Patriarchy and Politics: 
A Comparative Evaluation of the Religious, Political and Social Thought of 
Sir Robert Filmer and Robert Lewis Dabney 

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This dissertation examines the religious, political and social thought of Sir Robert Filmer and his influence in early America. Filmer was a seventeenth-century English political theorist whose thought was critiqued by John Locke in *The First Treatise of Government*. Filmer subscribed to a patriarchal theory of the origins of government, a view held by many pre-modern political thinkers. In this dissertation the historical roots of the patriarchal theory and its conflict with the modern, social contract theory are discussed. Filmer’s critique of the social contract theories of Hugo Grotius, Thomas Hobbes and John Milton also are considered, thus setting the stage for an examination of Filmer’s relationship to Locke. The influence of Filmer in early America is then addressed. Filmer was more popular in the colonial South, especially among the Anglicans and Royalists of Virginia, but had few admirers in New England where Puritanism and the social-contract thought of Locke and Milton prevailed. The relationship between Filmer’s thought and the religious, political and social views of later antebellum thinkers also is examined, with particular attention given to Robert Lewis Dabney, a nineteenth-century Presbyterian theologian from Virginia.
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by

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A Dissertation

Approved by the J. M. Dawson Institute of Church-State Studies

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Submitted to the Graduate Faculty of
Baylor University in Partial Fulfillment of the
Requirements for the Degree
of
Doctor of Philosophy

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Accepted by the Graduate School
May 2006

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ACKNOWLEDGMENTS

Writing a dissertation is a lot of work, not only for the author but for all those involved in the writing process. The persons involved generally range from the exuberant and eager to those who are bound either by some form of duty or, in rare cases, affection and possibly even pity for the author. For most it is usually a mixture of these sentiments and, as it is such a lengthy process, at different times and stages along the way some are more willing and some less willing, with the author himself more often than not gravitating towards the latter camp.

First and foremost, the persons to whom I am the most indebted are those teachers and scholars at Baylor University who graciously volunteered to serve on the committee, especially the chairman, Dr. Barry G. Hankins, who kindly granted me a good deal of latitude to explore what probably seemed to him at times rather questionable and suspect digressions. I also would like to express my appreciation for the critical insights and editorial skills of all the other committee members: Dr. Derek H. Davis, Director of J. M. Dawson Institute of Church-State Studies; Dr. Francis J. Beckwith; Dr. Elmer H. Duncan and last, but certainly not least, Dr. Kimberly R. Kellison.

Special thanks and appreciation also should go to the scholars and students associated with the Abbeville Institute, especially Prof. Donald Livingston of Emory University, Prof. Ross M. Lence of the University of Houston, Prof. Clyde N. Wilson of the University of South Carolina and Prof. Marshall L. DeRosa of Florida Atlanta University. Without the special guidance and helpful insights of these scholars, especially Ross Lence and Clyde Wilson, this dissertation could not have been written.
Many others outside the academy also provided helpful feedback and criticism and thus deserve recognition and acknowledgment: Joel A. Jirak, one of the most critical and analytical thinkers I know; Jason Wollard, who in the midst of all his other enormous responsibilities took the time to read a number of the early chapters; and Pat Hannon, who provided the inspiration for some of the more exotic elements herein.

And finally, the three people to whom this work is dedicated: Rev. Steve M. Schlissel, pastor of Messiah’s Fellowship in Brooklyn, New York, who sparked my initial interest in the thought of Robert Lewis Dabney; Professor A. J. “Chip” Conyers, who unfortunately did not live long enough to see this dissertation to completion, but whose friendship and guidance was instrumental during the preliminary stage and who by introducing me to the work of the Abbeville Institute was the one person, more than anyone else, who made this dissertation possible; and my father, Michael Davenport, without whom even writing these words would not be possible.

R. Dean Davenport
March 17th 2006
St. Patrick’s Day
DEDICATED TO:

Rev. Steve M. Schlissel
The Brooklyn Jew
who opened my eyes to this topic.

Michael D. Davenport
My Father

A. J. “Chip” Conyers †
(May 29, 1944—July 18, 2004)
Mentor & Friend
The cheerful sage, when solemn dictates fail,
conceals the moral counsel in a tale.
– Horace, Satires

In those days there was no king in Israel
and every man did what was right in his own eyes.
– The Book of Judges

The Devil was the first Whig.
– Samuel Johnson

Democracy is the theory that the people know what they want
and deserve to get it—good and hard.
– H. L. Mencken

ή ἐξουσία αὐτοῦ ἐξουσία αἰώνιος ἢτις οὐ παρελεύσεται
καὶ ἡ Βασιλεία αὐτοῦ οὐ διαφθαρῆσεται.
– Daniel 7:14

ἐλευθερίαν αὐτοῖς ἐπαγγελλόμενοι,
αὐτοὶ δοῦλοι ὑπάρχοντες τῆς φθορᾶς:
WithEmailAndPassword θέτεται, τούτῳ δεδούλωται.
– II Peter 2:19
The importance of democracy—especially the crucial role that democratic institutions play in the preservation and propagation of freedom and justice throughout the world—is an idea that is taken for granted throughout most of contemporary Western civilization. The establishment of democratic institutions and the spread of justice are so closely related that they are almost considered synonymous agendas. In the absence of democracy there always exists injustice and inequality, by definition. A political system, in order to be just, must be concerned with ensuring fairness for all people, not merely preserving the advantages of a select few. This is the understanding of justice that is most commensurate with democratic institutions. A number of political philosophers have argued this point ably, but it is not necessary to read philosophers in order to understand it.\footnote{John Rawls, \textit{Political Liberalism} (New York, NY: Columbia University Press, 1996); Ronald Dworkin, \textit{Sovereign Virtue: The Theory and Practice of Equality} (Cambridge, MA: Harvard University Press, 2000).} The point can be seen in our common use of language.

When we call something, be it an institution or a person, “undemocratic” we are not describing a preference or allegiance to a particular political party. That is to say, calling Robert “undemocratic” is not the same as saying “Robert is a Republican.” This is because the term “Republican” is a descriptor that references Robert’s political opinions within a broadly construed democratic system, whereas the term “undemocratic” is loaded with a certain moral or ethical weight that transcends any particular political affiliation or party preference. By being a Republican, we might think that Robert is
misguided in his political affiliation, but this is different than thinking that Robert is an enemy of justice and morality itself. It may be the case that Robert has good, principled moral reasons for being a Republican. We may not agree with those reasons, but one of the virtues of democracy—as we are so often reminded—is that it allows for these kinds of differences to exist. And this is precisely why calling Robert “undemocratic” should be considered a more serious charge than calling Robert a Republican. Being undemocratic is more than subscribing to wrong-headed political opinions, it is to be a deeply misguided and morally suspect person. Thus, saying that “Robert is undemocratic” is more closely akin to saying “Robert is a Fascist” than it is to saying “Robert is a Republican” as a commitment to Fascism is deeply misguided and morally suspect in a way that a commitment to the Republican Party is not. Unlike Fascists, Republicans, although possibly holding to a wide range of wrong-headed political opinions, still ostensibly believe in democracy.

Furthermore, although it could be the case that a committed Fascist had enough support to win the popular vote in any given country, this type of “democratic” support does not count as legitimate support. No matter how many votes are cast in his favor, a Fascist dictator will tend to be viewed as an illegitimate ruler. Injustice remains injustice regardless of the number of votes it receives. Consequently, since Fascism tends to result in injustice, a Fascist dictator might still be be deposed, even if democratically elected and even if the overwhelming majority of the public continues to favor his rule. The preservation of justice, in this case, would be more important than the democratic support of the majority. Or to put it another way, a vote for an undemocratic Fascist does not count the same as a vote for a Republican because a vote for a Fascist dictator is a vote for injustice, a vote against the goal of democracy itself; whereas, a vote for a Republican
is simply misguided, a foolish misuse of democracy. In a democracy people are allowed
to be foolish, but they are not allowed to be unjust. Robert is allowed to be a Republican,
but he is not allowed to be a Fascist. Justice is the goal. Democracy is the means to
achieving the goal. And thus, any vote against democracy itself, as it undermines the
ultimate goal of democratic institutions, namely the establishment of a just political order,
ever counts as a legitimate vote.

The reason behind this close association between democracy and justice is simple.
So simple, in fact, that it often escapes our notice. In democratic political theories, it is
assumed that justice should be closely bound to the notion of fairness and equality.
Justice is fairness, by definition. The existence of radical inequality, a lack of fairness, is
an absence of justice. That justice is equated with fairness is a prima facie truth and as
such merits no substantial debate. To argue that justice is not the same thing as fairness
is not to make an argument; it is to profess an absurdity. To argue that democracy is the
form of government which is most commensurable with this understanding of “justice as
fairness” is not to say anything interesting; it is simply to utter a tautology. The spread of
“democratic” modes of political organization and the obtainment of “justice for all” are
considered coterminous agendas. The sky is blue. The grass is green. There is nothing
to debate here. Or is there?

One of the most interesting things about this way of thinking is that it is a rather
recent development. The association of justice with fairness or equality is a product of
modern political thought. For the vast majority of pre-modern political thinkers, political
justice was not associated with either equality or with democracy; consequently, for these
thinkers democracy was not considered to be the best form of government, nor the only
form of government compatible with justice, and the decline of democratic institutions
was not synonymous with the spread of injustice. Indeed, that which is assumed to be a \textit{prima facie} truth in our own day would be viewed as quite controversial among thinkers of earlier ages. Or to put it another way, for many people in earlier ages, the sky was not blue and the grass was not green. And this is an extremely interesting fact that merits our close attention.

\textit{Methodology and Scope of Project}

One of the best ways to bring to light our modern prejudices, whether in political theory or theology or any other subject, is to study the thought of earlier ages. As C. S. Lewis once remarked:

Every age has its own outlook. It is specially good at seeing certain truths and specially liable to make certain mistakes. We all, therefore, need the books that will correct the characteristic mistakes of our own period. And that means old books. All contemporary writers share to some extent the contemporary outlook—even those, like myself, who seem most opposed to it. Nothing strikes me more when I read the controversies of past ages than the fact that both sides were usually assuming without question a good deal which we should now absolutely deny. . . . We may be sure that the characteristic blindness of the twentieth century—the blindness about which posterity will ask, “But how could they have thought that?—lies where we have never suspected it, and concerns something about which there is untroubled agreement between Hitler and President Roosevelt or between Mr. H. G. Wells and Karl Barth. None of us can fully escape this blindness, but we shall certainly increase it, and weaken our guard against it, if we read only modern books. Where they are true they will give us truths which we half knew already. Where they are false they will aggravate the error with which we are already dangerously ill. The only palliative is to keep the clean sea breeze of the centuries blowing through our minds, and this can be done only by reading old books.\footnote{C. S. Lewis, “Introduction” to \textit{St. Athanasius on the Incarnation: The Treatise De Incarnatione Verbi Dei} (London: A. R. Mowbray & Company, 1953), 4-5.}

In some ways, this dissertation may be considered an attempt to follow C. S. Lewis’s advice here. It is an examination of old books written by long-dead and mostly forgotten political thinkers. Although our topic probably is not a subject that will attract the
interest of many people today, if taken as an attempt to live up to Lewis’s admonition, it still might prove to have some merit.

As it would be impossible to examine every old book in any practical or meaningful way, some focus must be given to our investigation in order to limit its scope. In any project such as this there always are a number of limitations imposed upon the scholar from the outside. These external limitations exist regardless of a scholar’s particular preferences and function to help set definite limits to the scope of the project. Given the existence of our own particular external limitations, the parameters of this study were chosen to best optimize the resources and abilities of this writer. From the beginning it was necessary to limit the study to widely available English language sources. From this initial limitation of scope, the investigation automatically narrowed to British and American political thinkers within the last four-hundred years. After establishing these broad parameters, the next step was to find suitable thinkers within this framework who best exemplified the particular line of investigation we desired to pursue. After much preliminary work, two thinkers were chosen, one British and one American. At first, there was an attempt to confine the study to solely American thinkers, but in the process it became apparent that this was too narrow of a scope as older political thinkers in America were heavily dependent upon British thinkers, particularly in regard to the type of political thought that constitutes the subject of our investigation.

The English political thinker who was chosen was Sir Robert Filmer (1588-1653). Filmer lived in England during the seventeenth century, the time of the English Civil War. In America, the political thinker who was chosen was Robert Lewis Dabney (1820-1898), who lived in the nineteenth century, during the time of American Civil War. It seems to be the case that after the respective civil wars of both of these nations, there was
a marked decline in an older way of thinking about political order. Indeed, in many ways, since the English Civil War preceded the American Civil War by almost two centuries, this older way of political thinking tended to survive longer in America than in England. Thus, Robert Lewis Dabney and Sir Robert Filmer have more in common than one might at first suspect. Despite the fact that Filmer was an Anglican Royalist and Dabney was a Southern Presbyterian Democrat and that their lives were separated by almost two centuries, they both shared a common political perspective—an examination of which is the purpose of this dissertation.

*Patriarchal Political Thought*

If one must give this common perspective a name, the term “patriarchal political thought” probably would be the most appropriate. However, as Filmer was a monarchist, defending the divine right of kings, and Dabney was a Calhoun-Democrat, defending the constitutional basis of Southern succession, it is not possible to categorize their political thought within a strictly “procedural” or “structural” nomenclature. Patriarchal political thought is not primarily concerned with defending any particular theory of external political organization. It is a substantive or metaphysical political philosophy, rather than a proceduralist or structuralist one. The unifying features of patriarchal political thought are found within a common vision of a theological, metaphysical, and moral order—a hierarchical vision of the cosmos that is fundamentally at odds with an egalitarian or liberal view of political society. This is one of the reasons that John Locke spent the entirety of the first of his *Two Treatises of Government* (1689) attacking the patriarchal views of Robert Filmer and the reason that the patriarchal thought of Robert Lewis Dabney led him to defend the institution of slavery and to fight for the Confederacy. In
addition to their patriarchal political views, Filmer and Dabney also shared another important thing in common. They both were on the losing side of their respective civil wars. That civil wars occurred in both England and America is important to remember for it points to the fact that these political issues were not inconsequential ones. In both countries, the conflict of visions between the opposing political camps erupted into an armed conflict of enormous proportions.

In many ways, patriarchal political thought challenges many of our cherished modern political intuitions. Indeed, when reading Filmer and Dabney they often seem to be arguing that the grass is not green or the sky is not blue. But the grass is green. And the sky is blue. This fact is so obvious that anybody worth his salt should be able to see it. Consequently, it is not uncommon to find both these proponents of patriarchal political thought dismissed simply on this ground. After all, a lengthy defense of an obviously absurd proposition (e.g., “grass is not green”) does not make the grass any less green than it was before. The grass continues to be green regardless of the self-imposed colorblindness of a couple of misguided political thinkers.

Unfortunately, in this hasty dismissal of patriarchal political thought, the existence of a number of important counterfactuals are often overlooked. For instance, someone who happens to live in one of the Southern states of America, originally settled by those of Scots-Irish-Celtic ancestry, probably is aware that there is a type of grass known as blue-grass. Indeed, the Commonwealth of Kentucky is often referred to as the “Bluegrass State.” Now it may be the case that every Boston-born Yankee knows that the grass is green, but apparently, for many Southerners the grass is not green—but rather blue. And many Southerners are thankful that the grass is blue. They enjoy the sound of “Bluegrass music” rooted as it is in the Scottish highland tradition of the ancient Celts much better
than the sound of the “Greengrass music” of Boston—which apparently was so bad that it was not even worthy of a lasting tradition.

However, if the Bluegrass music of the South defeated the Greengrass music of the North, the opposite is true in the case of political philosophy. It was the “Greengrass” tradition of liberalism, represented by Locke and his followers, that has ascended to the forefront and the “Bluegrass” tradition of patriarchal politics, represented by thinkers such as Filmer and Dabney, that has clearly been lost and forgotten. It is hoped that this dissertation may contribute, in some small way, to a recovery of the lost “Bluegrass” patriarchal political tradition. Although in some ways a much less rationalistic tradition, the patriarchal tradition is a much more poetic one. And in politics, like in music, sometimes poetry is more important than reason. The important role that both pre-written mythic history and divine revelation play in the justification of political traditions is one of the aspects of the patriarchal political tradition that distinguishes it from the rationalism of the liberal political tradition. Modern political liberalism is rooted in the Enlightenment, and thus reason and rationality play an important role in the liberal justification of political society. In contrast, the patriarchal tradition—rooted as it is in a more traditional, theological, and pre-modern worldview—places less emphasis on the role of reason in political society. The purpose of political society is to create a humane society in which all people can live together and, for the patriarchal political tradition, this is much more easily accomplished through practices like those of story-telling, the enjoyment of music, and the reading of poetry, than it is by studiously memorizing abstract theories of social justice or reading lengthy academic treatises on the best form of government.
For Filmer, kings were important not because they were always just and virtuous, but because kings were symbolic father figures. For Dabney, the institution of slavery was important, not because it was perfectly just, but because it preserved a hierarchical and familial model of the master-servant relationship that was more humane and personal than the utilitarian and impersonal employer-employee relationship of the industrialized factories of the North. According to the patriarchal tradition, one of the best ways to destroy the human bonds which are the glue of society is to attempt to enforce abstract, rationalistic theories upon that society. Indeed, for patriarchal political thinkers it was this abstract and ideological approach to political thought, the “rationalization of politics” to use the language of Eric Voeglin, that was the danger. For Dabney, this was exactly the reason that the French Jacobins and American Abolitionists were dangerous, not because they sought liberty and justice, but because they were misguided in their attempt to apply an abstract, rationalistic “theory of justice” upon complex human social relationships that are not and cannot be governed by reason alone.

The acceptance of more rationalistic and modernistic political theories in England, France and America resulted in civil war and a destruction of the ancien régime in all three countries. The process was different in each country, but in all three cases the inspiration for the revolutionary bloodshed was rooted in some abstract or rationalistic theory of political or social justice. In Filmer, we find a number of arguments in defense of the English monarchy over against Cromwell's revolutionary Puritan forces during the English Civil War. In Dabney, we find arguments in defense of the South over against the revolutionary abolitionists of the North during the American Civil War. Although, in

\(^{3}\)An excellent analysis of the dangers of “the rationalization of politics” is contained in volume 5 of the collected works of Eric Voeglin, Modernity without Restraint: The Political Religions; The New Science of Politics; and Science, Politics, and Gnosticism (Columbia, MO: University of Missouri Press, 1999).
this dissertation, we will not be considering French politics directly, Dabney has much to say about the French Revolution and often associated the Northern Abolitionists with the Jacobian revolutionaries of the eighteenth century. Indeed, as the French revolution happened only a few years before Dabney was born, he often identified the Jacobin influence as the fountainhead of many of the problems of nineteenth-century America.

