privileges of parliament were derived not from any ancient fundamental law but from the grace of the king. Disputes on parliamentary privilege flared up on numerous occasions in the early seventeenth century, and a particularly heated quarrel broke out between the king and the House of Commons in 1621. Tensions between the monarch and the Commons provide the second major context in which it makes sense to locate Filmer's theories. One of the few public events mentioned by Filmer was Charles I's answer to the Petition of Right – an important landmark in the history of relations between crown and Commons.

The financial difficulties of James I and Charles I led them to explore new means of raising revenue. These included impositions – levies on exports and imports – which tapped the wealth of merchants. Impositions did not have parliamentary sanction. They arguably infringed the principle (which was widely accepted, though not by the kings, nor by Filmer) that taxation requires the consent of parliament. They certainly increased suspicions on the part of many members of the House of Commons that James I (and later his son) had little respect for the liberties of the subject. The actions of Charles I went far towards confirming these fears.

Debates on parliament's powers aroused interest in its history. Of course, if kings held sovereign power, derived directly from God, it followed that all the rights and privileges of subjects depended on the royal will, and also that parliament was wholly subordinate to the monarch. Filmer used history to illustrate this conclusion, and drew heavily on the ideologically charged accounts of England's constitutional past given in works by Sir John Hayward and especially Thomas Egerton (Lord Ellesmere) and William Lambarde.

The version of English constitutional history outlined in Filmer's *Patriarcha* and developed in *The Free-holders Grand Inquest* was essentially the same as that put forward by other writers who took the king's side in disputes on parliamentary privilege – for example, Sir Francis Kynaston who, like Filmer's brother, was an esquire of the king's body. In a manuscript dated 1629 and entitled 'The true presen-

tation of forepast parliaments' (British Library, Lansdowne Manuscripts 213, ff. 146a-76b) Kynaston gave a lively survey of parliamentary history, which argued that it was the king who made law, and that the privileges of the House of Commons were derived from the king, who was, indeed, under no obligation to summon the Commons to parliament.

The Free-holders Grand Inquest attacked the constitutional views of the parliamentarian William Prynne, and aimed to show that historically the king alone made laws in parliament, while the Lords advised and the Commons merely signified their consent. Consisting largely of quotations from earlier authors, or from statutes and legal documents, the work proved to be a useful collection of precedents. Prynne himself later drew on it in defending the House of Lords.

Like the *Free-holders Grand Inquest*, Filmer's other political publications adapted material contained in *Patriarcha* to the circumstances of the 1640s and 1650s, and to the particular claims of those whom he attacked. His criticisms of Hobbes, Milton and Grotius were sometimes original and incisive, and his later works added some new weapons to his arsenal of arguments against democracy. On the question of usurpers Filmer shifted ground a little after 1649. In *Patriarcha* (pp. 11, 44) and the *Anarchy* (p. 144) he granted that divine providence could validate the rule of a usurper, while in the *Directions* he argued that the legitimate ruling line never lost its title as a consequence of usurpation. After monarchy was abolished and England was declared a commonwealth he also came to dislike the use of the 'commonwealth' for 'commonweal' (p. 186) – though he himself had earlier used the two terms interchangeably – and he stridently insisted that monarchy was not just the best but the only form of government. But the main lines of Filmer's theory were mapped out in *Patriarcha*, and underwent relatively little change during or after the Civil War. Let us turn to the principal elements of Filmer's theory.

3 FILMER'S THOUGHT: THE TEXTS

Filmer explored the implications of patriarchal political theory in greater detail than any previous writer. But, as we have seen, the theory itself was not original. Indeed, much of Filmer's work was derived from earlier authors, and he often quoted from them at length – especially in *The Free-holders Grand Inquest* and most of all in the

Necessity. Amongst his favourite authorities were Bodin and Aristotle – though Filmer rejected Aristotle's contention that the family and the *polis* were different kinds of institution, and in some senses, at least, he was an anti-Aristotelian (as, indeed, was Bodin). Sir Robert also drew very heavily on the Bible. For Filmer, as for St Thomas Aquinas and many (though by no means all) other scholastics, Scripture and reason were in harmony. But he believed that on questions of political theory, reason by itself was liable to err, so close attention to the Bible was necessary if the truth were to be discovered. The errors of Aristotle and other pagans were to some extent excusable, he held, for they lacked Scriptural knowledge (pp. 252–3). Filmer himself quoted the Bible with great frequency. He approached Scripture directly, and treated it as an easily accessible and wholly consistent source of information. Only rarely did he refer to the Fathers or to more recent commentators on the Bible.

In Filmer's opinion, the most important political facts contained in Scripture occurred in the opening pages of the book of Genesis, where the story of the creation was told. He insisted that 'we must not deny the truth of the history of the creation' (p. 188). The Bible recorded that God gave the world to Adam, and this one simple truth was sufficient to overthrow the whole foundations on which arguments for original sovereignty were built. For if, as Scripture recorded, Adam was lord of the earth, and his descendants by right of primogeniture inherited his power, then the notion that the first human communities were self-governing democracies of free and equal citizens was historically false.

But were these first communities states or merely families? Suarez had argued that Adam ruled over a *family*, but not a commonwealth or state. Filmer rejected the argument. 'I see no reason', he said, 'but that we may call Adam's family a commonwealth, except we will wrangle about words. For Adam, living 930 years and seeing seven or eight descents from himself, he might live to command of his children and his posterity a multitude far bigger than many commonwealths or kingdoms' (p. 16). Adam's family was quite large enough to count as a commonwealth, and there was no reason to deny it that name – 'except we will wrangle about words' (p. 16).

Of course, it was not then known who was the direct descendant of Adam, and Filmer did not think that there was any great need to try to find him – or her. He held that primogeniture had been

instituted by God as the natural and ordinary means of succession. However, he argued that fathers were empowered by God to divide the succession amongst their offspring, as Noah had done (p. 7), and even to alienate their fatherly (and thus political) rights (p. 44). Moreover, God could extraordinarily intervene to change the ruling line. Filmer did not pay much attention to how kings acquired their thrones, and indeed declared that 'It skills not which way kings come by their power, whether by election, donation, succession or by any other means, for it is still the manner of the government by supreme power that makes them properly kings, and not the means of obtaining their crowns' (p. 44). His basic claim was that however the government gains power, and whether it consists of just one person, or of a few, or of many, the power 'is the only right and natural authority of a supreme father' (p. 11). Thus, in any state, the rulers are accountable to God alone and not to their subjects.

The sovereign authority (whether one person or more) held fatherly power over the people. What, then, was the status of subjects who were themselves fathers? In Filmer's opinion, the sovereign could use his own fatherly power to limit the powers of these subordinate fathers. But he made it clear that he thought it was unwise to restrict too greatly the powers of these fathers. Like Bodin, he believed that fathers should have the power of life and death over their children, and he was fond of telling the story (which Bodin also told) of Cassius, who in Roman times had thrown his son from a rock, though the son was a tribune of the people (pp. 18, 260). Unless fathers agreed to part with their power, or the state deprived them of it, they could kill their children – even if the latter were adults. In Filmer's opinion it was not nature, but the laws and customs of the state which exempted children over a certain age from their father's authority (p. 228). Filmer favoured strong fatherly and strong royal power, because he believed that without them the love which fallen mankind had for liberty would lead to anarchy. If the Fall had not occurred, he held, there would have been no need for coercion, since everyone would have obeyed their superiors willingly. Before the Fall, directive power – the power to guide – would have been sufficient; but now the ruler also needed coercive or coactive power – the power to enforce his commands by physical penalties. The ruler himself was not subject to coercion, but would do well to be guided or directed by his own laws. This

distinction between coercive and directive power was a scholastic commonplace.

Amongst the scholastics, Filmer quoted Bellarmine, Suarez and the Spanish Jesuit, Luis de Molina, but Bodin exercised a far greater influence on him, providing him with arguments in favour of absolute monarchy and against other forms of government. As we have seen, Filmer endorsed Bodin's contention that in every state there must be an absolute and indivisible sovereign. Like Bodin, he held that the key mark of sovereignty was the power to make law. The Bodinian concept of sovereignty was as important in Filmer's theory as the idea of patriarchal origins.