*Modern and Pre-modern Political Thought*

To understand the patriarchal political thought of Filmer and Dabney it is first necessary to gain some understanding of the historical context and philosophical background of Western political thought in general, particularly the developments that took place within European political thought in the sixteenth and seventeenth centuries, as most scholars locate the development of modern political thought somewhere within these two centuries. Dante Germino observes that “the conventional periodization of political history assumes that a profound break in the continuity of Western political speculation occurred around 1550; this date presumably marks the beginning of ‘modern’ as opposed to ‘premodern’ political thought.”

Although compartmentalization of historical periods is always subject to some dispute, placing a rough division between “modern” and “premodern” political thought somewhere in the late sixteenth century is a standard practice followed by most scholars.

Although Sir Robert Filmer (1588-1653) was born toward the end of the sixteenth century, his major contributions to political theory were written in the middle part of the seventeenth century. Although Filmer was a contemporary of Thomas Hobbes (1588-1679) and, in fact, was born in the same year as Hobbes, the political thought of Filmer and Hobbes represent two completely different understandings of the world. Whereas

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Hobbes is considered to be a modern political thinker, Filmer is considered to be a pre-modern political thinker. In many ways, the political thought of Hobbes was original and represented a break with the past. But this was not the case with Filmer. Whereas the social contract theories of Hobbes and Locke were more abstract and philosophical—as is characteristic of modern thought in general—the political thought of Filmer was deeply rooted in history, tradition and mythology. And it is for this reason that Filmer’s way of thinking does not appeal to us today. Filmer’s thought is particular and historical, rather than abstract and universal. It cannot be applied universally to all societies because not every society will agree with the particulars upon which Filmer’s argument rests. Modern thinkers such as Hobbes and Locke primarily used logic and theoretical reason to advance their political theories, and thus history and tradition played a less important role in their arguments. To the extent that a person is reasonable or rational, the theoretical arguments of Hobbes and Locke will make sense. But this is not the case with Filmer. Since Filmer’s arguments primarily appealed to history and tradition, unless a person shares the same tradition and history as Filmer, his way of political reasoning will make little or no sense.

This methodological difference is one of the characteristics that separates modern and pre-modern political thought. It is also the reason why the modern arguments of Hobbes and Locke seem to be more timeless and relevant to the contemporary world. Modern political theory seeks to formulate universal arguments that are able to transcend particular historical and cultural situations. In contemporary discussions, political justice is almost always defined in an abstract and theoretical way (e.g., human rights, universal suffrage, etc.). The abstract nature of contemporary political discourse is a characteristically modern way of thinking. Pre-modern political thought, with the thought
of Filmer being a good example, is much more concerned with providing a theory of
political history and political tradition, rather than formulating a universal theory based
on abstract reason alone. And history and tradition are not always “reasonable,” especially
when Reason is defined in an abstract, autonomous way. Indeed, many times when
appealing to history and tradition it often becomes difficult to separate history and
tradition from mythology and poetry. But for the pre-modern thinker this difficulty was
not viewed as a deficiency. Much of the wisdom literature in the biblical canon is
expressed in the form of parables or stories, rather than in the form of logical syllogisms
or mathematical formulae. In pre-modern thinking the close association of “rationality”
with mathematically exactitude was noticeably absent. Blaise Pascal, lamenting the
limiting of “rationality” to a much narrower scope in the modern period, once wrote:
“The heart has reasons of which Reason knows nothing.”

It is not uncommon to hear pre-modern political thinkers described as “irrational”
or “mythological” in order to justify their dismissal and the inapplicability of their

5Like pre-modern political thought, postmodern political thought, as a self-conscious rejection of
the autonomous conception of rationality embraced by modernism, also values history and tradition;
however, the radically contingent and subjective character of postmodernism is not characteristic of pre-
modern thought. Pre-modern thought is firmly committed to rationality, just not the autonomous rationality
of modernism. The type of rationality that exists within pre-modern modes of thought is neither necessarily
divorced from tradition nor opposed to Revelation; it is a non-autonomous conception of rationality. The
authoritarian appeal to tradition, history, and biblical revelation in Filmer is characteristically pre-modern.
The emphasis on pure reasonableness, often at the expense of “irrational” tradition and history in Locke is
characteristic of modern thought. The rejection of both tradition and reason in favor of Nietzsche’s “will to
power” or some other type of “subjective absolutism” is a characteristic of postmodern thought. It would
be a mistake to confuse the “anti-rationality” of Nietzsche with the “anti-rationality” of Filmer simply
because both point out the deficiencies of using “reason alone” in political theory.

6Blaise Pascal (1623–1662), Pensées, no. 277: “Le coeur a ses raisons que la raison ne connaît
point.” The same point was elaborated by Søren Kierkegaard (1813-1855): “People try to persuade us that
the objections against Christianity spring from doubt. That is a complete misunderstanding. The objections
against Christianity spring from insubordination, the dislike of obedience, rebellion against all authority. As
a result people have hitherto been beating the air in their struggle against objections, because they have
fought intellectually with doubt instead of fighting morally with rebellion.” Kierkegaard, Journals, no. 630
(24 Jan 1847). In many ways, this passage of Kierkegaard summarizes the basic difference between the
attitudes of the modern and pre-modern political thought. For instance, whereas Locke assumed that the
basic problem in politics is a lack of “reasonableness,” Filmer assumed that the basic problem was a
“dislike of obedience, rebellion against all authority.”
thought. Since our political institutions have changed there is little doubt that many of
the patriarchal arguments of Filmer and Dabney are now irrelevant and inapplicable to
our present day circumstances. However, to admit that a particular argument is irrelevant
or inapplicable is not the same as saying an argument is irrational. For instance, what
often goes unmentioned in the hasty dismissal of Filmer is that his patriarchal thought
was taken seriously in his own time; so seriously, in fact, that John Locke devoted the
entire first treatise of his *Two Treatises of Government* to responding to the arguments of
Filmer. Although Filmer is rarely read today, the reason for this has less to do with
Filmer’s inherent irrationality than with the fact that our social and political institutions
are much different than those of Filmer’s times. As we no longer share the same history
and tradition as Filmer, his arguments make little sense to us anymore. But our
contemporary inability to understand Filmer is not necessarily a consequence of any
inherent irrationality within Filmer’s arguments. Ironically, this inability to understand
Filmer is most common among modern political thinkers, who pride themselves on their
ability to stand aloft from any particular cultural or historical perspective, but seem to be
able to transcend their own cultural and historical political traditions when it comes to
examining pre-modern thinkers such as Filmer. In fact, this inability to transcend our
particular historical situation may be evidence that we are less “modern” in our own
thinking than we like to admit as oftentimes it is our “unprejudiced” modern ways of
thinking that actually incapacitate us from being able to understand the thought of earlier
ages.7

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7Although probably an unnecessary caveat, it should be kept in mind that the terms such as
premodern, modern, and postmodern are not strict temporal designations. Although Filmer lived in the
seventeenth century and Dabney in the nineteenth century, they are both pre-modern in the sense that their
thought had more in common with the political thought of earlier ages than with modern political thought.
In the same way, Nietzsche, who lived in the nineteenth century, is more of a post-modern thinker than is
John Rawls, who lived in the twentieth century.
Following the advice of C. S. Lewis, the goal of this dissertation is an examination of patriarchal political thought for the expressed purpose of helping to bring some of our own modern political prejudices to light; for if nothing else, these modern prejudices are decidedly and unapologetically anti-patriarchal. Given this goal, a close examination of the thought of Robert Filmer and Robert Lewis Dabney seems like a good place to start. Although admittedly only a first step, and a small one at that, it is our hope that this dissertation not only will provide some original scholarship, but may uncover some unique insights concerning the nature of our contemporary political situation. For instance, some of our deepest prejudices against pre-modern modes of political thought are a result of the tacit acceptance of the egalitarian notion of “justice as fairness” that is presupposed by the great majority of contemporary Western political philosophers. This presupposition is inescapable to some degree because it is deeply rooted in the modern conceptualization of the origins of political society itself. This conceptualization is often referred to as the “social contract” theory and almost all modern political theorists, at least in Europe and America, are committed to some form of this “social contract” theory. Indeed, the beginning of modern political thought is to a large degree coterminous with an embrace and acceptance of a social contract theory of government. Despite their many other differences, both Locke and Hobbes agreed that all people were born “free and equal” in relation to each other and it is only after entering into some type of “social contract” that they gave up their initial “free and equal” position in exchange for certain political benefits. Although Hobbes was an absolutist and Locke was a liberal, they both were in fundamental agreement on this point. The same is also the case for more recent social-contract theorists, from Jean Jacques Rousseau (1712-1778) right down to John Rawls (1921–2002). However, this commitment to the “social contract” was not a
feature of pre-modern modes of political thinking, of which patriarchal political thought is a noteworthy example. Indeed, both Filmer and Dabney were both strong opponents of the social contract theory of government. Neither believed that all people were born “free and equal” in relation to each other and they even objected to the legitimacy of positing a pre-political state of nature, arguing that it was a mythological conception that had no foundation in history. This patriarchal critique of the “mythological origins” of the social contract theory is interesting, especially when one considers that it is the patriarchal political thinkers, rather than the social contract theorists, who usually are painted as being defenders of a “mythological” political tradition.

Structure and Outline of the Project

As for the structure of the dissertation itself, it is divided into seven chapters. The first chapter provides the historical and philosophical background necessary for understanding patriarchal political thought. The second and third chapters are devoted to an examination of the life and writings of Sir Robert Filmer with particular attention paid to the religious, political and social context of seventeenth-century England. The fourth chapter outlines some of the essential differences that exist between patriarchal political thought and social-contract political thought. The fifth chapter examines how John Locke, in his First Treatise of Government, used the social-contract theory to respond to Sir Robert Filmer's patriarchal arguments. The sixth chapter discusses the influence of Filmer's patriarchal political thought in colonial and antebellum America, especially in the Virginia colony. In the seventh and last chapter, the patriarchal political thought of Robert Lewis Dabney, who was a native of Virginia, is considered in detail.
CHAPTER TWO

Historical and Philosophical Background

As the kindly father ought to foresee all inconvenients and dangers that may arise toward his children, and tough with the hazard of his own person press to prevent the same; so ought the King towards his people.¹

—King James I, The Trew Law of Free Monarchies

In a commonwealth all men are born naturally free; consequently the people themselves immediately and directly, hold the political power so long as they have not transferred this power to some king or ruler.²

—Cardinal Robert Bellarmine, De Clericis

The purpose of this chapter is to provide the historical and philosophical background necessary to understand the political thought of Sir Robert Filmer. In the third and fourth chapters, the relationship between Filmer’s political thought, Anglicanism, and seventeenth-century English society will be considered. These three chapters, when taken as a whole, provide a solid background for understanding the difference that exists between Filmer’s patriarchal political thought and the social contract political theories of John Milton, Thomas Hobbes and John Locke—a difference that will be considered in detail in chapters five and six. In addition to providing the historical and philosophical background necessary to understand Filmer, this chapter also sets forth a foundational paradigm for the entire dissertation. This paradigm is essential to grasp, as the themes associated with it will come up again in all subsequent chapters.


²Bellarmine, De Clericis, Ch. VIII: “In terrene Republica nascuntur omnes homines naturaliter liberi ac proinde potestatem politicam immediate ipse populus habet, donec eam in regem aliquem non transtulerit”; cited in John C. Rager, Political Philosophy of Blessed Cardinal Bellarmine (Washington, D.C.: Catholic University of America, 1926).
including the antepenultimate and penultimate chapters, which discuss the influence of Filmer's patriarchal political thought in colonial and antebellum America.

**Filmerian Conservatism versus Lockeian Liberalism**

In contrast to the rationalistic tendency of the social-contract theory of government, the patriarchal political thought of Filmer is rooted in history and tradition rather than in abstract reason. This is one of the reasons that Filmer’s political thought is less systematic than the political thought of Hobbes and Locke. Consequently, when reading Filmer it is necessary to have a solid understanding of the historical context surrounding his work, otherwise the purpose of his political arguments will remain veiled.

An understanding of the historical context of Filmer's thought is essential to understanding Filmer, even more than an understanding of the historical context of Hobbes and Locke is to understanding their thought. Hobbes and Locke attempted to provide an alternative conceptual model for political society. To have any chance of success, they needed to provide a coherent and systematic presentation of their ideas. Accordingly, they began with clearly defined premises, and from these premises reasoned to their respective conclusions. Filmer, in contrast, used a different method of argumentation, a method that was more commensurate with his own political views.

Unlike Hobbes and Locke, Filmer was not aiming to overhaul the traditional understanding of English political society, but rather sought to preserve the *status quo* political order. Consequently, an analysis of the “reasonableness” of political institutions did not play as important a role in Filmer’s arguments as it did within the arguments of the social-contract theories of Locke and Hobbes. It was not as important, for Filmer,
that the established political institutions be “reasonable” as it was for them to remain “faithful” to the ancient traditions and practices of the English people.

In Filmer's political thought, although “reason” was a tool or instrument used to understand the world, it was not an ultimate or autonomous authority that trumped all other forms of authority. Reason was merely one form of authority among many. Some of the other authorities included the traditional political, religious and familial authorities of seventeenth-century society, but none of these authorities were autonomous, and all ultimately were subordinate to a higher authority, namely Divine Revelation. For Filmer, reason was analogous to a good map. No matter how good the map, without a source of light to view the map or a compass to orientate the map correctly, the map remained useless. Likewise, without scripture and tradition to serve as sources of illumination and guidance, abstract reason also was useless.

The proper foundations of political order, for Filmer, could not be derived from the use of reason alone, but required that reason work together side-by-side with other forms of authority such as scripture and tradition. This is why it is oftentimes more difficult to understand Filmer's political thought than it is to understand the social-contract theories of Hobbes and Locke. Understanding Filmer requires more than an ability to follow philosophical logic, it requires a subtle and intimate knowledge of the traditional religious and political authorities of seventeenth-century English society. This also explains why Filmer's arguments, which were generally well-respected in the seventeenth century, seem nonsensical in our own day. It is not that seventeenth-century Englishmen were less rational or more prone to believe nonsense than we who live in the

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3In the next chapter, Filmer’s view on the interdependence of Reason, Scripture, and Tradition will be addressed in more detail (see Chapter Three, subsection: “Tradition, Scripture, and Reason”).
twenty-first century, but rather that Filmer's contemporaries had a better understanding of the history and tradition of their own political and religious institutions than we do.

Filmer was not comfortable applying abstract theories or ideological principles to the realm of politics, for many of the same reason as other paleo-conservative political thinkers. As political authority is concerned with the exercise of coercive and compulsory power, paleo-conservatives tend to view any attempt to ground political authority in abstract reason or ideological principles as inherently dangerous. When it comes to political authority, the collective experiences of a community over the course of many years are a better guide than abstract reason. These collective experiences contain “the distilled wisdom of the ages” and it is from this distilled wisdom that certain established political traditions emerge. These political traditions, rooted as they are in history and experience, are viewed as a more trustworthy foundation for the political life and more conducive to the general welfare of any given community, than political ideologies or philosophies formulated through abstract reason alone.

Although no political tradition is perfect, political traditions—in contrast to more abstract and universalizeable political ideologies—have the distinct advantage of being

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4The distinction between paleo-conservativism and neo-conservativism is centered around the debate over the primacy of reason vs. tradition. Whereas paleo-conservatives tend to favor tradition, especially religious tradition, neo-conservatives favor the use of reason and are not especially religious, unless a certain religious viewpoint happens to agree with the same conclusion that they came to through rational investigation.

5This is the reason why David Hume is considered to be a conservative political thinker. Hume's empiricism and skepticism led him to a rejection of abstract reason when applied to politics, thus making him more conservative in his political opinions despite his radical philosophical views on other subjects.

6Two examples of conservative political texts are Edmund Burke's *Reflections on the Revolution in France* (1790) and Joseph de Maistre's *Considerations on France* (1797). De Maistre wonderfully expressed the conservative's strong aversion to applying abstract principles to politics when he wrote, “A constitution that is made for all nations is made for none.” If conservative political traditions are comparable to a nice glass of wine, abstract political philosophies are comparable to distilled, pure-grain alcohol. Whereas drinking wine can be a flavorful experience which is beneficial to one's health, pure-grain alcohol is a tasteless and toxic substance. Although pure-grain alcohol does has the advantage of being more potent and powerful than wine, it is not better than wine in any way that can be considered to beneficial to the life and health of human beings.
formed slowly within the context of one particular community and tested by trial-and-
error over a multi-generational period. This is the advantage of political traditions in comparison with rationalistic political ideologies, no matter how systematic or logical these ideologies may be. This is also why political conservatism, in contrast to political liberalism, tends to prefer tradition and history over innovation and progress. This fundamental difference of perspective was at the root of the conflict between the social-contract political liberalism of Locke and the patriarchal conservatism of Filmer. There were, of course, also other differences between Locke and Filmer; however, in order to appreciate the nature of these differences some historical and philosophical background is first necessary.

The Stuart Monarchy

During Sir Robert Filmer’s day, the most ancient and established political tradition in England was that of monarchy. Filmer was born during the time of Queen Elizabeth I (1558-1603), but lived the majority of his life under the reign of the Stuart monarchs. After the death of Elizabeth in 1603, King James VI of Scotland ascended to the English throne as King James I of England. As Filmer's political thought was a product of Stuart England, some background knowledge of the political situation that existed during the reign of King James in the early-seventeenth century is essential for understanding Filmer's political views.