Filmer borrowed many details of modern and ancient history from Bodin, often using them to demonstrate the inadequacies of non-monarchical government. He drew on a wide variety of classical sources to illuminate the same topic. In *Patriarcha*, Filmer tried to demonstrate that democracy led to disastrous consequences, citing many examples from Roman history, and he explored the same theme again in the *Anarchy* and *Observations* on Aristotle. Filmer claimed that aristocratic and democratic governments were riddled with defects and inconsistencies. Though the opponents of absolute monarchy often paid lip-service to the idea that the 'people' held ultimate sovereignty, they generally restricted 'people' to mean only the greater or richer part of the population, thus unjustly excluding a substantial number of free and equal citizens from power. It was self-contradictory to argue that all were free and yet that a majority could bind the rest without their own consent.

If free and equal people held power, said Filmer, no decision could be made unless each and every one of them was consulted – a cumbersome procedure, especially since 'Mankind is like the sea, ever ebbing or flowing, every minute one man is born another dies; those that are the people this minute, are not the people the next minute' (p. 142). The need to keep consulting newly born babies could, of course, be avoided if it were conceded that children were politically subject to their fathers – and that would also explain how people today could be bound by contracts into which their remote ancestors had entered. But to make this admission would at a stroke destroy the foundations of original popular sovereignty, for if people were born into political subjection to their fathers they were manifestly not born free and equal (p. 142).

Filmer is at his most incisive and cogent when attacking the views

of his opponents. His patriarchal theory is interesting as a good example of ideas which were commonly – though not universally – held by seventeenth-century royalists and Tories. The theory is historically important not only because it influenced the actions of those who believed it, but also because it helped to shape the outlook of those who rejected it. It is difficult to understand Locke unless we understand Filmer, for Locke's *Two Treatises* were not written as the abstract reflections of a detached philosopher, but were a polemical refutation of Filmer's case. The first treatise, indeed, is a detailed response to Sir Robert's arguments. It is hard to grasp the nuances of Locke's reply unless we know something of what Filmer asserted – and Locke himself is not a trustworthy guide to Sir Robert's ideas. Of course, today the literal truth of Biblical history no longer seems as clear as it did in Filmer's age. But Filmer relied on Scripture *and* reason. He is arguably at his most interesting, and challenging, when he attacks democratic theory, and the notion that government rests upon a contract between ruler and subject. We may no longer find patriarchalism a convincing political philosophy. But much of what Filmer had to say against contractualist theories of government remains compelling.

Principal events in Filmer's life

1588	Birth of Filmer. The Spanish Armada sails for England.
1603	Succession of James I to the throne of England.
1604	Filmer enters Trinity College, Cambridge.
1605	Filmer enters Lincoln's Inn.
	Discovery of the Gunpowder Plot, a Catholic conspiracy to blow up James I and parliament.
1606	Parliament enacts that Catholics who refuse to take an oath of allegiance rejecting the pope's claims to be able to depose kings may be punished by loss of goods and imprisonment during the king's pleasure.
	The English clergy pass a set of canons condemning the pope's claims to authority over kings, and giving a patriarchalist account of the origins of government. (The canons were published as *Bishop Overall's Convocation-Book*, 1690.)
1608	James I publishes a defence of the oath of allegiance against Catholic criticisms. The king's book is soon answered by Catholics, including Bellarmine and Parsons.
1613	The Jesuit Suarez publishes *Defensio Fidei Catholicae*, attacking the ideas of James I. Suarez's book is burned in London.
1618	A marriage settlement drawn up between Filmer

	and Anne Heton. The couple settles in Westminster.
1621	A bitter dispute between the king and the House of Commons over the nature and origins of the Commons' privileges wrecks parliament.
1625	Succession of Charles I.
1628	Grievances against recent royal policies lead the House of Commons to adopt a Petition of Right which attempts to outlaw extra-parliamentary taxation, and imprisonment without cause shown. Because of his financial difficulties, Charles I accepts the Petition, but he soon tries to circumvent its provisions.
1629	Renewed conflict between the king and members of the House of Commons leads Charles to dissolve parliament and rule without it for the next eleven years.
	Filmer inherits his father's estate at East Sutton in Kent.
1637–40	Attempts by Charles I to introduce a new Prayer Book in Scotland lead to a Scottish rebellion against him.
	Failing to suppress the rebellion, the king is forced to call parliament in England, 1640.
1642	Outbreak of Civil War in England.
	Publication of Henry Parker's *Observations upon some of his Majesties late Answers and Expresses*.
	Extensive pamphlet controversy on the nature of royal power and similar questions.
1643	Publication of Philip Hunton's *Treatise of Monarchie* and of William Prynne's *The Treachery and Disloyalty of Papists to their Sovereigns*.
1643–7	Filmer imprisoned by the parliamentarians for some of this period.
1644	Publication of *The Fourth Part of the Institutes of the Lawes of England* by Sir Edward Coke.
1646	Surrender of Charles I ends the Civil War.
1647	Publication of Filmer's *Of the Blasphemie against the Holy Ghost* (February).