James Charles Stuart was born in Edinburgh Castle near the southeastern coast of Scotland on the nineteenth day of June 1566. Immediately after his birth, his Catholic

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7King James's name is probably best remembered by its association with the King James Version of the Bible, the English translation of the Bible that was commissioned by him.
mother, Mary Stuart, was forced to abdicate the throne to her new-born son.\(^8\) Thirteen months after his birth, the infant was crowned as James VI, King of Scotland. At the coronation ceremony, the leader of the Scottish Reformation, John Knox (1505-1572), preached the sermon. For Protestants living in Scotland at the time, the coronation of King James was considered a victory both for the Scottish Kirk and for the theory of constitutional kingship espoused by the leaders of this Reformed community. That John Knox preached at James’s coronation was also symbolic for Knox was a strong advocate of placing constitutional limitations on the power of kings.\(^9\)

To help ensure that the young king grew up in sympathy with the theological and political agenda of the Scottish Reformation, James was reared under the tutelage of the Presbyterian scholar George Buchanan.\(^10\) Buchanan believed that if James was educated correctly, he could become a fine Protestant monarch. Until James reached the age of twelve, Scotland was ruled by regents, all of whom went to great efforts to assure that the young king was well educated and thoroughly equipped to rule the Scottish kingdom when he came of age. James was not only taught the Calvinist theology of the Scottish Kirk, but also received an extensive education in sixteenth-century humanist pedagogy. His various tutors were all overseen by Buchanan, who made certain that James not only received thorough instruction in literature and languages, but also in political philosophy.

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\(^8\)Mary “the Queen of Scots” was the daughter of King James V of Scotland by the French noblewoman, Mary of Guise. During the reign of James V, the Scottish monarchy had sided with pro-French Catholics in Scotland over against both supporters of Queen Elizabeth and the Scottish Reformation. The king and queen sent their daughter, Mary Queen of Scots (born in 1542) to be reared and educated in Catholic France where she married Francis II, King of France, in 1558 and returned to Scotland in 1561. However, as a Catholic, Mary had little political support in Scotland after the Reformation, thus the reason Mary was forced to abdicate to her son in 1567.

\(^9\)Maurice Lee, Jr. *Great Britain’s Solomon: James VI and I in His Three Kingdoms* (Champaign: University of Illinois Press, 1990), 34.

\(^10\)Ibid., 31.
For Buchanan and many other Protestants, not only in Scotland but throughout Europe, the proper political education of King James was essential to the success of Protestantism as a whole, especially the Protestant idea of placing limitations on royal authority. Buchanan himself wrote three political works, all dedicated to the young king, in which he outlined the Reformed Protestant view of the true relationship that exists between the king and the people. Of these three works, the most important was *De Jure Regni*. From the pen of Buchanan, King James was taught that,

Kings . . . exist by the will and for the good of the people. As the people are the authors of the kings, so they are, and ought to be, the authors of the law, which it is the king’s duty to preserve, administer, and obey. The king, in his coronation oath, binds himself in a solemn compact with his people to discharge his office faithfully. If he breaks his oath and defies the law he constitutes himself a tyrant, and, as such, may be brought to account by his subjects and punished by deposition or even by death.

Buchanan hoped that if this idea of constitutional kingship was taught to James from his youth, he might grow up to become a truly Protestant monarch, fully embracing and accepting the idea of constitutional limitations on royal authority.

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11 Prior to the age of the Reformation, Scottish monarchy was personal monarchy. All classes in Scotland, including the frequently turbulent aristocracy, looked to the monarch for leadership. . . . Now, however, things were different, thanks to the nature of the Scottish Reformation. The fact that the Protestant triumph had taken a generation to achieve, the uncertainty that gnawed for so long on men like Knox and Buchanan, and the unprecedented removal—not killing—of a sovereign in order to achieve that triumph, had eroded, if not destroyed, the old idea of personal monarchy in the minds of many of the victorious party. . . . There were criteria by which a monarch could and would be judged. . . . This was the legacy left to the young King James by his mother’s great antagonist, and by his tutor and his mother’s great traducer; when he reached years of maturity, the royal heir to this legacy would have to deal with the theoretical and practical implications of this nascent and unprecedented constitutionalism.” Ibid., 36.

12 According to P. Hume Brown, *De Jure Regni* was “a tract which every crowned head in Europe was bound to regard as the most monstrous compound of treason and impiety.” Brown, *George Buchanan* (Edinburgh, 1890): 258-59; cited in Maurice Lee, Jr., *Great Britain’s Solomon*, 36. The other two works by Buchanan were *Baptistes* and *Rerum Scoticarum Historia*.

In many ways, all the effort put into the education of James was successful. He was a precocious student, mastering a number of languages and by adulthood had developed into a rather respectable scholar—most unusual for a king. As McElwee observed, “He was to grow not merely into the most learned sovereign, but one of the most learned men in Europe.”\(^{14}\) However, despite his considerable intellectual abilities, the young James did not learn all his lessons well, especially when it came to the political teachings of his tutors. In regard to making James a Protestant monarch, Buchanan's efforts proved barren. After reaching maturity, King James remained true to the tradition of his Scottish father and French mother, sympathizing with their absolutist views of monarchical authority rather than with the Protestant view of constitutional kingship. However, not all of the labors of his teacher were wasted. James had learned an enormous amount from his studies, although he used the advantages of this extensive education to advance his own absolutist political views rather than those of Buchanan, much to the chagrin of his teacher.

Of course to some degree, by rejecting the arguments for constitutional kingship, James merely was being intellectually honest for he was astute enough to recognize that Buchanan’s history of Scottish constitutional kingship was more mythical than historical.\(^{15}\) James pointed out that “to argue as Buchanan did in his *De Jure Regni apud Scotos*, that the constitution of Scotland was such as to justify the deposition of any king if the majority of the Scottish people found him unsatisfactory, was utterly intolerable.”\(^{16}\)


\(^{16}\)Maurice Lee, Jr., *Great Britain's Solomon* (Chicago: University of Illinois Press, 1990), 34
As Maurice Lee notes, “Under this doctrine the king has no rights; he is a mere agent, unprotected by contract, social or other, and with no divine sanction.”17 Furthermore, James was “permanently outraged by his tutor’s attempts to find constitutional justification for [his mother’s] deposition in the pages of Scotland’s history.”18 Throughout his life, “James never lost his distaste for the political writings of Buchanan and Knox. Their histories, he wrote in Basilikon Doron, are ‘infamous invectives.’”19 And so, at the end of the day, it was not the political thought of the Scottish Reformation, but rather that of French Catholicism which James found most attractive, in particular the writings of the French divine-right theorist, Jean Bodin. According to Chew, “A copy of [Bodin’s] Six Livres de la Republique was included in the library of the young King of Scots as early as 1577, and the influence which it exercised upon him is attested by many similarities both of ideas and of phraseology in James’ own political writings.”20 Considering the close familial relations between the Scottish and French monarchies, King James's attraction to absolutist French political thought was not surprising. Indeed, the possibility of this attraction was something that his tutors had always feared.

**Scotland, France and Ultramontanism**

Scotland and France (Gaul) were both ancient Celtic lands and during the seventeenth century the ethnic, religious and political histories of both countries still were deeply interwoven.21 In the course of Scotland’s various wars with England over the

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17Ibid.
18Ibid.
19Ibid., 36.
20H. M. Chew, “King James I”, 111.
21The long relationship between Scotland and France begins with the “Auld Alliance” extending possibly as far back as 1165, although the oldest documentary evidence is dated at 1295 under the reign of
years, a number of Scottish nobility had taken refuge in France. So close was the political connection between the two countries that, in the sixteenth century, Scotland and France had established a policy of dual-citizenship where a Scot automatically received French citizenship and a Frenchman received Scottish citizenship. This dual-citizenship lasted up until the early-twentieth century when it was finally revoked by the French Parliament in 1903. The legal systems of Scotland and France were both similar as they were rooted in the civil law tradition rather than in the common law tradition of England.

Although the Scottish Reformation weakened some of the alliances between Scottish and French people, the political connections between Scottish and French monarchies remained strong, and during the seventeenth century many French thinkers vocally supported King James in his political conflicts with the Scottish Kirk. A number of Scottish Catholics had moved to France when the forces of the Scottish Reformation

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22 "The [French] Stuart Dukes d’Aubignie were from a branch of the Royal House of Stewart." Michael Stewart, *The Forgotten Monarchy of Scotland* (Boston: Element, 1998), 389. Stewart Seigneurs d’Aubignie was the responsible for the changing of the spelling of the “Stewart” surname to “Stuart” in France. Ibid., 106.

23 When the Scots were defeated in 1513 at the Battle of Flodden Field, Louis XII of France expanded the terms of the “Auld Alliance” by granting all Scots French citizenship as the lost battle had been an attempt by the Scots to distract the English troops of Henry VIII during his campaign against Louis XII. In 1555 Scotland returned the favor and granted Scottish citizenship to the French.

24 In contrast to the common law tradition, the civil law system developed out of ancient Roman law, which was the basis for the *Corpus Juris Civilis* of Justinian as well as the legal order of the Byzantine Empire and most of the legal systems of continental Europe. Whereas civil law was rooted in written codes and formal statutes, common law evolved out of customary social practices and precedential judicial rulings. Common law, “based on English medieval law, prevails in England, Wales, Northern Ireland, Ireland, present and former members of the British Commonwealth, and in all the states of the United States with the exception of Louisiana.” George A. Zaphiriou, “Introduction to Civil Law Systems” in *Introduction to Foreign Legal Systems* (New York: Oceana, 1994), 50.
were gaining strength and some of these “Gallicised Scots” even continued to publish books defending the Scottish monarchy from within the safety of the country of France.\textsuperscript{25}

Although the Scottish and French monarchies both favored Catholicism over Protestantism, these Catholic sympathies were not a product of any overriding concern about the waning political power of the papacy in Europe, rather quite the opposite. On numerous occasions in their respective histories, the monarchs of both countries had been on unfavorable terms with the Roman papacy. With the rise of Protestantism during the sixteenth century, the papacy had lost a significant amount of political leverage in Europe. As a result, the doctrine of Ultramontanism (Latin for “over the mountains”) was becoming increasing popular among many Catholics. According to this doctrine, the pope, who was on the other side of the mountains (the Alps), was the supreme temporal authority in all of Christendom. Ultramontanists maintained that all the kings of Europe received their temporal authority from the hand of the pope. As the Vicar of Christ upon the earth, the pope was the source of all temporal and spiritual authority in Christendom.

Ultramontanism was not accepted by all Catholics, but it had many powerful advocates, especially among Spanish Catholics who were recovering from the occupation of the Moors and among Italian Catholics who were geographically closer to Rome. In the sixteenth and seventeenth centuries, the newly founded Society of Jesus (the Jesuit Order) became the headquarters of the philosophical and theological defense of Ultramontanist doctrines. Scotland and France, however, proved strong centers of resistance to Ultramontanism and to Jesuit political theory in general for, even before the

\textsuperscript{25}In 1581, Adam Blackwood, a Catholic Scotsman living in France, wrote a defense of the Scottish monarchy over against the Scottish Kirk under the title, \textit{Apologia pro Regibus}. Blackwood dedicated the book to Mary Stuart and her young son, James. H. M. Chew, “King James I,” 111.
Reformation, the monarchs of Scotland and France always had denied the Pope the right to exercise any temporal authority over them or their lands.

When King James became King of England in 1603, he spent a great deal of his time refuting the Ultramontanist arguments of the Jesuits. Unfortunately, this controversy between James and the Jesuits usually is not given much attention in the history books, often entirely omitted from many standard summaries of early seventeenth-century English politics. If mentioned at all, this controversy is usually depicted as a minor one leading up to more important controversies that took place during the English Civil War in the middle-half of the century. However, when we look at the early seventeenth-century political texts themselves, it is evident that the controversy between the king and Parliament, later to become the focal point of the English Civil War, was a subordinate point within a much larger international debate. In his published political writings, King James spent the majority of his time responding to the arguments of the pope and Jesuits, and his disagreement with Parliament was secondary in importance compared to the larger Ultramontanist controversy.

For instance, Stuart E. Prall, Church and State in Tutor and Stuart England. The European History Series (Arlington Heights, IL: Harlan Davidson, 1993). By omitting this controversy, Prall gives the reader the impression that the early seventeenth century was merely a prelude to the later controversies that developed in the English Civil War. The total lack of contemporary scholarly interest in King James’s arguments against the Jesuits is evident in the most recent edition of King James’s Political Works (Cambridge History of Political Texts Series, 1994). This Cambridge edition omits both “A Premonition to Christian Monarchs” and “A Defense of the Right of Kings”—the two most important sources for the “Ultramontanist” controversy. Before 1994, the only available modern edition of King James’s political works was the Harvard edition published in 1918 which was a reprint of the 1616 edition.

Consider a typically dismissive comment in Otto Scott, James I: The Fool as King (New York: Mason/Charter, 1976), 308. “These developments [leading up to the Civil War] did not concern the king. He was more interested in some Vatican arguments issued in the name of Cardinal Bellarmine, a great Vatican scholar and polemicist against the oath that James was forcing upon English Catholics.”

The omission of the Ultramontanist controversy from history books is, in part, a result of “the whig interpretation of history”—the historiographical paradigm that guides many of the standard accounts of this period. “It is part and parcel of the whig interpretation of history that it studies the past with reference to the present. . . . [T]he whig historian can draw lines through certain events, some such line as that which leads through Martin Luther and a long succession of whigs to modern liberty. . . . The total result of this method is to impose a certain form upon the whole historical story, and to produce a scheme of
Although the controversy between King James and the Jesuits is often overlooked, this controversy is essential for our purpose of providing the historical and philosophical background to the political thought of Sir Robert Filmer, for an understanding of this Ultramontanist controversy is essential to understanding the development of Filmer’s own political arguments. In many ways, King James’s arguments against the Jesuits served as a prototype for Filmer’s patriarchal arguments against the social-contract theories of Milton and Hobbes. Likewise, when John Locke responded to Filmer in his *First Treatise* many of Locke's arguments were largely a reformulation and reworking of the Jesuits' arguments against King James, a fact that is often overlooked in Lockean scholarship. Indeed, the Jesuit defense of Ultramontanism actually laid the foundation for the social-contract arguments that were developed by Milton, Hobbes and Locke. Filmer's opposition to the social contract theory, likewise, was largely an extension and elaboration of King James's arguments against the Jesuits. Recognizing this connection between the thought of King James and the thought of Robert Filmer is also important because it helps to overturn a common mischaracterization of Filmer as an isolated political innovator whose patriarchal thought has nothing in common with any other general history which is bound to converge beautifully upon the present—all demonstrating throughout the ages the workings of an obvious principle of progress, of which the Protestants and the Whigs have been the perennial allies while Catholics and Tories have perpetually formed obstruction.” Herbert Butterfield, *The Whig Interpretation of History* (London: Bell and Sons, 1963), 11-12.

29 Quentin Skinner, *The Foundations of Modern Political Thought* (Cambridge, 1978) is a notable exception. As Locke is considered to be a modern philosopher heavily influenced by the Enlightenment and hostile to Catholicism, it is understandable that many scholars of Locke fail to make the connection between his ideas and the sixteenth-century Ultramontanist political theories of Bellarmine and Suárez.

30 Although an Absolutist, Thomas Hobbes falls firmly within the social contract tradition and also borrowed from Jesuit political thought. The close connection between the ideas of Hobbes and Locke has been explored by a number of scholars. One of the best works, despite its misleading title, is Richard H. Cox, *Locke on War and Peace* (London: Oxford, 1960).
political thinker, either before or after. A closer examination of early seventeenth-century English politics, particularly the conflict between King James and the Jesuits, will help in overcoming this misunderstanding of Filmer’s thought.

*The Counter-Reformation and the Society of Jesus*

At the time of the controversy with King James, the Jesuits were members of a relatively new Catholic order, the Society of Jesus. During the pontificate of Pope Pius VI in 1560, the Catholic Church decided to go on the offensive against Protestantism and the Counter-Reformation, roughly extended from the closure of the Council of Trent (1545-1563) to the end of the Thirty Years’ War in 1648, was the result. At this time, the Society of Jesus, founded by Ignatius of Loyola in 1540, was still in its infancy. Despite its relative youth, or maybe because of it, the Jesuit Order quickly became the vanguard of the Counter-Reformation movement.

Before becoming a priest, Ignatius of Loyola had been a soldier. A gifted organizer who gravitated toward practical rather than speculative learning, Ignatius was not an exceptionally gifted scholar, but he “developed a sixth sense of discerning the hidden potentialities of men, and a strange ability to impress and enlist anyone, however reluctant, whose talents he needed for the cause.” His most lasting intellectual

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31 As Sommerville aptly observed, “many of the most characteristic ideas on politics of English writers in the early seventeenth century can be best understood in the context of their polemical aim: the refutation of the seditious doctrines of the Papists. This is particularly true of patriarchalism, a subject which Filmer was no innovator.” J. P. Sommerville, “From Suárez to Filmer: A Reappraisal,” *The Historical Journal* 25 (1982): 525.

32 Another important seventeenth-century thinker who set forth arguments similar to Filmer's arguments was the English statesman and historian, Edward Hyde, First Earl of Clarendon (1609-1674), after whom the Clarendon imprint of Oxford University Press is named.


34 Ibid., 34.

contribution, *The Spiritual Exercises* (*Exercitiorum Spiritualium*, 1541) was not a book on speculative theology but rather a practical manual of devotion that used mediation as a means to strengthen “apostolic action.”

The success of the Jesuit Order, both during the Counter-Reformation and beyond, is often attributed to the unique form of “Jesuit spirituality” that was contained within the pages of Ignatius's *Spiritual Exercises*, a form of spirituality which distinguished the Jesuits from every other Catholic religious order. Whereas the older forms of Catholic devotion always had sought to “cleanse the mind of images” and were suspicious of the use of imagination and visualization in the contemplative life, Ignatius incorporated both of these practices into his manual of devotional exercises, making them two of the central pillars of Jesuit spirituality. Imagination and visualization were considered by Ignatius to be more practical forms of devotion that did not hinder “apostolic action” as much as some of the older and more traditional devotional practices.

Although Ignatius’s innovative and practical method of devotion produced a deep concern for social and political action, it was often blamed “for killing the older arts of mystical contemplation.” Indeed, the Jesuit psychological technique of using “visualization” and “imagination” to inspire social activism was strongly opposed by a number of more traditional spiritual writers, especially those who had strong sympathies with or who were members of the Orthodox Church. In hindsight, this strong

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36Ibid., 78.


38Dickens, *The Counter Reformation*, 78.

39Ibid., 79.

40Since imagination is a force devoid of reason and mostly acts mechanically, obeying the laws of association of images, whereas spiritual life is the image of pure freedom, it stands to reason that its activity
opposition to some of the more innovative features of Jesuit spirituality may not have been totally off-base as a number of psychological techniques used by the Jesuits were later adopted by other revolutionary political thinkers, not at all sympathetic to Christianity, who found the basic principles of Jesuit meditation to be an effective way to create a dedicated core of social and political revolutionaries.  