1648	Publication of *The Free-holders Grand Inquest* (February), replying to Prynne, Coke and others. Carlisle and Berwick seized by the king's supporters (April). Publication of Filmer's *The Anarchy of a Limited or Mixed Monarchy* (April). Royalist rebellion in Kent (21 May–2 June). Publication of Filmer's *The Necessity of the Absolute Power of all Kings* (August). Defeat of Scottish royalist invasion by Oliver Cromwell at Preston (17 August) Surrender of royalist rebels at Colchester (27 August).
1649	Execution of Charles I (30 January). Abolition of monarchy and the House of Lords in England. Establishment of the Commonwealth.
1650	A law passed requiring the adult male population of England to take an Engagement to be faithful to the Commonwealth as established, without king or Lords.
1651	Publication of John Milton's *Pro Populo Anglicano Defensio* and of Thomas Hobbes' *Leviathan*
1652	Publication of Filmer's *Observations concerning the Originall of Government* (February), criticising Hobbes, Milton and Grotius. Publication of Filmer's *Observations upon Aristotles Politics concerning Forms of Government* (May), including *Directions for Obedience to Government in Dangerous and Doubtful Times*, which discusses issues of allegiance raised by the Engagement.
1653	Death of Filmer (30 May).
1660	Restoration of Charles II.
1679–81	Political crisis over attempts by members of the House of Commons to exclude Charles II's Catholic brother James, Duke of York, from succession to the throne.
1679	Publication of a collected edition of Filmer's political works, including all except *Patriarcha* and the *Necessity*.

1680	First publication of *Patriarcha*. Publication of a new edition of the *Necessity* under the title *The Power of Kings*.
1685	Publication of an improved edition of *Patriarcha* by Edmund Bohun, aided by Archbishop William Sancroft.

Bibliographical note

The best guide to Filmer's life is Peter Laslett's 'Sir Robert Filmer: the man versus the Whig myth' in *The William and Mary Quarterly* 5 (1948), pp. 523–46. The same author's 'The gentry of Kent in 1640' in *The Cambridge Historical Journal* 9 (1948), pp. 148–64, contains information about Filmer's Kentish neighbours and their scholarly interests, and adds some details on Filmer's life. Laslett's introduction to his edition of *Patriarcha and Other Political Works of Sir Robert Filmer* (Oxford 1949) also includes useful information on Sir Robert and his times, despite some slips and errors.

Filmer's thought is the subject of James Daly's *Sir Robert Filmer and English Political Thought* (Toronto 1979). This is essential reading for anyone with a serious interest in Filmer, and contains a great deal of important material. But Daly rather overstates the case for Filmer's originality. He says much about Filmer's critics and followers, and about royalist opinion during and after the Civil War, but his book is weaker on pre-Civil War thought. English political ideas before 1640 are surveyed in J. P. Sommerville's *Politics and Ideology in England 1603–1640* (1986). The first chapter is especially relevant to Filmer's ideas and their context. Sommerville's 'From Suarez to Filmer: a reappraisal', in *Historical Journal* 25 (1982), pp. 525–40, illuminates the relationship between Filmer's political thinking and that of some of his contemporaries. The same author's 'Richard Hooker, Hadrian Saravia, and the origins of the Divine Right of Kings', in *History of Political Thought* 4 (1983), pp. 229–45, discusses an Elizabethan thinker whose political theory was similar to Filmer's. There is much valuable information on early seventeenth-century

political thought in Margaret A. Judson, *The Crisis of the Constitution* (New Brunswick 1949; reprinted with a preface by Jack Hexter, 1988). The best guide to the context and reception of *The Free-holders Grand Inquest* is J. G. A. Pocock's *The Ancient Constitution and the Feudal Law* (Cambridge 1957; new edition, with a retrospect, 1987).