Although other Catholic religious orders also contributed to the Counter-Reformation, it was the Jesuits who contributed the most. In many ways, the Jesuit Order had a unique advantage in the combat against Protestantism, for both the Society of Jesus and Protestantism were products of the Renaissance culture of sixteenth-century Europe. Ignatius studied at the College de Montaigu, the school were John Calvin had also been a student, beginning his studies there only shortly after Calvin’s departure. Whereas John Calvin and the Calvinists became intellectual leaders of the Protestant

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41 A good example is Adam Weishaupt, a canon law professor at the University of Ingolstadt, who founded the Order of Illuminists in 1776 to help free Bavaria from all traditional religious and political authorities. “The order was secret and hierarchical, modeled on the Jesuits (whose long domination of Bavarian education ended with their abolition by the Papacy in 1773) and dedicated to Weishaupt’s Rousseauian vision of leading all humanity to a new moral perfection freed from all established religious and political authority.” So close was the connection between the Jesuits and Illumanists that “Weishaupt himself was accused of being a secret Jesuit.” James H. Billington, *Fire in the Minds of Men: Origins of the Revolutionary Faith* (New Brunswick: Transaction Publishers, 1999), 94, 118.

42 The first phase of the Scholastic revival, roughly up to the time of the Council of Trent (1545-1563), was definitely led by Dominicans. The Scholasticism of the Renaissance, however, only became a real factor in the intellectual life of Europe after the Jesuit thinkers entered the scene. It has been said that the Jesuit Order was one of the two organizations that arose to save the tottering Church, the other being the Inquisition.” Reijo Wilenius, *The Social and Political Theory of Francisco Suárez* (Helsinki: Societas Philosophica Fennica, 1963), 15.

Reformation, Ignatius and the Jesuits became the intellectual leaders of the Counter-Reformation.

The Jesuits were the most educated of all the Catholic orders and, from their earliest days, had made education a central pillar of their apostolic mission. The Collegium Romanum (College of Rome), the flagship of Jesuit educational institutions, was established in 1551 and before the end of the sixteenth century the *Ratio Studiorum* (1599) of Claudio Acquaviva was published, establishing the pedagogical foundation for all subsequent Jesuit educational efforts. The *ratio studiorum* included not only a plan of study for the traditional clerical disciplines of theology and philosophy, but also for literature, history, drama, mathematics and other secular disciplines. The humanistic learning of the Renaissance was thus made commensurable with the traditional scholastic theology of the Middle Ages. Indeed, the pedagogical method of the *ratio studiorum* proved so effective in the advancement of education that in 1773, the year the Society of Jesus was suppressed by Pope Clement XIV, there were over eight hundred Jesuits schools around the world.\(^\text{44}\)

The “activist spirituality” of the Jesuits coupled with their intense training in secular learning gave them a marked advantage over the other Catholic orders. The Jesuits also had another advantage in that they were directly subordinate to the pope without any other ecclesiastical or regional intermediary. This unique relationship with the papacy not only gave the Jesuits greater freedom to fulfill their “apostolic” political and social activism, it also made it much easier for them to conceal their identity when

\(^{44}\)Duminuco, Vincent J., ed., *The Jesuit Ratio Studiorum* (New York: Fordham University Press, 2000). Ironically, it was the innovativeness and rationalism of the Jesuits, the exact qualities which made them effective against Protestantism in the sixteenth century, that eventually resulted in them being viewed as a threat to papal authority and thus their censure by the Pope Clement XIV in 1773. See Malachi Martin, *The Jesuits: The Society of Jesus and the Betrayal of the Roman Catholic Church* (New York: Linden Press, 1987).
living in countries that were hostile to Catholicism. This direct subordination to the centralized authority of the papacy also provided the Society with immunity and autonomy from the authority of regional bishops, who often had local sympathies that came into conflict with the political purposes of Rome, especially in the countries like England that were geographically distant from Rome.\(^{45}\)

\section*{Celto-Anglo-Gallican Resistance}

The resistance of regional bishops to the centralizing political aspirations of the papacy was especially a problem in places like Scotland, England and France—regions that had ancient ties to Celto-Gallican Christianity, a tradition that was much more ecclesiastically decentralized than was Roman Christianity. Historically, all three of these countries had been strong centers of resistance to papal political control. As France was located in the geographic region roughly coterminal with the ancient region of Gaul, the French church often was referred to as the Gallican Church.\(^{46}\) The Gallican Church never formally compromised her political resistance to Roman control, whereas the resistance of the Celtic Church of the Britain Isles had been greatly marginalized by

\(^{45}\) Unlike regular clergy, the Jesuits were not required to wear any clothing identifying themselves as Catholic priests, thus allowing them to move and teach freely in regions that were hostile to Catholicism. Consequently the Jesuits were often accused of being the masterminds behind pro-Catholic revolts and the assassination of kings since Jesuit political theory allowed for the assassination of heretical kings. In 1605, the Gunpowder Plot, an unsuccessful attempt to blow up the English Parliament and the king by Catholic extremists, resulted in the execution of the conspirators for treason. Many of these conspirators were known to have Jesuit connections, most notably Robert Catesby, whose father Sir William Catesby had been tried and imprisoned in 1581 under Elizabeth I for harboring Father Edmund Campion, the English Superior of the Jesuits.

\(^{46}\) An exhaustive history of the Gallican Church can be found in Abbé Guettée, \textit{History of the Church of France}. 12 volumes [Paris, 1848]; a concise biography of Guettée is contained in \textit{The Papacy: Its Historic Origin and Primitive Relations with the Eastern Churches}. (New York, NY: Minos Publishing, 1866). “The author of this work is not a Protestant. He is a French divine reared in the communion of Rome, and devoted to her cause in purpose of heart and life; but his great learning having led him to conclusions contrary to those of the Jesuits, he is ‘under the ban.’ Proscribed by the Papacy for the fidelity with which he has pursued and illustrated the study of Church History, he accepts the logical consequences of his position, and finds himself a true Catholic at last, receiving the communion in both kinds at the hands of the Greeks, in the Church of the Russian Embassy in Paris,” Ibid., v.
the resolutions accepted at the Synod of Whitby in 664.\textsuperscript{47} In many ways, the sixteenth-century split between Anglicanism and Catholicism was simply a resurrection of this ancient conflict between Celtic and Roman Christianity. The common Celtic roots of both British and French Christianity also helps to explain why the Anglican resistance to the centralizing tendencies of Roman Catholicism had more in common with the Gallican Catholic resistance to the papacy than it did with the more virile anti-Catholicism of Martin Luther, John Calvin and John Knox.\textsuperscript{48} Even in Scotland, the political split with Rome did not begin with the Scottish Reformation, but rather when Robert the Bruce, the first king of an independent Scotland, was excommunicated by the pope in 1306. From this point onward, geographically isolated Scotland, although still technically a Catholic country, was a welcome haven for many political enemies of the papacy.\textsuperscript{49}

\textsuperscript{47}The Christianizing of Britain begun by St. Augustine in A.D. 597 was carried on with varying success throughout the seventh century. One great hindrance to progress lay in the fact that in Northumbria the missionary impulse was largely Scottish (i.e. Irish) in origin, having come through St. Aidan from Iona. In certain matters of external discipline . . . the English and Celtic traditions did not agree.” \textit{The Catholic Encyclopedia}, vol. 15 (New York: Robert Appleton, 1912). Many of these “matters of external discipline” were similar to those that lead to the Great Schism between the Orthodox Church and the Roman Catholic Church in the eleventh century. Gregory Telepneff, \textit{The Egyptian Desert in the Irish Bogs: The Byzantine Character of Early Celtic Monasticism} (Etna, CA: Center for Traditionalist Orthodox Studies, 1998) and J. T. McNeil, \textit{The Celtic Churches} (Chicago: University of Chicago Press, 1974).

\textsuperscript{48}Although having a common enemy, namely Roman Catholicism, the Reformed political arguments justifying “resistance to tyrants as obedience to God” were not emphasized in the Celtic-Gallican tradition. The Anglican Church’s emphasis on obedience to the apostolic authority of a local bishop is more in line with the Celtic-Gallican tradition than is the Calvinist emphasis on the right of resistance. This difference of attitude toward the apostolic authority of bishops is one of the major differences that distinguished the Anglican Church and pre-Reformation Scottish Christianity from post-Reformation Scottish Presbyterianism. Indeed, Anglicans often like to think of themselves as having roots in ancient Celtic Christianity with its more conciliar and local view of episcopal authority rather than the more hierarchical structure of Roman Catholicism.

\textsuperscript{49}A year after Robert the Bruce's excommunication, on Friday, October 13th, 1307, the pope and King Philip IV of France began the persecution of Jacques de Molay and the Knights Templar. At this time, many Templars fled from their international headquarters in Southern France to Scotland, finding safe harbor with an excommunicated Scottish king. The Templars, as the best trained soldiers in Europe, proved helpful to Robert the Bruce in the war for Scottish independence. There are numerous Templar grave sites in Northern Scotland, see Michael Baigent and Richard Leigh, \textit{The Temple and the Lodge} (New York: Arcade Books, 1989). The development of anti-Catholic Scottish Rite Freemasonry was also connected to this Templar migration to Scotland. This underground Templar-Masonic culture in Scotland also may have contributed to the popularity of John Knox and the Protestant Reformation in Scotland, especially in light of Knox’s use of vehemently anti-Papacy rhetoric and his identification of the Pope with the Anti-Christ.
The tension between Roman Catholicism and Celto-Anglo-Gallican Christianity always had been a source of many problems for the papacy. Celtic Christianity had more in common, both politically and theologically, with Eastern Christianity than it did with Roman Christianity.⁵⁰ In fact, during the Carolingian Renaissance, monks from Scotland and Ireland were brought over to the court of Charlemagne, as the ancient Celtic monasteries, alone in Europe, continued to preserve the knowledge of how to read and write the Greek language.⁵¹ Furthermore, the French Catholic Church followed the Gallican Rite rather than the Roman Rite, whereas the ancient liturgies of the Church in Scotland, prior to the Reformation, also contained some older liturgical forms, absent from the Roman Rite, but preserved in some of the older Eastern liturgies.⁵²

After 1534, the year the Church of England had formally broken all ecclesiastical ties with the papacy, Anglicanism was no longer technically a part of the Catholic Church and so the resistance to the centralized authority of the papacy from within the Catholic Church was centered in France. Although the Gallican (French) Church, formally remained Catholic, Gallicans continued to dispute the temporal authority of the papacy and, like Anglicans, strongly objected to the political doctrine of Ultramontanism. Knowledge of this fact helps to explain why King James found that in regard to his absolutist political sympathies, he often had more in common with Catholic Gallican

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⁵⁰The most famous medieval Scots-Irish theologian was John Scottus Eurigena whose knowledge of Greek and Orthodox theology helps to explain much of his theological uniqueness in the West. See Bernard McGinn, ed. *Eurigena: East and West* (Notre Dame: University of Notre Dame Press, 1991).


thinkers than with the more Protestant and republican views of Calvin in Geneva and Knox in Scotland.\textsuperscript{53}

With the rise of Protestantism in the sixteenth century, the Anglo-Gallican political resistance to Rome became an even greater threat to the papacy, being viewed as a “fifth-column” within the church that threatened to undermine the very foundations of Catholic political unity. Catholic Christendom had been politically fragmented as a result of the Protestant Reformation, and Ultramontanism, which maintained that the pope was the supreme political head of all of Christendom, was the doctrinal solution that promised to reunite it. The Jesuits, as the best educated and the most politically astute of all the Catholic orders, were charged by the pope with the task of defending the doctrine of Ultramontanism against Gallican and Anglican resistance.

The most ardent and by far the most able champions of Ultramontanism were the Jesuits, who, however, went so far beyond the other theologians in their principles that they may be justly regarded as a separate class. . . . By a system of boldest casuistry, by a fearless use of their private judgment in all matters which the Church had not strictly defined, and above all by a skillful employment and expansion of some of the maxims of the schoolmen, they succeeded in disentangling themselves from the traditions of the past, and in giving an impulse to liberalism wherever their influence extended.\textsuperscript{54}

In the defense of Ultramontanism, two Jesuit thinkers stand out: Robert Bellarmine and Francisco Suárez. Both were innovative thinkers, admired for their logical rigor and their emphasis on reason rather than simply relying on established dogmas or accepted traditions of the past. For our purposes, Bellarmine and Suárez are also important

\textsuperscript{53}To see this similarity one need only compare King James's political thought with that of Jean Bodin’s Republique, Adam Blackwood’s Apologia pro Regibus, and William Barclay’s De Regno et Regali Potestate.

because they both were involved in debates with King James, whose views they both found to be particularly threatening.

Robert Bellarmine (1542-1611)

Robert Francis Romulus Bellarmine was born in Montepulciano, Italy in 1542 and joined the Jesuit order in 1560. After ordination, he began teaching at Louvain (modern Belgium) and was the first Jesuit professor to hold an academic post at that university. In 1576 he moved to the Collegium Romanum (The College of Rome), the flagship of Jesuit schools, and in 1592 was there appointed Rector. Five years later, in 1597, he was called to serve as the personal theologian of Pope Clement VII, and two years after that he was ordained a Cardinal. In 1602, in the last decade of his life, he was appointed as the Archbishop of Capua.

The majority of Bellarmine’s writings addressed strictly theological subjects, primarily in the areas of catechism, linguistics, biblical translation, scriptural commentaries, and spiritual devotions. However, it is the political works of Bellarmine that have had the most lasting influence. At the age of forty-four, he published the first volume of his Controversies on the Supreme Pontiff in which he set forth his opinions about the temporal power of the papacy. In this work, Bellarmine took a moderate position between the view of the Gallican Catholics, who denied the pope any temporal power, invoking the ancient franchises et libertes de l’Eglise Gallicane (exemptions and

55"Although Bellarmine laces his work with quotations from Scripture, with which he himself obviously had great familiarity, he only in passing commends to his devout audience the reading of the Bible. . . . Bellarmine's [writings] fit better into the so-called Stoic rather than the Augustinian strains in the spiritualities of the period. . . . This fact points to earlier controversies within the Society of Jesus about just how the order was to related to the broader traditions of Christian spirituality. Everard Mercurian, the fourth general of the society (1573-1580) had forbidden the reading of those mystics as alien to the apostolic character of Jesuit life, and we can detect the ongoing effect of that prohibition in Bellarmine's much more methodical and common-sense approach, closer to the ascetic tenor of the Devotio Moderna than to the mystics.” Robert Bellarmine, Spiritual Writings, Introduction by John Patrick Donnelly, S. J. Preface by John O'Malley, S. J. (New York: Paulist Press, 1989), 6-7.
liberties of the Gallican Church), and the followers of Boniface VIII, author of *Unam Sanctam*, who maintained that the pope had the power to directly depose kings.\(^56\)

In the *Controversies*, Bellarmine's middle ground position was made possible by virtue of a distinction he made between the “direct” and “indirect” power of the papacy. Bellarmine argued that in regard to spiritual matters, the power of the pope was direct; however, in temporal matters, the power of the pope was indirect. Although the direct spiritual power and indirect temporal power of the pope were distinct powers, the source of both these powers were united within the one office of the papacy. The king’s authority, unlike the authority of the pope, was not given to him directly from God, but rather was indirectly mediated from God to the king through the agency of the king's subjects by the approval of the pope. As the king's subjects were the *direct* source of the king's authority, the pope did not have the authority to *directly* depose kings (contra Boniface VIII), but could only *indirectly* depose them by releasing the subjects of the king from their obligation to obey the king's authority. The pope had this power to release the king's subjects from their obligation to obey royal authority because these subjects of the king were, first and foremost, loyal subjects of God and the pope. And since the king’s authority, unlike the pope's authority, was not received directly from God, the pope's authority to release the king's own subjects from their obligation to obey royal authority had precedence over the king's right to demand obedience from his subjects. By way of this sanctioning of civil disobedience, Bellarmine argued that the pope had the *indirect* power to depose kings.

\(^56\)At one point, Bellarmine’s moderate views resulted in his being numbered among the heretics and placed on the *Index* by those who defended the “direct” power of the Pope in temporal affairs (e.g., Carerius, *De Potestate Romani Pontificis, adversus impius politicos, & nostril temporis hereticos*). Charles Howard McIlwain, “Introduction” to *The Political Works of James I*. Reprinted from the edition of 1616 (Cambridge, MA: Harvard University Press, 1918), xlix.
By making this argument, Bellarmine explicitly rejected the earlier argument that had been set forth by Boniface VIII in the *Unam Sanctam*. Whereas Boniface had claimed that the pope had the direct authority to depose kings, Bellarmine argued that,

> since the particular sovereign’s authority came not directly from God, but only through the medium of the people’s choice and consent, and since also the Pope’s power was not itself a *regimen politicum*, the ordinary means of securing the deposition of a prince, was to absolve his subjects from their allegiance to him.\(^{57}\)

In other words, since the people rather than the pope were the direct source of the king's political authority, it was the people rather than the pope who also were the direct source of the deposing power. The pope, as the ultimate source of all political authority in Christendom, only needed to give his consent and approval of this deposition by releasing the people from their obligation to obey the king. By this papal authorization of civil rebellion, God himself, through the agency of the pope, thus sanctioned the king's deposition and thus no sin of rebellion could be accounted to the people for their disobedience.

According to Bellarmine, this indirect deposition was the only means available to the pope for deposing kings. However, not all Catholic theologians agreed with Bellarmine on this point. Bellarmine's views, as a whole, were rather moderate, especially when the views of other Jesuits are considered. When it came to the Ultramontanist arguments for the deposition of kings that were advanced by the Jesuits,

three modes of enforcement were open; *regnum transferre ab unon ad alium* [transfer of the kingdom from one to another] and to summon the new ruler to take possession, in the name of the Church—invasion; second, armed rebellion of the prince’s own subjects to carry out the decree—resistance or revolution; and third, the assassination of the monarch by one or more private persons—tyrannicide. All three modes were actually put into effect in this

\(^{57}\)McIlwain, “Introduction,” xxvi.
period, and it may be truly said that all three are the result of Jesuit influence, though it does not follow that all Jesuits theories accepted them all.  

All three of these views had strong advocates during the early-seventeenth century. In stark contrast to Bellarmine’s argument for limiting the papacy to the exercise of an indirect deposing power, the Spanish Jesuit Juan de Mariana (1536-1624) “openly advocated assassination by any means except slow poison” and in one of his political works even mentions the assassination of Henry III of France in 1589 with approval.  

Radical Ultramontanists, like Mariana, thought Bellarmine gave too much away to the opposition and continued to maintain that the pope possessed a direct temporal authority over kings—the position of the *Unam Sanctam* of Boniface VIII. Thus, according to Mariana, there were two direct means of deposition available to the pope, external armed invasion (e.g., the Spanish Armada) and regicide (e.g., the assassination of the king). In contrast to this radical Ultramontanism of Mariana, Bellarmine denied that the pope could use the two *direct* powers of war or assassination as legitimate means of deposition, arguing rather that the Pope only had *indirect* power to depose a king through the sanctioning of civil disobedience by the king's subjects.

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**The French Response to Bellarmine: William Barclay**

In some ways, Bellarmine’s concession about the pope’s temporal power being only indirect rather than direct was viewed by French Catholics as being an even more dangerous doctrine than the more dogmatic position of the followers of Boniface VIII.

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59Ibid., xxvii. Mariana’s *De Rege et Regis Institutione* was published in 1599.

60Ibid., xxvii.
For as Bellarmine’s arguments were more sophisticated than the arguments of Boniface and Mariana, they were also more difficult to defeat.

In response to the subtle arguments contained in the *Controversies* of Bellarmine, William Barclay, a Scottish Catholic living in France, wrote *De Potestate Papae* (1609). An English translation of Barclay’s work was published in London in 1611 with the title *Of the Authority of the Pope whether and how farre forth he hath power and authoritie over Temporall Kings.* This was the second book by Barclay on the subject of Ultramontanism. In 1600, Barclay’s first book defending the divine right of kings had been published in Paris. Barclay agreed with Bellarmine on many points, maintaining that Bellarmine was certainly correct in his view that temporal power and spiritual power should be considered distinct powers, both deriving their authority ultimately from God. However, contra Bellarmine, Barclay argued that these temporal and spiritual authorities were not unified within the singular earthy agency of the papacy, but rather remained two distinct and separate powers operating separately in the world. These two powers, temporal and spiritual, remained distinct and unconfused and were delegated directly from God to kings and bishops, respectively. On earth, this resulted in a true division and separation of secular and religious authority.

For Barclay, these two distinct powers in the world, the one temporal and the one spiritual, could be compared with the two natures (created and uncreated; human and

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63 William Barclay's first work, *De Regno et Regali Potestate*, drew upon the history of the Gallican Catholic Church to help support James in his opposition to the Jesuit arguments.
divine) that are united in the one person of Christ, a union without confusion.⁶⁴ In other words, the only real union of these powers was in heaven, in the person of Christ, Who as both High priest and Pantocrator was the ultimate source of all temporal and spiritual authority in heaven and on earth. The union of these two powers was only found in Christ and not in any earthly mediator, even if that person was the chief bishop (pope) or the chief king (emperor) of the world. If and when spiritual authority and temporal authority ever worked together in the world it was by a cooperation of charity, rather than a union of natures. When the two powers worked toward a common purpose, it did not imply a confusion of their distinct natures. In some important ways, this argument of Barclay was similar to the older view of Pope Gelasius (492-496 A.D.) whose “theory of the duality of divine authority and of the separateness of earthly powers derived from it had been obscured by the long struggle for supremacy between Pope and Emperor. . . .”⁶⁵

Furthermore, if Bellarmine was correct about the pope possessing both temporal and spiritual power, argued Barclay, then this would be disastrous for it would create “two republics, one of kings and laymen, the other of Pope and ecclesiastics.”⁶⁶ However, in fact, “there is but one republic in which are two powers or magistrates: one spiritual, one temporal, with never any necessity for either to infringe upon the other.”⁶⁷ In other words, according to Barclay, Bellarmine's theory, rather than unifying

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⁶⁴“One and the same Christ, Son, Lord, Only-begotten, to be acknowledged of two natures, and in two natures unconfused, unchangeable, indivisible, inseparable; the distinction of natures being by no means taken away by the union, but rather the property of each nature being preserved, and concurring in one Person and one Subsistence.” Council of Chalcedon, A.D. 451. The Greek word, ἀσύγχρονος, translated as “unconfused” or “without confusion” conveys the idea of “without losing one's identity” or “while remaining distinct.”

⁶⁵McIlwain, “Introduction,” xxi.

⁶⁶Barclay, De Potestate Papae, 1st ed., 142; translation cited in McIlwain, lxxi.

⁶⁷Ibid.
Christendom as he intended, in actual practice created two entirely different kingdoms. Consequently, argued Barclay, maintaining a stricter and clearer distinction between temporal authority and spiritual authority actually would function to strengthen the unity of Christendom by ensuring that “all temporal power is left to princes, therefore all temporal punishments.”\(^{68}\) According to Barclay, this strict distinction between temporal and spiritual authority also implied that no pope could “depose kings or dispense with the allegiance of their subjects. Popes may only strive by prayers and tears to bring back even an evil king to the right path.”\(^{69}\)

**Bellarmine's Response to Barclay**

In response to Barclay’s arguments, in 1610, Bellarmine published *Tractatus de Potestate Summi Pontificis in Rebus Temporalibus* or “Concerning the Power of Supreme Pontiff in Temporal Matters.” In this work, Bellarmine argued that making an absolute distinction between temporal and spiritual power, as Barclay did, was a grave mistake. Bellarmine argued that it was evident that,

> from the Scriptures Popes and kings, clergy and laity, once reborn in Christ, form one commonwealth, one city, one house, in fact one body. And the spiritual and temporal powers do not come together in the Church as two commonwealths unite to form one confederation, but as spirit and flesh unite to form one man.\(^{70}\)

In other words, these two powers could not be separate and independent of each other, but rather both must be hierarchically related to each other within the church. The reason that it was necessary that temporal (royal authority) be subordinate to spiritual (papal

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\(^{68}\)Barclay, *De Potestate Papae*, 1st ed., 244-52; translation cited in McIlwain, lxxi.

\(^{69}\)Ibid.

authority) was because, otherwise, there would be “two heads in one body.” As Christendom was one body, it must necessarily have only one head and only one power, namely the pope. For Bellarmine, Barclay's theory, which held that the authority of the king was directly given by God, created a two-headed monster—a monster that was the enemy of the unity of Christendom, having a king as one head and the pope as the other. In other words, Bellarmine argued that it was the divine right of kings view, advocated by Barclay, that should be held responsible for dividing Christendom in two, rather than his own Ultramontanist views.

But again, it needs to be stressed again that the Ultramontanism of Bellarmine was a moderate or middle ground position. Bellarmine's unwillingness to embrace the more radical view of Boniface VIII concerning the direct temporal power of the pope to depose kings and the pro-regicide views of his fellow Jesuit brother, Juan de Mariana, made him unpopular among the more extreme Ultramontanists. Indeed, during the early years of his writings, Pope Sixtus V had been so offended by Bellarmine’s denial of any direct temporal power to the pope that he placed the first volume of his Controversies on the Index. This incident is often cited as the reason why Bellarmine’s canonization was delayed until 1930. Unfortunately, Bellarmine’s disfavor among the extreme

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71Bellarmine, De Potestate, XIV, 299; translation cited in Murray, 511. Note that the two independent powers position only implies two heads, as Bellarmine argued, if the pope is assumed to stand in the place of Christ. If Christ is head of the church rather than the pope, then while there exist two independent powers there is still only one head, namely Christ, who delegates spiritual authority and temporal authority to the pope and to the king, respectively. Of course, this is not standard Catholic doctrine and thus a moot point as far as Bellarmine was concerned.

72John Neville Figgis, Political Thought from Gerson to Grotius, 1414-1625 (New York: Harper, 1960), 206. “After the death of this Pope [Sixtus V] the prohibition was quickly revoked. . . . This shows that at time there were still powerful circles that upheld [the views of the Boniface VIII]. These views were not held by all the popes. Even Innocent III [d. 1216] . . . agreed that the King of France in temporalibus superiorem minime recognoscat.” Heinrich A. Rommen, The State in Catholic Thought (London: Herder Books, 1945), 547ff.

73He was venerated in 1627 and referred to as “Blessed Cardinal Bellarmine” until his canonization in 1930 when he became “Saint Robert Bellarmine.” Named a Doctor of the church in 1931,
Ultramontanist faction did little to win him friends on the other side. However, in many ways, Bellarmine's arguments were more plausible and acceptable to moderate Catholics, a category which included many Catholics living in England during this time. For his part, King James recognized the subtle and dangerous power of Bellarmine’s arguments and took decisive actions to protect his kingdom from these dangerous doctrines.

**The English Response to Bellarmine: King James I**

King James was the son of Catholic parents—his mother was a devout Catholic and his father had been baptized a Catholic. Although reared by Calvinist tutors, when he became King of Scotland, James was a strong opponent of the Scottish Kirk and, like his father, he also married a Catholic woman. Later, as King of England, James considered himself to be an inheritor of the title “Defender of the Faith” given to Henry VIII by Pope Leo X in appreciation for Henry’s defense of the sacraments against the Lutherans. In fact, during James's reign, “Defender of the Faith” was still imprinted on every English coin.74 Theologically, King James was no enemy of Catholicism, and in many of his writings he went to great lengths to identify himself with the historic Catholic faith, especially the French-Gallican Catholicism of his mother and distanced himself from the Protestant doctrines of Luther and Calvin. Much like King Henry VIII, it was not ancient Catholic dogma or theology that kept James awake at night, but rather the political aspects of Catholicism, particularly the Ultramontanist doctrines that were being advocated by Robert Bellarmine and other Jesuits.

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On the fifth day of November in 1605, the threat that the political aspects of Catholicism posed to the English Crown came to a head in the discovery of the Gunpowder Plot. On the evening of November 4th, Guy Fawkes was arrested in the cellars of the Parliament House. He and thirteen others had conspired to blow up the Parliament building along with the king and his lords who were to meet there the next day. By this act, the conspirators had hoped to eliminate King James and to replace him with a new monarch who was more in sympathy with political purposes of the papacy. When the plot was discovered, almost immediately the Jesuits were blamed as the source of the conspiracy. Although the link between the conspirators and the Jesuits was never conclusively proved, enough circumstantial evidence existed to convince many Englishmen of the likelihood of Jesuit involvement. If King James previously had any doubts about the real political threat of Jesuit doctrines, these doubts were eliminated by the Gunpowder Plot of 1605. Shortly after the execution of those who confessed responsibility for the plot, James imposed an “Oath of Allegiance” upon all English Catholics, an oath that contained the following statement:

And I do further swear, that I do from my heart abhor, detest and abjure, as impious and heretical, this damnable doctrine and position that princes which be excommunicated or deprived by the Pope may be so deposed or murdered by their subjects, or any other whatsoever.75

In response to the imposition of this oath, on October 10 of the next year (1606), Pope Paul V issued a letter addressed to all English Catholics in which he admonished them to abstain from taking the oath, choosing persecution and hardship rather than to “offend the majesty of God.”76 In this letter, the pope argued that Catholics who took the “Oath of Allegiance” would be renouncing the Christian faith altogether.

75Cited in Brodrick, Robert Bellarmine: Saint and Scholar, 269.

76“Pope Paulus V to English Catholics,” First Breve; McIlwain, Political Works of James I, 75.
Despite the pope's warning, many English Catholics, including the Catholic Archpriest of England, George Blackwell, interpreted this letter as being merely an expression of the pope's private opinion and went ahead and took the “Oath of Allegiance” in spite of the Supreme Pontiff’s admonition against doing so. Pope Paul V was outraged by this response and, consequently, in September of 1607, a second papal letter was sent to England, again addressed to all English Catholics, along with a letter from Robert Bellarmine to Archpriest Blackwell, addressed to him alone.

In his second letter, the pope was brief and to the point, making clear that his first letter admonishing English Catholics to not take the oath had been wrongly interpreted by Archpriest Blackwell and many other Catholics priests in England. The letter had not been written as the pope's own private opinion, but rather as his expressed will as Victor of Christ. The pope's letter was a gentle admonishment to English Catholics who had taken the oath after being misled by Blackwell, encouraging them to remain faithful despite the difficulties they faced. The personal letter from Bellarmine to Blackwell, however, was much more severe. In this letter, Bellarmine attempted to demonstrate how Blackwell’s taking the oath was tantamount to a denial of the Christian faith itself.

*An Apology for the Oath of Allegiance* (1608)

As the original letter from Pope Paul V as well as the personal letter from Robert Bellarmine addressed to Archpriest Blackwell both asserted that in taking the “Oath of Allegiance” English Catholics were denying Christ, these letters just could not be offhandedly dismissed. Thus, in response to these two documents, King James I took it upon himself to write a lengthy reply. On February 14, 1608, omitting the king’s name as
the author, this reply was published with an engraving of the royal arms on the back, under the title *Triplici Nodo, Triplex Cuneus, Or An Apology for the Oath of Allegiance.*

In the *Apology*, James attempted to demonstrate that taking the “Oath of Allegiance” despite the accusations of the pope and Bellarmine was neither a denial of Christ nor even a challenge to the Pope’s claim to spiritual supremacy. It only denied the pope's claim to temporal supremacy over the King of England. In his response, King James acknowledged that although he himself did not acknowledge the pope as the ultimate source of spiritual authority on earth, he recognized that many faithful Catholics living in England did. Accordingly, the oath had been specifically written to make allowances for the conscience of these English Catholics on this matter. Otherwise, it would have been impossible for George Blackwell, the Catholic Archpriest of England, to have taken the oath without major objection. In his *Apology*, James defended the oath as a defensive political tactic, rejecting the pope's claim that it constituted a direct attack on the Catholic religion itself. According to James, the oath was not even an attempt to alienate or persecute English Catholics, but was simply designed to protect the king from the seditious and treasonous actions of certain Catholics—in particular Jesuits and other Catholics who held strong Ultramontanist political sympathies. These Catholics, by appealing to the pope’s claim to possess temporal authority over the King of England, sought to justify their political rebellion against the English crown. James argued that the

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78Blackwell maintained that there was no serious problem with the oath and that English Catholics could take the oath without harm to their faith. In other words, Blackwell fully agreed with King James concerning the purpose of the oath. In response, Bellarmine wrote a letter to Blackwell admonishing him not to be deceived by the outward appearance of the oath for, despite “whatsoever words the Oath is conceived by” the purpose was simply to undermine the pope’s legitimate authority as successor of St. Peter. Blackwell did not recant.
language of the “Oath of Allegiance” was directed against these Catholics and them alone.

Clearly concerned about the pope’s claim that no faithful Catholic could take the oath in good conscience, in the Apology, James went to great length to demonstrate how the oath completely bypassed the issue of the pope’s authority in spiritual matters and even in regard to the temporal matters it addressed, it purposely avoided contesting any matter that was “defined by any complete general Council to belong to the Pope’s authority.”79 The temporal issues contested by the oath were issues that were contested among Catholics themselves and about which “their owne schoole Doctors are at irreconcilable odds and jarres about them.”80 For this reason, James expressed utter dismay over the pope’s interpretation of the oath as a calculated attempt to overthrow the Christian religion:

For how the profession of natural Allegiance of Subjects to their Prince can be directly opposite to the faith and salvation of souls, is so far beyond my simple reading in Divinity, as I must think it a strange and new Assertion, to proceed out of the mouth of that pretended general Pastor of all Christian souls. I read indeed, and not in one, or two or three places in Scripture, that Subjects are bound to obey their Princes for conscience sake, whether they were good or wicked Princes.81

The importance of establishing himself as a faithful Christian, rather than an enemy of Christ, was of great concern for James, so important, in fact, that at the conclusion of the Apology James argued that the English crown, although often an enemy of the papacy, had never been an enemy of Christ.

In support of this bold claim, James pointed out that even under Henry VIII, the death of Thomas More in 1536, by More’s own confession during his trial, was not a

79King James, An Apologie for Oath of Allegiance, 87.
80Ibid. 
81Ibid., 77.
martyr’s death as the papacy liked to claim, but solely related to “his being refractory to
the King in this said matter of Marriage and Succession.”\textsuperscript{82} Quoting from court records
on More's trial, James argued that More’s insubordination to the king was concerned with
temporal, rather than spiritual matters. This temporal insubordination was the primary
cause of More’s imprisonment, a full year before the larger ecclesiastical controversy
began, and was “a very fleshly cause of Martyrdome, as I conceive.”\textsuperscript{83} At this point,
James’s argument was a little weak for More himself clearly believed that his resistance
to King Henry was for spiritual reasons. However, in defense of James's interpretation of
More's motivation, it should to be remembered that More held strong Ultramontanist
political opinions. Furthermore, it is probably no coincidence that the last male heir of
Thomas More was a Jesuit by the name of Father Thomas More, S.J. (d. 1795).

As the \textit{Apology} was written primarily as a defense of the “Oath of Allegiance”
against the attacks of Pope Paul V and Bellarmine, it was rather limited in scope. After
its publication, James believed that a more systematic defense of his own theological and
political views was needed. For it was important for him to prove that his own views
were completely compatible with the historic Christian faith, even if not compatible with
the views of Jesuits, Ultramontanists, and other defenders of pope’s claim to possess
temporal authority. Addressed to all the kings and rulers of Europe, this longer work was
published a year later, under the title \textit{A Premonition to All Most Mighte Monarches,
Kings, Free Princes, and States of Christendome}.

\textsuperscript{82}Ibid., 106.

\textsuperscript{83}Ibid.
In seeking to establish the fact of his own Christian orthodoxy, the primary strategy of King James was to use arguments from tradition and history. James’s arguments were filled with appeals to specific statements and historical facts, an approach that stood in stark contrast to the more abstract and philosophical style of Bellarmine and of sixteenth-century Jesuit scholasticism in general. The use of history by James was a calculated attempt to bring to light important counter-factuals that could undermine what, at first, on the abstract philosophical level may have appeared to be clear, irrefutable Jesuit logic. Appealing to history and tradition was a safer tactic than trying to use proof texts and abstract reasoning to defeat Bellarmine's arguments. James realized that accepted historical facts and standing traditions were always more difficult to interpretatively dismiss than written texts, for even the most careful theological texts, especially in the hands of a trained scholastic rhetorician like Bellarmine, could be taken out of context and used to justify what they condemn. Indeed, the great safety of appealing to history and tradition rather using abstract logic was essential when addressing “so learned a man” as Bellarmine “full of exterior eloquence, as of inward untrewths. . . .”

In the Premonition, James borrowed many arguments from Gallican Catholic political thinkers like William Barclay in order to help to undermine the Ultramontanist doctrines of the Jesuits. By appealing to both the established traditions of Anglo-Celtic Christianity as well as the common practices of ancient or “primitive” Christianity, James sought to strengthen the theological orthodoxy of his own political views. In his work, James even went so far as to make certain comparisons between the Church of England

84Ibid., 85.
and the Orthodox Churches of the East, as both ecclesiastical camps understood themselves as standing against the innovations and novelties of Rome.