An important work on patriarchalist political ideas in general is Gordon J. Schochet's *Patriarchalism and Political Thought* (Oxford 1975), which also contains much useful material on Filmer and his influence. Some of this material is also available in Schochet's 'Patriarchalism, politics and mass attitudes in Stuart England', in *Historical Journal* 12 (1969), pp. 413–41. Two older articles which make interesting points on Filmer's thinking, but which should be read with caution are J. W. Allen's 'Sir Robert Filmer' in F. J. C. Hearnshaw, ed., *The Social and Political Ideas of some English Thinkers of the Augustan Age, A.D. 1650–1750* (1928), pp. 27–46, and R. W. K. Hinton's 'Husbands, fathers and conquerors', in *Political Studies* 15 (1967), pp. 291–300.

Filmer wrote a number of works besides those included in this volume, and to grasp the full range of his thought it is well worth reading some of these. *An Advertisement to the Jury-Men of England touching Witches* (1653) is an interesting discussion of the evidence for the existence of witches, but unfortunately is not available in a modern edition. The *Quaestio Quodlibetica*; *Or a Discourse whether it may be lawfull to take Use for Money* (1653) was reprinted in *The Harleian Miscellany* volume 10, second supplemental volume (1813), and a facsimile of this edition was issued in *The Usury Debate in the Seventeenth Century* (New York 1972), in the series The Evolution of Capitalism. An interesting short manuscript work by Filmer has recently been published in Margaret J. M. Ezell, *The Patriarch's Wife: Literary Evidence and the History of the Family* (Chapel Hill 1987), Appendix I, pp. 169–90. This work, 'In Praise of the Vertuous Wife', illuminates Filmer's attitudes towards women and marriage. These attitudes are discussed by Ezell in *The Patriarch's Wife*, pp. 129–141 (also printed in *Seventeenth-Century News* 42 (1984), pp. 60–6). For descriptions of other manuscript works by Filmer, and for much useful bibliographical information about his published writings, see Gordon J. Schochet's 'Sir Robert Filmer: some new bibliographical discoveries', in *The Library*, fifth series, 26 (1971), pp. 135–60. This is a very important article, though Schochet's attribution of some anonymous political

treatises to Filmer is unconvincing. These attributions, and other bibliographical problems associated with Filmer, are discussed in 'The authorship and dating of some works attributed to Filmer' below.

The authorship and dating of some works attributed to Filmer

Recent scholarship has raised and re-opened some important questions of authorship and dating connected with Filmer. Firstly, the date of composition of *Patriarcha* has been variously set at years ranging from 1631 or earlier to 1648 or later. Secondly, the ascription of *The Free-holders Grand Inquest* to Filmer has been challenged, and it has been suggested that it is in fact by Sir Robert Holborne, a lawyer who defended John Hampden in the famous Ship Money trial of 1637–8 but who became a royalist in the Civil War. Thirdly, some anonymous seventeenth-century works of political theory have been attributed to Filmer. Each of these three topics deserves brief discussion here. On the first, see also p. viii above.

1 THE DATE OF FILMER'S *PATRIARCHA*

In the introduction to his *Patriarcha and Other Political Works of Sir Robert Filmer* (Oxford 1949), p. 3, Peter Laslett suggested that *Patriarcha* was written between 1635 and 1642. He argued that it must have been written after 1635, since the Cambridge manuscript 'quotes Selden's *Mare Clausum*, which was published in that year'; and that it dates from before the outbreak of the Civil War in 1642, since the Cambridge manuscript (unlike the printed versions of 1680 and later) refers to only two civil wars in English history – the Barons' Wars and the Wars of the Roses (p. 34 below). The 1680 edition added a reference to a third war, namely 'the late rebellion' – that is to say, the Civil War. Laslett did not know of the Chicago manuscript, but on this point it agrees with the Cambridge manuscript, for it also refers to only two civil wars. Laslett's dating has been widely accepted.

In 1980 John M. Wallace published 'The date of Sir Robert Filmer's *Patriarcha*', *Historical Journal* 23 (1980), pp. 155–65. This provocative reappraisal of the question cast doubt on the idea that 'it would have been possible for anyone to write such a detailed, casuistical tract before the great constitutional debates in 1642, which Henry Parker is usually credited with having initiated' (p. 156). Wallace also pointed

to a number of passages in *Patriarcha* which are identical with, or strikingly similar to, sections of *The Free-holders Grand Inquest* and the *Anarchy*, and argued that Patriarcha borrowed from these other works. He concluded that the Chicago manuscript was written in the second half of 1648, and that the Cambridge manuscript was not drawn up until the final year of Filmer's life.