James’s knowledge of the theology and practices of Eastern Christendom was strengthened by the close ties that had developed between England and the Ottoman Empire during his reign. As they were living under Ottoman rule in the seventeenth century, the Orthodox Christians were not in a position to provide much political help to King James in his confrontation with the pope and the Jesuits. However, as James recognized the close sympathy of opinion between the theological and political views of the Anglican Church and those of the Greek Orthodox Church, King James made every effort to help the Greek Christians living under the Turkish yoke. According to Patterson, “It was to help meet the need for better-educated priests and bishops King James and George Abbot, the archbishop of Canterbury, proposed scholarships for Greek Orthodox students to study in England.”

The presence of these Greek Christians studying for the priesthood in England may have helped James clarify the exact nature of his own theological disagreement with Rome. Indeed, a number of passages in James’s

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85 In the early seventeenth century, when England had become a major trading partner with the Ottomans and a diplomatic force in Istanbul, close relations were developed between the Church of England and the Greek Orthodox Church. King James, sometimes directly but more often through his officials, worked to effect greater understandings and deeper respect between the two churches. His efforts were to have a lasting effect.” W. B. Patterson, King James VI and I and the Reunion of Christendom (New York: Cambridge University Press, 1997), 198.

86 Ibid., 197. In many ways, the controversy between King James and the Jesuits was a mirror of the problems that the Orthodox Church was having with Rome. In the Bodleian Library, there still exists a letter from Cyril Lukaris, the Orthodox Patriarch of Alexandra, written to an English Abbot expressing his gratitude for the help received from James I, “philosopher-king in every respect.” In this letter, Lukaris also makes mention of the “anti-Christian tyranny” faced by the Orthodox people in the Balkans, Poland, and Constantinople and attributes this tyranny to the “art and cunning of the Jesuits.” Bodl. MS. Smith 36, fols 39, 41; cited in Ibid., 200. See also: H. R. Trevor-Roper, “The Church of England and the Greek Church in the Time of Charles I” in Religious Motivation: Biographical and Sociological Problems for the Church Historian. Edited by Derek Baker. (London: Blackwell, 1978), 213-40 and Steven Runciman, “The Church of England and the Orthodox Churches in the Seventeenth and Eighteenth Centuries” Anglican Initiatives in Christian Unity. Edited by E. G. W. Bill (London: SPCK, 1967), 5-7.

*Premonition* almost read as if they were lifted straight out of a standard theological treatise of the Orthodox Church:

But if the Romish Church hath coined new Articles of Faith, never heard of in the first 500 years after Christ, I hope I shall never bee condemned for an Heretic, for not being a Novelist. Such are the private Masses, where the Priest playeth the part both of the Priest and the people; and such are the Amputation of the one hafe of the Sacrament from the people; The Transubstantiation, Elevation for Adoration, and Circumportation in Procession of the Sacrament; the works of Supererogation, rightly named Thesaurus Ecclesiae; the Baptising of Bels, and a thousand other tricks: But above all, the worshiping of Images. If my faith be weak in these, I confess that I had rather believe too little then too much: And yet since I believe as much as Scripture doe warrant, the Creeds do persuade, and the ancient Church decreed; I may well be a Schismatic from Rome, but I am sure I am no Heretic.87

When read alone and out of context, this passage might lead one to believe that James was hostile to Catholicism, but this was not the case. In other parts of the *Premonition*, his Catholic sympathies were more evident. In fact, at one point, James not only acknowledged the antiquity of the see of Rome, but also recognized the pope’s claim to be the “Patriarch of the West”:

Patriarches (I know) were in the time of the Primitive Church, and I likewise reverence that Institution for order sake: and amongst them was a contention for the first place. And for my self (if that were yet the question) I would with all my heart give my consent that the Bishop of Rome should have the first Seat: I being a western King would go with the Patriarch of the West. . . . But as I well allow of the Hierarchy of the Church for the distinction of order (for so I understand it) so I utterly deny that there is an earthly Monarch thereof, whose word must be a Law, and who cannot error in his Sentences, by an infallibility of Spirit. . . . Christ did not promise before his ascension, to leave Peter with them to direct and instruct them in all things; but he promised to send the holy Ghost unto them for that end.88

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87King James, *Premonition*, 124. “I am no Iconomachus; I quarrell not with the making of Images, either for publick decoration, or for mens private vses: But that they should be worshipped, bee prayed to, or any holiness attributed to vnto them, was neuer konwen of the Ancients.” Ibid.

88King James, *Premonition*, 126-27.
This passage is interesting because it demonstrates James's sympathies with the ancient traditions and practices of Catholicism while also clearly enumerating his disagreement with the more innovative aspects of the papacy as well as the political agenda of the Counter-Reformation.

Of course, acknowledging any sympathies with Catholicism was politically risky and it did not win James any additional allies among Protestants in his own kingdom. Bellarmine had already used James’s Catholic sympathies against him by making public the fact that before becoming King of England, at the time only the King of Scotland, James had written to Rome seeking papal support for his coronation in England. In this correspondence, James argued that he would better represent the interests of Catholicism in England than did the Protestant Queen Elizabeth I. Although James never denied this correspondence, due to the political problems that this information caused, James was not pleased by Bellarmine’s revelation of it.89

In order to distance himself from the papacy while at the same time bringing himself closer to the tradition of ancient Catholic Christendom—a tradition that the Roman papacy despite its many innovations was still connected—James argued in the Premonition that his objection to the Ultramontanist doctrines of the Counter-Reformation were fundamentally the same as his objection to the political doctrines of the Protestant Reformation.

The Papist-Puritan

According to James, both the Catholic Jesuits and the Protestant Puritans were innovators who had departed from apostolic tradition as both groups denied that bishops

89Brodrick, Robert Bellarmine: Saint and Scholar, 283.
and kings received their authority directly from God. Whereas Puritans denied the office of bishops and kings altogether, the Jesuits argued that the authority of bishops and kings was mediated through the pope. In his rejection of both these views, James considered himself to be more faithful to the apostolic tradition of Christianity than were either the Jesuits or the Puritans:

That the Bishops ought to be in the Church, I ever maintained it, as an Apostolic institution, and so the ordinance of God; contrary to the Puritans, and likewise to Bellarmine; who denies that Bishops have their Jurisdiction immediately from God (But it is no wonder that Bellarmine takes the Puritans part, since Jesuits are nothing but Puritan-Papists.)

In the mind of James, both the Puritans and the Jesuits had a great deal in common. Both groups were strong advocates of clericalism in that they believed that ecclesiastical authorities should be able to exercise control over temporal authorities. On this point, argued James, the pope, John Calvin, the Puritans, the Jesuits and John Knox were merely different manifestations of the same fundamental error.

In contrast to the claims of the “Puritan-Papist,” King James argued that “neither was it ever doubted by any Christian in the Primitive Church, that the Apostles, or any other degree of Christians, were subject to the Emperour” and that to claim otherwise “is directly contrary to the Apostles wordes, so is it without warrant, either of any ancient Councell, or of so much as any one particular Father that ever interprets [Act 25:10] in this sort.” Acts 25:10 reads as follows: “Then Paul said: I stand at Caesar’s judgment seat, where I ought to be judged.” Furthermore, on the matter of the clergy's relation to

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90 King James, *Premonition*, 126. The political doctrines of the Jesuits and Presbyterians were almost indistinguishable, save for the Presbyterian resistance to the Papacy, as Cardinal Manning once said, “the Pope was the only plank between the Jesuits and Presbyterianism.” Ethelred L. Taunton, *The History of the Jesuits in England, 1580 to 1773* (London: Methuen and Co., 1901), 8.

91 Ibid., 153.
temporal authority, James argued the views of papists and Puritans stand in direct contrast to Paul’s own words:

Thus may ye see, how upon the one part out Cardinal will have all Kings and Monarchs to bee the Popes Vassals; and yet will not on the other side, allow the meanest of the Pope his vassals [i.e., even the lowest orders of the clergy], to be subject to any Christian Prince. But he not thinking it enough to the Pope our Superior, hath in a late Treatise of his (called the Recognition of his books of Controversies) made the people and Subjects of every one of us, our Superiors.  

In other words, not only did Bellarmine refuse to acknowledge what the Apostle Paul himself recognized, namely that in temporal matters Paul was a subject of the emperor, but Bellarmine actually went so far as to claim that no Christian, not even the laity (the people), was necessarily subject to the king’s temporal authority. For Bellarmine, it was not the king who ruled the people, but rather the People who ruled the king. (The same argument that James, as a youth, had heard from his tutors in Scotland). In James’s mind this was not only a ridiculous claim, but also an extremely dangerous one as it justified almost every type of rebellion:

And as for the setting up of the People above their own natural King, he bringeth in that principle of Sedition, that he may thereby prove, that Kings have not their power and authority immediately from God, as the Pope hath his: For every King (saith he) is made and chosen by his people; nay, they do but so transfer their power in the Kings person, as they doe notwithstanding retain their habitual power in their own hands, which upon certain occasions they may actually take to themselves again. This, I am sure, is an excellent ground in Divinity for all Rebels and rebellious people, who are hereby allowed to rebel against their Princes; and assume liberty unto themselves, when in their discretions they shall think it convenient.

As these dangerous political doctrines provided a theological justification for sedition and rebellion against all temporal authorities, James saw the political views of the Jesuits and Puritans as being a threat to all forms of temporal authority in Christian Europe. Thus the

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92Ibid., 152.
93Ibid., 153.
reason that James addressed the *Premonition* to “All Most Mighte Monarches, Kings, Free Princes, and States of Christendome.” The Puritan-Papist, warned James, was an enemy of the ancient traditions and practices of Christendom and a serious threat to the political stability of Europe.

Through the entirety of the *Premonition*, James seemed especially bothered by the Papacy’s attempt to categorize him as an enemy of Christianity and went to great lengths to contrast his reign with that of Julian the Apostate, to whom, Bellarmine at one point, compared his reign. James argued that in no way should he be classified as an apostate merely because of his difference of opinion with the Jesuits and other Ultramontanists:

> Julian dealt against Christians only for the profession of Christ's cause: I deal in this cause with my Subjects, only to make a distinction between true Subjects, and false-hearted traitors. Julian's end was the overthrow of the Christians: my only end is, to maintain Christianity in a peaceable government. Julian's drift was to make them commit Idolatry: my purpose is, to cause my Subjects to make open profession of their natural Allegiance, and civil Obedience. Julian's means whereby he went about it, was by craft, and ensnaring them before they were aware: my course in this is plain, clear, and void of all obscurity; never refusing leave to any that are required to take this Oath, to study it at leisure, and giving them all the interpretation of it they can crave.  

For James, the controversy between those who championed the divine right of kings and those who defended Ultramontanism was not a controversy between faithless apostates and faithful Christians (as Bellermine had claimed), but rather a difference of opinion between Christians who held faithfully to the ancient political traditions of Christendom (e.g., Anglicans and Gallican Catholics) and those Christians, influenced by the Renaissance and Reformation, who rejected these ancient traditions (e.g., Jesuits and Puritans).

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94Ibid., 98.
Although James clearly believed that both the Jesuits and the Puritans were advocates of a dangerous and erroneous political doctrine, he despised the attempts of either group to characterize those in the opposing camp as apostates from the Christian faith. On this point, James's view was most likely influenced by the arguments of Anglican theologian, Richard Hooker (1554-1600), who classified most theo-political issues as *adiaphora*—matters that were indifferent to righteousness or salvation. James had connections to both Catholicism, by way of his mother, and to Calvinism, via his childhood tutors, but despite his strong differences of opinions with both papists and Puritans, he never condemned either as being apostates from the faith. Unfortunately, the same charitable regard was not received by him in return.\(^95\)

*Patriarchy and The Divine Right of Kings*

The most psychologically powerful of all the political arguments of the Papist-Puritan was the claim that divine-right kingship was not substantively different than divinely-sanctioned tyranny. James was aware of the power of this argument and sought to find a way to counter it by arguing that the king’s direct authority over his own subjects should be understood as analogous to the authority granted by God to the father of a family. Like the father’s authority over his family, the king’s authority over his subjects came directly from God. But possessing this direct authority from God did not necessarily make the king any more a tyrant than it made a father a tyrant.\(^96\)

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95 Whereas the Jesuits attacked King James from the theological high-ground, many Puritans tracks accused James of homosexuality since this practice, in the seventeenth century, was considered tantamount to apostasy from the faith. Cf. Otto Scott, *James I: The Fool as King* (New York: Charter/Mason, 1976), passim.

96 As the fatherhood of God, which is both good and absolutely sovereign, is not tyrannical. Cf. Ephesians 3:14-15: “The Father (πατέρα) of our Lord Jesus Christ, from Whom every family (πατρία) in the heavens and on earth is named.”
Furthermore, although the king may not have a direct biological connection to those over whom he rules, the fatherly authority of his kingship remained. The king as pater patriae, father of the fatherland, wielded this fatherly authority over his subjects even if they were adopted children, rather than biological children. Fatherhood, after all, was more about providing protection, care, discipline and instruction for a child than it was about a biological connection. Although, generally speaking, most kings did have a strong familial or biological relationship to their subjects. In one of his earlier works, The Trew Law of Free Monarchies, or the Reciprocal and Mutual Duties betwixt a Free King and his Natural Subjects (1598), James had described the relationship that existed between a king and his subjects as follows:

By the law of Nature the King becomes a natural Father to all his Lieges at his Coronation: And as the Father of his fatherly duty is bound to care for the nourishing, education, and virtuous government of his children; even so is the king bound to care for all his subjects. As all the toil and pain that the father can take for his children, will be thought light and well bestowed by him, so that the effect thereof redound to their profit and weale; so ought the Prince to do toward his people. As the kindly father ought to forsee all inconvenients and dangers that may arise toward his children, and tough with the hazard of his own person press to prevent the same; so ought the King towards his people. As the fathers wrath and correction upon any of his children that offendeth, ought to be by fatherly chastisement seasoned with pity, as long as there is any hope of amendment in them; so ought the King towards any of his Lieges that offend in that measure. And shortly, as the Fathers chief joy ought to be in procuring his children's welfare, rejoicing at their weale, sorrowing and pitying at their evil, to hazard for their safety, travail for their rest, wake for their sleep; and in a word, to think that his earthly felicity and life standeth and liveth more in them, nor in himself; so ought a Prince think of his people. 

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97 "During his English reign King James was frequently hailed as the 'nutritius' (nursing father) of the church, an image that he himself had used in Basilikon Doron and the Trew Law of Free Monarchies. This striking image, which had its roots in Isaiah 49:23 ('kings shall be thy nursing fathers'), summarizes well the role that James envisioned for himself, not just in reference to the church, but for the religious life of the nation in general." James Doelman, King James I and the Religious Culture of England (Cambridge: D. S. Brewer, 2000), 1-2.

98 King James, The Trew Law of Free Monarchies, 55-56.
In summary, the contrast between the thought of the Jesuit-Puritan camp and the thought of James was centered around one major point: whether the king receives his authority directly from God Himself or indirectly from God through the people—a secondary issue being the question of whether this popular sovereignty is with the consent of the pope (the papist view) or without the consent of the pope (the Puritan view). Thus, while recognizing the historical importance of the Catholic Church, King James rejected the pope’s claim to be the Vicar of Christ—the claim the the pope stood in the place of Christ as both priest and king, the sole source of all temporal and spiritual authority on the earth. In opposition to the “Papist-Puritans,” James argued that earthly kings received their temporal authority, not from the pope, but rather directly from God, by divine right.

*The Jesuit Response to King James*

Interestingly enough, Bellarmine never responded to any of these arguments of King James. Some scholars argue that by this time Bellarmine had grown weary of politics and chose to devote the last years of his scholarly life to less controversial pursuits. Other scholars claim that due to his controversial status among the extreme *Unam Sanctam*, pro-Boniface VIII faction, Bellarmine was asked by the pope to not respond to James. Whatever the reason, the practical result was that the mantle of defending the pope’s temporal authority against the arguments of King James passed from the Italian Jesuit, Robert Bellarmine, to a Spanish Jesuit, Francisco Suárez, *Doctor Eximius*—arguably the greatest Jesuit philosopher of the Counter-Reformation. It is

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99 As Sir Robert Filmer described it: “Since the growth of this new doctrine of the limitation and mixture of monarchy, it is most apparent that monarchy hath been crucified (as it were) between two thieves, the pope and the people. For what principles the papists make use of for the power of the pope above kings, the very same (by blotting out the word pope, and putting in the word people), the plebists take up to use against their sovereigns...” Filmer, *The Anarchy*, in J. P. Sommerville, *Patriarcha and Other Writings* (New York: Cambridge University Press, 1991), 133.
Suárez, more than any other political thinker, who is most responsible for systematically dismantling the divine right of kings theory. In the process of doing so, Suárez also lays a solid foundation for modern political thought, especially the social contract theory of government later developed by Thomas Hobbes and John Locke. In this chapter, only the arguments used by Suárez against King James will be considered in detail. A fuller analysis of Suárez’s thought and its relation to social contract theory will be considered in chapter five.

Francisco Suárez (1548-1617)

Francisco Suárez, often considered to be the greatest theologian of the Jesuit order and the most important Scholastic philosopher after St. Thomas Aquinas, was born in Granada, Spain in 1548. His father was a wealthy lawyer and his family had played an important role in the struggle to expel the Moors from Spain. A portion of the family’s wealth had been “the possessions of a high-ranking Moor” given to his grandfather by King Ferdinand and Queen Isabella for his actions in the siege of Granada. The family was extremely devoted to Catholicism and five of the seven children “entered the service of the church” with Suárez being “singled out for a clerical career in his childhood, having been tonsured at the age of ten.” Approximately three years later, at the age of thirteen, Suárez entered the University of Salamanca in order to study canon law in 1561. He joined the Jesuits three years later in 1564 after being inspired by a sermon he heard given by a visiting Jesuit promoting the recently founded religious order. In 1570 he

100 The connection between the social contract theories of Hobbes and Locke and the political theory of Suárez will be addressed more fully in chapters five and six.


102 Ibid., 8.
concluded his studies at Salamanca and taught for the next ten years at various Jesuit educational institutions before being offered the chair of theology at the prestigious Collegium Romanum (College of Rome) in 1580, at the age of thirty-two. Within a few years of his appointment as the chair of theology at the College of Rome, he was transferred at the pope’s request to the Jesuit College in Alcalà. In 1597, upon appointment by King Phillip II of Spain he served as professor at the University of Colimbra until 1616.

From the earliest days of his teaching, Suárez had been accused of being a dangerous theological innovator. The first accusation against him occurred in 1573 without major consequence. However, a second was registered against him in 1602, while he was at Colimbra, upon the occasion of the publication of his controversial *De Poenitentia*. In this book Suárez had adopted the same moderate view of papal authority as Bellarmine, arguing that the pope’s temporal authority was only indirect, rather than direct. As a result, he came under fire from those in the more radical Ultramontanist camp who defended the view of Boniface VIII and as a consequence, within a year of its publication, “the Pope interdicted the book and excommunicated its author.”103 In response to this excommunication, “Suárez declared his absolute submission to the papal decrees and said that he would revise his views as desired.”104 This marked an important turning point in Suárez’s life. He learned his lesson well, and in all of his subsequent writings, he exercised greater care in the presentation of his ideas, making sure that his more innovative arguments were concealed in a form of language that was acceptable to and in concordance with the desires of the papacy; “the spiritual constraint under which

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103Ibid., 20.

104Ibid.
he had to work . . . perhaps explains why his own opinion in his political writing is sometimes veiled."\textsuperscript{105}

It is an understatement to describe Suárez as prolific. It has been estimated that during his life he wrote over twenty-one million words.\textsuperscript{106} “Suárez spent six hours every day in prayer and meditation—three hours in the morning and three hours after his meager dinner—and nine hours in research, writing, and lecturing.”\textsuperscript{107} From 1856 to 1878 a collection of his works was published in Paris; this collection contained twenty-eight volumes and was still incomplete. His works addressed all the major philosophical and theological controversies of his day, and by these works he established himself as one of the greatest of the scholastic theologians.

Although following in the intellectual tradition of St. Thomas Aquinas and Aristotle, Suárez introduced a number of innovations to the system of Aquinas. In his political philosophy, these innovations functioned to modify Thomism in such a way that medieval political thought could be more easily adapted to the developments of Renaissance culture. Suárez’s innovative adaptations of Aquinas were not insignificant and this consequently has led some scholars to refer to his system as “Suárezianism” or “Suárism” to distinguish it from Thomism proper. His more important philosophical works include: \textit{De Verbo Incarnato} (1590), \textit{De Mysterris Vitae Christi} (1592), \textit{Disputationes Metaphysicae} (1597), and \textit{Varia Opuscula Theologica} (1599). Of these three works, the \textit{Disputationes Metaphysicae} (1597) is usually considered to be his most important philosophical treatise as it was used as a textbook for over a century in most

\textsuperscript{105}Ibid.

\textsuperscript{106}Ibid., 22.

\textsuperscript{107}Ibid.
European universities, both Protestant and Catholic. The most important differences between the philosophical system of Suárez and classical Thomism are a product of two innovative features of Suárez's thought: (1) his emphasis on the importance of the individual \textit{qua individual} and (2) his reconceptualization of natural law to weaken its dependence upon divine revelation. There are also other important differences between the metaphysics of Suárez and the metaphysics of Thomas Aquinas, but these are not relevant to our primary concern, namely, a discussion of the political philosophy of Suárez.

\textit{The Political Philosophy of Suárez}

Suárez’s major contributions to political philosophy are found within two of his major works, both published within the last five years of his life. Although he wrote another political treatise earlier in his career, \textit{De Virtute et Statu Religionis} (1608-09), that addressed the role of the Society of Jesus in international politics, this work did not have much influence outside the Jesuit Order. In 1612, he published the first of his two political treatises under the title \textit{De Legibus} (“On Laws”), addressing the relationship between natural law and international law. In this work Suárez laid the foundations for a system of international law and formulated key principles that later European scholars would use to develop the modern system of international law. Although the name of the Dutch legal philosopher Hugo Grotius is often better known than Suárez, Grotius borrowed many conceptual distinctions from Suárez without ever mentioning him by name.\textsuperscript{108} The reason that Grotius did not directly mention Suárez was a political one.

\footnote{Suárez’s \textit{De Legibus} (1612) preceded Grotius’s \textit{De Iure Belli ac Pacis} (1625) and it is “not unreasonable to assume that when Suárez’s De legibus appeared in 1612, Grotius read it with interest and promptly jotted down, in his own words, a summary of the important distinction between the two kinds of \textit{ius gentium}, inserting the summary in an appropriate place in his unpublished manuscript.” James Brown Scott, “Introduction” to \textit{Selections from Three Works of Francisco Suárez, S. J.} vol. 2., \textit{The Translation}}
Hugo Grotius was on good terms with both King James I of England and Louis XIII of France and both of these kings considered Suárez to be a political enemy of their kingdoms. The source of this animosity toward Suárez was not related to anything contained in his *De Legibus*, but rather what Suárez had written in his second major contribution to political theory, published about a year later. In this second work, *Defensio Fidei Catholicae* (1613), Suárez attacked the idea of royal sovereignty, particularly the arguments that had been set forth by King James and Gallican Catholic political thinkers such as William Barclay.

*Defensio Fidei Catholicae* (1613)

Published two years after the death of Robert Bellarmine and only four years before his own death, the *Defensio Fidei Catholicae* (1613) was Suárez’s last work of political theology. In this refutation of the theory of the divine-right of kings as set forth by King James and the Gallican Catholics, Suárez formulated an alternative theory of political order, borrowing heavily from the philosophical and legal theories he formulated in *De Legibus* (1612).

In the introduction to the *Defensio*, Suárez began by identifying a number of psychological motivations for King James’s defense of the divine right of kings. He described King James as being “anxious and fearful as to the coercive power of the Pope” because despite all his vain attempts to cover up the truth, James’s conscience still informed him that the pope has power “which extends to the confiscation of his

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kingdom.”

Furthermore, Suárez argued that the views of King James not only stood in opposition to the political opinions of Bellarmine but to “all the Catholic Doctors” and rather than confessing this truth and repenting of his error, King James “in order that he may be free to persist in his blindness” had chosen rather “to deprive the Church of Christ of every remedy against heretical princes. The same stratagem was devised before him, by Marsilio of Padua and other enemies of the Church.”

In comparing the views of King James with the views of Marsilio of Padua, Suárez pointed out the similarities between the two thinkers. Both Marsilio and King James denied that the pope had any temporal authority to depose a king while at the same time they maintained that the pope had the spiritual authority to excommunicate a king. In his Defensio, Suárez rejected this understanding of papal authority as absurd, arguing rather against “[King James], against Marsilio, and against other persons, by demonstrating that this same papal power may extend to the coercion of kings by means of temporal punishments, and deposition from their thrones, if necessity so demands.”

In the process of defending the pope’s temporal authority, Suárez was careful to avoid offending those who were in sympathy with the views of Boniface VIII (already having been excommunicated in 1603 for contradicting this group). Thus, on the very first pages of the Defensio, Suárez began by affirming the direct power of the pope in temporal affairs as any good follower of Boniface VIII would have done. However, after doing so, he quickly moved on to a consideration the pope’s indirect power by a theoretical consideration of a “heathen king” who was not subject to the direct power of


111Ibid., 685.

112Ibid., 691-92.
the pope, quoting from 1 Corinthians 5:12 where Paul argued that the church did not have jurisdiction to judge unbelievers. Under this pretext, Suárez then elaborated his own theory of the “indirect power” of the pope, who had “the power, if there are Christian subjects under that [heathen] king, to deliver them from subjection to their ruler, on the ground that they are in evident peril of moral destruction.” By this clever move of affirming the pope's *direct power* in the first few paragraphs while devoting most of his attention to a discussion of the pope's *indirect power*, Suárez succeeded in outlining his own theory of the *indirect power* of the pope, while also avoiding the risk of papal censure.

By beginning this work with a psychological description of King James as an “anxious and fearful” monarch who, despite his protests to the contrary, still recognized and feared the *direct temporal power* of the pope to depose Christian kings, Suárez successfully avoided offending the Ultramontanist party. While at the same time, Suárez's additional argument for the pope's *indirect* temporal power over heathen kings also allowed him to establish one further point, namely that it did not matter whether King James was a Christian or not, for either way, the pope still had the power to depose James from his throne. For if James was a Christian, then he, like all other kings within Christendom, remained subject to the *direct temporal power* of the pope regardless of whether they be faithful Catholics kings, heretical kings or schismatic kings—this was the standard Ultramontanist position. However, Suárez went even further than this and argued that even if King James was not a Christian, then he would still be subject to the *indirect* temporal power of the pope. Whereas Bellarmine only had argued for the *indirect* temporal power of the pope within Christendom, Suárez boldly claimed that the

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113 Ibid., 701.
jurisdiction of the pope’s indirect temporal power extended over the entire world, including even the realms of heathen and pagan kingdoms. So even a heathen king whose kingdom was outside the boundaries of Christendom, and thus not subject in any way to the direct temporal power of the papacy, still could be deposed by the indirect temporal power of the papacy.\(^{114}\)

Since the King of England had succeeded in tricking so many of the Catholics living in England into taking the “Oath of Allegiance” whereby the direct temporal authority of the pope formally had been denied, it was now necessary that the indirect power of the pope rather than the direct power be used to depose the English king. As the preservation of the truth of Christianity was a matter of life and death, the deposition of a “heretical or schismatic” king was simply a matter of self-defense for Catholics living within the England. And since the pope lacked the political power necessary to directly depose the English king through armed invasion, the loyal Christian subjects living within that kingdom were now justified in taking up arms against the king as a matter of self-defense.

Nevertheless, by recommending that English Catholics rebel against King James, Suárez made it clear that he was not recommending regicide and that he disagreed with the political doctrines of Wycliffe and John Huss “who held that temporal lords lost their supremacy ipso facto, in consequence of any mortal sin whatsoever, and could be rebuked at will by their subjects, on that ground.”\(^{115}\) Rather, Suárez argued that it was only in “those cases in which the prince actually wages an offensive war against the state itself,

\(^{114}\)A full discussion of Suárez’s views on church and state can be found in Francis P. Canavan, S. J., “Subordination of the State to the Church According to Suárez,” *Theological Studies* 12 (1951): 354-64.

\(^{115}\)Suárez, *Selections from Three Works*, 707.
with the intention of destroying it and slaying great numbers of the citizens” that regicide was justifiable.\textsuperscript{116} As this was not the case in England under King James, Suárez stopped short of recommending that English citizens take up arms against King James himself, recommending only civil rebellion and civil disobedience. For even if King James was a Christian king, as he maintained, he still was a schismatic from Rome, as he himself freely admitted: “I may well be a Schismatic from Rome, but I am sure I am no Heretike.”\textsuperscript{117} As a consequence of this schism, Suárez argued that civil rebellion against King James by his subjects was justifiable.

Suárez’s response to King James’s defense of the divine right of kings doctrine was not well received in either England or France. In England, the \textit{Defensio Fidei} was burned in London at St. Paul’s Cathedral on 21 November 1613 and was “ordered to be publicly burnt even in Catholic France.”\textsuperscript{118} However, other than the public burning of his book, there was no other immediate response to Suárez’s arguments in either England or France. Within five years of its publications, its author had already reposed and King James was in the last decade of his reign.

\textit{Conclusion}

With the death of King James in 1625, Charles I Stuart—James’s son by the daughter of Henry IV of France—ascended to the English throne at twenty-five years of age.\textsuperscript{119} During the reign of Charles the political concerns of the English throne shifted

\textsuperscript{116}Ibid., 710.

\textsuperscript{117}King James, \textit{Premonition}, 124.

\textsuperscript{118}Wilenius, \textit{The Social and Political Theory of Francisco Suárez}, 85.

\textsuperscript{119}James’s eldest and first-born son, Henry, died as a young man. If Henry had lived, he would have become King Henry IX. James had devoted a good deal of time and effort in training Henry to be king, but after the death of Henry, the line of succession fell upon the younger Charles. To help prepare Henry to rule, King James wrote \textit{Basilikon Doron or His Maiesties Instrvctions to His Dearest Sonne},
from the international scene to the domestic realm, and so the controversy between the Jesuits and the King of England was never completely settled. The English Civil War (1642-1649) soon made the earlier controversies between King James and the Ultramontanists a moot point, although the views of Suárez were not much different than the views of many of those who opposed the king during the English Civil War. Earlier, King James had pointed out that the political views of the English Puritans were not substantively different than the political doctrines of the Jesuits. Indeed, as John Neville Figgis observed, “The deposing power is so vividly pictured as the essence of the Society [of Jesus] that Presbyterians (who held a very similar theory) and other Dissenters are regarded with evident bona fides as teaching all that is vital to Jesuitry.”

In the Renaissance scholasticism of the Counter-Reformation and political theory of the Protestant Reformation, the seeds were sown that later came to maturation in the social contract theory of Hobbes and Locke. And after the death of King James I in 1625, it was Sir Robert Filmer who picked up the mantle of defending the divine right of kings against these “Papist-Puritan” political theories. Filmer took some of the latent, but underdeveloped, patriarchal themes within the thought of King James I and formulated them into a full-fledged patriarchal theory of divine-right kingship. And it was Filmer’s political thought—as a continuation of the arguments of James against the Jesuits—which constituted the most formidable alternative to the social contract theory of government in the seventeenth-century English-speaking world. Thus, understanding the difference between the thought of King James and the thought of the Jesuits, the material covered in this chapter, lays a foundation for understanding the conflict between the patriarchal

*Henry the Prince*. This work was admired and praised for its wisdom even by Cardinal Bellarmine himself.

thought of Filmer and the social-contract thought of Hobbes and Locke. However, before addressing this conflict directly, some attention first must be given to Filmer himself. In the next two chapters we will examine the life and writings of Sir Robert Filmer and explore the relationship that existed between his patriarchal political thought and the religious, political and social institutions of seventeenth-century English society.
CHAPTER THREE
Sir Robert Filmer: Royalist and Anglican

According to the rule of St. Chrysostom: “God made all mankind of one man, that he might teach the world to be governed by a king, and not by a multitude.”

—Sir Robert Filmer, Patriarcha, Or The Natural Power of Kings Asserted

I hope I have delivered nothing contrary to the Doctrine of the Articles of the Church of England.

—Sir Robert Filmer, Of the Blasphemie Against the Holy Ghost

Sir Robert Filmer was the eldest surviving son in a family of eighteen children; although not much is known about his early life among his numerous siblings and cousins, we do know that most of his relatives came from the county regions of Kent and Essex along the southeastern coast of England. Filmer's own immediate family was counted among the prominent landowners of the Kent gentry. The county of Kent was one of the wealthiest regions in all of England; so wealthy, in fact, that “a yeoman of Kent [was] worth as much as a squire of a northern or western county.” The prosperity of Kent was related to its geographical and political importance relative to London, which was only a few miles to the northwest; Kent “was for strategic purpose the key area of the British Isles: it controlled the Thames Estuary, the approach to London by water, the whole of the Narrow Seas and the overland routes from the continent. Its rivers and roadways were studded with castles and strongpoints; on its hilltops were the beacon


2Sir Robert Filmer, Of the Blasphemie Against the Holy Ghost (London, 1646; UMI reprint), 21.


lights of the national system of military signals, warning the capital of threats from abroad."⁵ As the military and defensive responsibilities for England weighted heavily upon Kent, the gentry of this region had close political and social connections to the English Crown. The intellectual and religious culture of Kent also was notable as the city of Canterbury, where the Archbishop of the Anglican Church resided, was located in this region. Kent had “inherited a cosmopolitan culture from medieval times. The gateway to England with its archiepiscopal see had always been the area first influenced by the continent of Europe, and its gentry the most likely to travel abroad. The nearness of France is quite obvious. . . .”⁶ Many of the Kent gentry were historians and scholars who “came to the study of 'antiquities' with no conception of 'special interest' in some way divorced from their activities as magistrates, as electors and as members of the House of Commons. The study of history was not a 'subject', it was a direct response to their situation and grew out of an understandable interest in the rights they had to possess their own land and their concern for the complexion of the government of the day.”⁷

Sir Robert Filmer was a product of the intellectual and religious culture of Kent and of London, spending most of his adult life either in East Sutton, the location of his ancestral property in Kent, or in the Westminster region of London, where he had a town house—“in the Gatehouse of the ancient Abbey.”⁸ In 1604, at the age of seventeen or eighteen, Filmer first left East Sutton to study briefly at Trinity College, Cambridge although, like many of his generation, he never graduated. After attending university, Filmer went on to study law at Lincoln’s Inn. It is doubtful whether he actually practiced

⁵Ibid., 152.
⁶Ibid., 155.
⁷Ibid., 159-60.
law, although “he was called to the Bar eight years later.”

Overall, there was nothing unusual about this unsystematic progression of study, as it “was the normal succession of events in the training of the heir of a county notable.”

Filmer spent his early adult years around the law courts of Westminster Hall and the religious circles of Westminster Abbey. He remained single until he reached the age of thirty when he married a young lady he met through his association with Westminster Abbey, a certain Miss Anne Heton, daughter of Martin Heton, the Lord Bishop of Ely, whose diocese included the region of Cambridgeshire and the University of Cambridge. The marriage took place in St. Leonard’s Church in August of 1618. Shortly after his marriage, Filmer “was knighted by James I at Newmarket on January 24, 1618/1619.” Henceforth he was addressed as Sir Robert Filmer.

Sir Robert's marriage to Anne was also the connection by which he obtained the town house at the Gates of Westminster Abby, the couple's residence during their first years of marriage and “where six of their children were born.”

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9Ibid., 526.
10Ibid.
11Ibid.
13Peter Laslett, “Sir Robert Filmer,” 527. Until 1582, European countries used the Julian Calendar of Julius Caesar. In that year, Pope Gregory XIII ordered a calendar reform. Most Catholic countries in Europe adopted the new Gregorian calendar in 1582, but England continued to use the older Julian calendar until 1752. Thus, between 1582 and 1752 dates were recorded either New Style (NS) or Old Style (OS). In addition to a two-week gap between the calendars, for the Julian calendar the first day of the year was the 25th of March. Thus January 1543 (Julian) was actually January 1544 (Gregorian). Due to the confusion, England and her colonies recorded two years for the period between January 1st and March 25th. In 1750, Parliament declared that the Julian dating would be ended in 1752. The day after 2 September 1752 was called 14 September 1752 and the first day of the year became 1 January rather than March 25th. The resistance to the calendar reform of Pope Gregory XIII was often coupled with an appeal to Daniel 7:25: “And he shall speak words against the Most High, and shall wear out the saints of the Most High, and shall think to change times and law”—a not so subtle association of the pope with the Anti-Christ.