James Daly replied to Wallace's arguments in 'Some problems in the authorship of Sir Robert Filmer's Works', *English Historical Review* 98 (1983), pp. 737–62. He rightly asserted that a plausible context for much of the material in *Patriarcha* may be found in late sixteenth-century and Jacobean debates over the nature and origins of royal authority (p. 749) – a point which is discussed in the introduction above. He also cast doubt on Wallace's contention that internal evidence shows that *Patriarcha* borrows from other works by Filmer, arguing that it is just as likely that those works took material from *Patriarcha* (p. 750), and he re-emphasised the importance of the reference to only two previous civil wars. Daly tentatively concluded that the Chicago manuscript was completed 'by about 1641' and that the Cambridge version was written shortly afterwards (p. 761).

A rather different dating was suggested by Richard Tuck in 'A new date for Filmer's *Patriarcha*', *Historical Journal* 29 (1986), pp. 183–6. Replying to Wallace, Tuck also rejected the contention that the similarities between *Patriarcha* and the other works furnish clear evidence that it borrowed from these works. It is, in fact, perfectly possible that the *Anarchy* and *The Free-holders Grand Inquest* borrowed from *Patriarcha*, or that all three works drew on a single set of notes and extracts which Filmer had made. Tuck went on to argue, on the basis of the sources used by the two manuscripts of *Patriarcha*, that the Chicago manuscript dates from between 1628 and 1631, while the Cambridge manuscript belongs to the years between 1631 and 1642. He also suggested that the Chicago manuscript may not have been the earliest version of the work.

In support of this dating, Tuck pointed out that in the Cambridge manuscript Filmer uses the 1631 edition of Selden's *Titles of Honor*, while in the Chicago manuscript he does not do so – although it would have been highly relevant to his concerns. 'The obvious implication is that he was writing before 1631' (p. 184). At first sight, there is a problem with this argument, for the Chicago manuscript does draw on William Lambarde's *Archeion*, which was written by 1591

but not published until 1635. However, Tuck speculated that Filmer used a manuscript of this work, which is known to have circulated in manuscript (p. 184).

His argument at this point can be substantially strengthened, for a comparison of *Patriarcha*'s quotations from Lambarde with the two printed editions of 1635 reveals that it does not draw on either of them. For example, *Patriarcha* p. 51 has the words 'commanded James Audley', which are missing from both printed editions of *Archeion*; two surviving manuscripts of *Archeion* have 'commandeth James Audley' (Lambarde I, p. 73 n. 80). This and several similar instances (discussed in more detail below, in connection with *The Free-holders Grand Inquest*) prove that Filmer drew on a manuscript of *Archeion*. Perhaps rather less convincing is Tuck's argument that a date close to 1628 is suggested by *Patriarcha*'s reference to Charles I's 'speech after this last answer to the Petition of Right' of that year (p. 184). Though Laslett's edition does indeed mis-print 'this last answer', both manuscripts in fact read 'his last answer'. Had Filmer said '*this* last answer' we might indeed infer that he was writing very soon after the event; but it is difficult to deduce much from 'his last answer'.

We may tentatively conclude that the Chicago manuscript, or the text from which it is copied, was written before 1631, and that the Cambridge manuscript dates from 1635–42. The third chapter of *Patriarcha* is arguably not very well integrated with the first two chapters, and it is possible that it was written a good deal later than them. On p. 5 Filmer refers to 'the new coined distinction of subjects into royalists and patriots'. The word 'royalist' appeared in print in 1627 (Robert Sibthorp, *Apostolike Obedience*, p. 13) and occurs in manuscript earlier in the 1620s. Perhaps the first two chapters of *Patriarcha* were composed in the 1620s and the third chapter about 1630.

2 THE ASCRIPTION OF *THE FREE-HOLDERS GRAND INQUEST* TO FILMER

In 1679 *The Free-holders Grand Inquest* was published as the first item in a collection of works attributed to Filmer. The other works in this collection are unquestionably Filmer's, and the whole collection was several times re-issued under Filmer's name. As far as is known,

none of Filmer's family or friends challenged the attribution of *The Free-holders Grand Inquest* to Sir Robert. In 1680 Filmer's *Necessity of the Absolute Power of all Kings* was printed under the title *The Power of Kings*. An anonymous preface to this work gave a list of Filmer's writings which included *The Free-holders Grand Inquest*. All the other titles given in this list are certainly by Filmer – and the list contained titles not in the 1679 collection, so it is not merely derived from that book. However, Anthony Wood (1632–1695) attributed *The Free-holders Grand Inquest* to Sir Robert Holborne: *Athenae Oxonienses*, ed. P. Bliss, 4 vols. (1813–20), volume 4, part 2 (*Fasti*), p. 45. The ascription to Holborne has been vigorously re-asserted by Corinne Comstock Weston in 'The authorship of the *Free-holders Grand Inquest*', *English Historical Review* 95 (1980), pp. 74–98, and again in 'The case for Sir Robert Holbourne reasserted' in *History of Political Thought* 8 (1987), pp. 435–60. The first of these articles attracted a response from James Daly in his 'Some problems in the authorship of Sir Robert Filmer's Works', *English Historical Review* 98 (1983), pp. 737–62.

Weston argued that the *Anarchy* and the *Free-holders* take such different lines on the question of whether the king is one of the three estates of the realm that they cannot be by the same author. The *Anarchy* accepted that the king was one of the estates (p. 137 below), while the *Free-holders* (like much contemporary royalist writing at Oxford, where Holborne was) took pains to stress that the king stood outside and above the estates (p. 89 below). Since the *Anarchy* is by Filmer, Weston concluded that the *Free-holders* is not. In reply, Daly claimed that there is no inconsistency between the two works, asserting that in the *Anarchy* Filmer did *not* accept the idea that the king is one of the estates, and contending that the unquestionably different emphases on this topic of the two works may readily be explained in terms of their overall aims and arguments.

Other characteristics of the *Free-holders* lend some support to Weston's thesis. It is the only work to cite the *Rotuli Parliamentorum* and the Year Books, which may suggest that its author had more legal knowledge than Filmer can be shown to have possessed. It alone cites Coke, and it alone fails to cite Bodin and Aristotle, authors whom Filmer was extremely fond of quoting, even if the quotations were not always of central and immediate relevance to his arguments. Moreover, patriarchal political theory is wholly absent from the *Free-holders*.

These points are, however, inconclusive, and against them must be set some very weighty evidence suggesting that *Patriarcha* and the *Free-holders* are by the same author. As Laslett observed, the *Free-holders* reads like an expansion of the last section of *Patriarcha*, and the two works contain a very substantial amount of common material, including large sections taken from Egerton and Lambarde. A list of parallel passages may be found in James Daly's 'Some problems in the authorship of Sir Robert Filmer's Works', *English Historical Review* 98 (1983), pp. 737–62, at p. 743, and they may easily be traced by consulting the index to the present edition, especially under the entries for Camden, Egerton, Lambarde, Raleigh and Selden. The most decisive piece of evidence is, perhaps, the use which the two works make of Lambarde's *Archeion*, for they both drew not on a printed version but on a manuscript of *Archeion*, and it seems that both used the same manuscript. The evidence follows (with references to *Archeion* being to the edition of Charles H. McIlwain and Paul L. Ward, Harvard 1957 – an edition which includes readings from both printed editions of 1635, and which is the only printed edition other than those two):

Free-holders p. 110 and *Patriarcha* p. 51: and so proceeded
Archeion p. 73, printed versions: and so proceed

Free-holders p. 110 and *Patriarcha* p. 51: Audley, commanded James Audley
Archeion p. 73, printed versions: Audley

Free-holders p. 110 and *Patriarcha* p. 51: appear before him
Archeion p. 73, printed versions: appear before himself

Free-holders p. 119 and *Patriarcha* p. 48: then let him go
Archeion p. 58, printed versions: go

Free-holders p. 118: after that he had
Archeion p. 57, printed versions: after he had

This last quotation is not in *Patriarcha*, which indicates that the *Free-holders* did not simply take its Lambarde material from *Patriarcha* – of which Holborne may conceivably have had a copy – but from a manuscript of *Archeion*. In all the cases listed above, McIlwain and Ward record manuscript readings which are either close to or identical