Anglican bishop of Ely, had died when she was a small child, but left her with a “handsome settlement” that she inherited as a dowry upon her marriage to Filmer. In the first five years of their marriage, Anne would bear four children and “the speedy arrival of their first child who was baptized in February 1620, would seem to rule out the theory that Filmer wed a child bride.” The Filmers lived in Westminster until 1629 when, upon the death of Filmer's father and Sir Robert's inheritance of the family estate, they moved back to his ancestral home in Kent. When Filmer became the head of the East Sutton household, he was forty-one years old and his younger brother, Henry, as well as a number of his other siblings remained dependent upon him. The first decade of country life was prosperous and peaceful and it was during this time that Filmer wrote a number of socio-political and economic treatises which he circulated privately among his friends for their review and criticism.

By the time of the English Civil War (1642-1651), Sir Robert was in his mid-fifties and not in the best of health. Although not an active participant in any of the armed conflicts of the Civil War, Filmer's royalist sympathies were widely known due to his writings, and in 1643 he was arrested and “imprisoned for at least eighteen months in nearby Leeds Castle.” During this imprisonment, his wife “took charge of the sizable
estate which was repeatedly raided by Parliamentary troops and is said to have sustained heavy loses.”

This was nothing unusual as “during the Civil War there were numerous accounts of women running large estates single-handedly and conducting business affairs.

. . .” His wife Anne was “a much-loved member of the Filmer family” and “from the excerpts published concerning the actions of the Parliamentary forces, she gives the impression of a resolute woman, not easily intimidated by marauding troops.”

Sir Robert and Dame Anne were married for thirty-five years, and after her husband's death in 1653, Anne lived for another eighteen years surviving “most of her children.”

The English Civil War

The mid-seventeenth century was a time when the ancient religious and political traditions of English society increasingly were coming under attack from various quarters. In the political realm, the long-established monarchical principle of government was being challenged by the militant Parliamentary forces of Oliver Cromwell. In the religious realm, the traditional doctrines and practices of the Anglican Church (with its roots in ancient traditions of Anglo-Celtic Christianity) was being criticized by Puritans and other separatist religious dissenters. In general, the pro-Parliamentary political forces tended to side with the religious dissenters of Puritanism and separatism whereas the Royalist political forces tended to side with the pro-establishment supporters of the Anglican Church. These political and religious conflicts, although both coming to a head in the mid-seventeenth century during the period of the English Civil War, nevertheless

18Ibid.
19Ibid., 143.
20Ibid., 141-42.
21Ibid., 141.
remained distinct conflicts which, over the years, slowly evolved into different forms. After the Civil War, during the period of the Commonwealth and the reign of Cromwell, the political “conflict between Parliament and Crown was . . . transformed into an unresolved conflict between Parliament and Lord Protector,”22 whereas, the religious “conflict between Puritanism and Anglicanism was . . . transformed into an unresolved conflict between congregational liberty of conscience and a national church.”23

Although closely related conflicts, the fact that these conflicts remained distinct can be demonstrated by pointing out that all those who politically opposed the king and the Royalists were not necessarily supporters of the religious agendas of the Puritans and separatists. For instance, many of those who initially supported Cromwell's army were Scottish Presbyterians, who strongly opposed the congregational ecclesiology of the English Puritans. Politically, the Presbyterians favored monarchical rule, but wanted a limited and constitutional monarchy rather than an absolutist monarchy. The Presbyterians had turned against the king, not for political reasons, but rather for religious reasons when, a few years prior to the English Civil War, Charles I had attempted unsuccessfully to impose the English liturgy in Scotland with the increased resentment of the Scots and the destructive Bishops' Wars (1639-40) being the only lasting result.24 However, despite their resistance to these English ecclesiastical reforms, Scottish Presbyterians, unlike English Puritans, were not in principle opposed to monarchical rule.


23Ibid.

24“When a new prayer book designed upon Anglican lines was introduced there was a riot in St. Giles's Cathedral in Edinburgh, and a bishop suspected of concealing a crucifix beneath his vestments was chased through the streets by a mob of three hundred angry women. A representative of the King's Government in Edinburgh, who ran to the bishop's assistance and was himself attacked, reported to London that the King must choose between abandoning his prayer book and forcing it down the Presbyterians' throats with the help of a well-equipped army of forty thousand men.” Christopher Hibbert, Cavaliers and Roundheads: The English at War, 1642-1649 (London: HarperCollins, 1993), 19.
Realizing this to be the case, when the Civil War was reaching its conclusion, King Charles I decided to surrender himself to the more sympathetic Scottish forces thinking that he would be safer in the hands of the Presbyterians than in the hands of Cromwell and his army of English Puritans. Although this was certainly true, after negotiations the Scots eventually agreed to turn Charles over to Cromwell, although later they deeply regretted this decision as they felt Cromwell had gone too far by executing the king.25

After the death of King Charles whereupon Cromwell was firmly in power, many Scottish Presbyterians switched their allegiance back to the Royalist camp, finding themselves in more political sympathy, if not religious sympathy, with the Royalist Anglicans than with the congregationalist English Puritans. In addition to favoring monarchical rule, both Presbyterians and Anglicans also were suspicious of the Puritan and separatist idea of “liberty of conscience” and, unlike the Puritans and separatists, Anglicans and Presbyterians both supported the idea of having a national church.26

The Kent Gentry and the Colony of Virginia

Sir Robert Filmer was both a Royalist and an Anglican. As the Parliamentary forces of Cromwell were firmly entrenched in London, the proximity of Kent to London soon became a source of woe for many of the Royalists living in that adjacent county. Many of the wealthy Kent gentry, including the Filmers, suffered a number of hardships

25“The House declared that a King who prosecuted such a war against his subjects was guilty of treason. This was more than many, even of the King’s opponents, could stomach. The Presbyterians, their voice in Parliament stilled by Colonel Pride, were strongly opposed to the trial.” Hibbert, Cavaliers and Roundheads, 281.

26An excellent compilation of primary source documents related to Puritan political thought is the book, Puritan Political Ideas, 1558-1794, ed. Edmund S. Morgan (New York: Bobbs-Merrill Company, 1965). In 1649, the Scottish Presbyterian divine, Samuel Rutherford, wrote A Free Disputation against Pretended Liberty of Conscience (contra Roger Williams). This text is as good as any in outlining the basic scriptural arguments of the Presbyterians over against the views of the English Puritans and other religious dissenters. Rutherford is also the author of Lex Rex, a classic defense of placing constitutional limitations upon the power of civil magistrates.
during the Civil War. Due to his poor health and landholding responsibilities in Kent, relocating to a safer region was simply not a viable option for Filmer himself; however, some of the younger members of Filmer's family did opt for geographical relocation. In 1642, a year before Sir Robert's imprisonment, his younger brother Henry sailed to America and took up land in the colony Virginia where a number of other Kent gentry had already relocated, among them a relative of Filmer, John Filmer, who “died intestate in the colony in 1623.”

Over the years, the connection between the gentry of Kent and the Virginia colony grew stronger; a number of Filmer's own “sisters married into the Kentish county families and became the ultimate great aunts and great grandmothers of many of the dynasties of the Old South.”

The English Civil War was not the only reason for the migration of many of the younger sons of wealthy English families to the colony of Virginia. In addition to escaping the social and political turmoil that plagued England during the mid-seventeenth century, the younger sons of many English noblemen often relocated to America due to the English law of primogeniture which limited the inheritance of property to a father's eldest son. Whereas daughters received a dowry upon marriage as their inheritance and thereafter would live on their husband’s property, younger sons, if they wanted to establish an estate of their own would either have to use their inheritance to buy a settled property or move away to an unsettled area. By the seventeenth century, free land in England was a scarce and expensive commodity and thus many of the younger sons of noble families chose to relocate to the American colonies, especially Virginia—the oldest, wealthiest, and most gentrified of all the colonies. “The great majority of

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Virginia’s upper elite came from families in the upper ranks of English society. Of 152 Virginians who held top offices in the late-seventeenth and early-eighteenth centuries, at least sixteen were connected to aristocratic families, and 101 were the sons of baronets, knights, and the rural gentry of England. . . . Only eighteen were the sons of yeomen, traders, mariners, artisans, or "plebs."  

Unlike his younger brother, Robert Filmer had little to gain and much to lose by relocating to the America colonies. As an eldest son, by law of primogeniture Sir Robert Filmer had inherited his father’s estate and, like many other eldest sons of landowning gentry, he remained in England. Because so many younger sons of the English gentry had used a portion of their inheritance to relocate to the American colonies, over the years, strong connections had developed between the English gentry and the American colonies. These connections were not only familial, but also political and religious. The wealthier families were often Anglican Royalists and thus tended to favor the Virginia colony which was, in contrast to the Puritan stronghold of Massachusetts, politically pro-royalist and religiously pro-Anglican. Indeed, many Royalists migrated to the Virginia colony at the conclusion of the English Civil War. So many, in fact, that they were collectively referred to as “Virginia Cavaliers” as a number of them had served in the king’s army. After losing the war, royalist sympathizers often found that it was easier to be loyal supporters of the king from afar than under the rule of Cromwell and the Puritans in England.  

As most of the Virginian Royalists were also committed high-church Anglicans, they had little sympathy with the Puritanism of Cromwell or of the


30William A. Caruthers, *Cavaliers of Virginia* (New York: Harper & Brothers, 1968). The Cavalier is the mascot of the University of Virginia. When Charles II eventually ascended to the British throne, he fondly referred to Virginia as his “Old Dominion” from which Old Dominion University in Norfolk, Virginia derives its name.
Massachusetts colony. Consequently, when deciding where to relocate, if given a choice between the two oldest and most established colonies, Virginia and Massachusetts, the former was the natural choice. As these early Virginia settlers often came from the wealthier regions of England, especially the prosperous county of Kent, they often were familiar with and sympathetic to the pro-Anglican and pro-Royalist political writings of Sir Robert Filmer.

The roots of the bitter and bloody conflict between Puritanism and Anglicanism, a conflict that erupted during the English Civil War and also helped to shape the geographical settlement of the American colonies, is essential to understand as it provided the context for the development of Filmer's patriarchal political thought. However, an adequate understanding of this conflict between Anglicanism and Puritanism can only be achieved within a discussion of the established political and religious institutions of seventeenth-century Stuart England. Under the Stuart monarchy, especially during the reign of King James I and his son, Charles I, the Anglican Church flourished. Robert Filmer was a product of this Anglican religious culture of Stuart England and the influence of Anglican theology and Anglican modes of thought are evident in Filmer's political writings.

_The Anglicanism Establishment and Sir Robert Filmer_

As a native of the pro-royalist gentry of Kent and having an ancestral home in the town of East Sutton, only twelve miles to the southwest of Canterbury, it is not surprising

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32The close connections between the Filmer family, Royalists, and the colony of Virginia will be addressed more in chapter seven. These connections are both interesting and remarkable, but a full discussion of them must wait until a later chapter.
that Filmer had strong sympathies for the Anglican Church. Indeed, one of Robert Filmer’s closest friends was the English poet and Anglican priest, George Herbert (1593-1633). Herbert, who was five years younger than Filmer, is still remembered to this day for his remarkable religious poetry. Archbishop William Laud, the mastermind behind the Anglican ecclesiastical reforms that so irritated the Puritans, often praised Herbert's religious poetry as exemplifying the best of High Church Anglican spirituality. Herbert's mentor was John Donne, another well-known English poet who was also an Anglican priest. Although rarely mentioned, Donne's first published work was entitled *Pseudo-Martyr* (1610) and was not a work of religious poetry or even of literature, but rather a sophisticated philosophical defense of King James’s *Oath of Allegiance*. As the title itself indicates, Donne argued that many English Catholics who were considered to be martyrs, such as Thomas More, were not true martyrs but rather pseudo-martyrs (falsely so-called martyrs) as they had died for spuriously political reasons rather than true spiritual ones. The following year, Donne wrote another political treatise, *Ignatius his Conclave* (1611), in which he “vehemently attacked the Jesuits.” It was John Donne, after the death of King James in 1625, who preached “the first sermon heard by Charles after his accession to the throne.”

John Donne was a mentor to George Herbert not only in the realm of religious poetry, but also in area of politics. Like Donne, George Herbert's first publication was not a work of religious poetry, but rather a collection of Latin verses that memorialized Prince Henry, the eldest son of King James I and heir to the throne, who had died in 1612.

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35 Ibid., 19.
at the age of eighteen.\textsuperscript{36} Herbert so admired the political leadership of King James that he even postponed his ordination to the priesthood for a year in order to serve the king as a Parliamentary representative from Montgomeryshire.\textsuperscript{37} “Herbert was drawn toward service in London because he was a man of peace and saw in the King a like-minded monarchy. One of the facts that James was proudest of was that he had kept England at peace throughout his reign.”\textsuperscript{38} Herbert thought, at first, that he could be more effective as a member of Parliament than as a priest; however, he “became so disillusioned during the Parliament of 1624 with the possibility for pursuing Christian life through lay involvement in government that he sought ordination because active participation in the life of the Church of England seemed to him the only way still open for furthering the moral reformation of English society.”\textsuperscript{39} For Herbert, the political problems in England were not primarily the fault of the king, but rather of the parliament. Herbert's persistent loyalty and devotion to King James was most evident in his \textit{Musae Responsoriae}, a work “defending the use of the Book of Common Prayer against Puritan attack” and praising King James “as a great shepherd of his flock who had kept England and her Church on the true middle way.”\textsuperscript{40}

\textsuperscript{36} The religious and political support for the Stuart Monarchy during the seventeenth century is often underestimated. The reason for this has to do with the fact that supporters of the Stuart Monarchy often wrote in Latin whereas opponents more often wrote in English. Contemporary English literature textbooks do not include Latin poetry and modern scholars have less knowledge of Latin than scholars of previous ages. The “religious culture [of the Stuart period] is less accessible for the modern scholar because of James' emphasis on the written word, rather than visual symbolism, and the neo-Latin vehicle of so much of this written culture. Our relative ignorance of neo-Latin writings has cut us off from a good part of the higher culture of the time. . . .” James Doelman, \textit{King James I and the Religious Culture of England} (Cambridge, England: D.S. Brewer, 2000), 3


\textsuperscript{38} Ibid., 21.

\textsuperscript{39} Ibid., 12.

\textsuperscript{40} Ibid., 22.
Although the first published works of both Donne and Herbert were political tracts, in later life they devoted the majority of their time to clerical duties and to writing religious literature. The reverse was the case for George Herbert's life-long friend, Sir Robert Filmer. In later life, Filmer concentrated his own intellectual efforts on the important political and economic issues of the day.\footnote{Filmer's most important contribution to economic thought was an essay he wrote on usury entitled \textit{Quaestio Quodlibetica; Or a Discourse whether it may be Lawful to take Use for Money} (1653). This work does not concern Filmer's political thought, so it is not addressed in this dissertation; however, it was reprinted in \textit{The Usury Debate in the Seventeenth Century: Three Arguments} (New York: Arno Press, 1972). The Jesuits, especially the Spanish Jesuits, had argued that usury (or charging interest on lending money) was allowable. Calvin also had argued the same. In response, some English thinkers argued that usury was sinful and always prohibited by Scripture. Filmer takes a middle ground position, arguing that although usury was not universally prohibited and was allowable in certain cases, it should not be used to exploit the poor or to amass wealth at the expense of one's own virtue.}

However, in his younger days, Filmer's first published work was a short pamphlet entitled “Of the Blasphemy Against the Holy-Ghost” in which he criticized both the Papal and Calvinist identification of the unforgivable sin with theological error. It was here in this work that Filmer's whole-hearted dedication to traditional Anglicanism was first made known to the world. Filmer argued from scriptural texts to demonstrate that in Scripture the sin of “blasphemy against the Holy Spirit” only was used in reference to those who attributed the miracles that Christ performed by the power of the Holy Spirit to the power of the devil and never to anything else. Consequently, this “unforgivable sin” was not a simple matter of doctrinal or moral error, but rather of knowingly and self-consciously attributing the work of the Holy Spirit to the power of the devil. In the absence of Christ’s physical presence on the earth after the Ascension, Filmer argued that this sin was now extremely difficult, if not impossible, to accurately identify and, thus, should not be used by either Puritans or Jesuits as a means of accusing those who held differing theological opinions.

In order to convince his readers that he was standing firmly within the traditional interpretation of the church on this matter of the “unforgivable sin,” Filmer supported his
argument with numerous quotations from “Saint Ambrose, Saint Chrysostom, Saint Jerome, and other Fathers.” In the concluding sentence of this work, Filmer also self-consciously identified his interpretation with the traditional position of the Anglican Church: “I hope I have delivered nothing contrary to the Doctrine of the Articles of the Church of England.” In this first of his published works, Filmer’s goal was to convince his readers than it was the Puritans and the Jesuits who had departed from the ancient traditions of the Christian church, rather than Anglicans like himself.

Filmer, Donne, and Herbert, like most of the Royalists in Stuart England, also supported the traditional Anglican position on church-state relations. Prior to the Civil War and the Glorious Revolution of 1688, this traditional Anglican position was still plausible and reasonable to maintain. It was simply the view that maintained that all Englishmen should be obedient subjects of the king in temporal affairs. In his defense of this traditional view of Royal authority, Filmer's political thought offered no original arguments. As Peter Laslett observes,

There is not a trace of originality in the use [Filmer] made of the familiar Biblical texts—the statement about the inscription on Caesar’s penny, the directions about submission to the “Higher Powers” in the battle-scarred thirteenth chapter of the Romans and the Epistles of St. Peter. All these arguments could be paralleled in scores of writers in sixteenth-century France or in seventeenth-century England, in Heywood, Barclay, Overall, James I, Manwaring and so on.

On most matters whether theological or political, Filmer self-consciously sought to remain faithful to both the English crown and traditional Anglican theology. However, in

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42Sir Robert Filmer, Of the Blasphemie Against the Holy Ghost, 8.
43Ibid., 21.
44Filmer also pointed out that Suarez traced the roots of the “patriarchal theory” back to the views of Chrysostom: “According to the rule St. Chrysostom: ‘God made all mankind of one man, that he might teach the world to be government by a king, and not by a multitude.’” Filmer, Patriarcha, 14.
order to understand Filmer's reasons for supporting the English monarchy and the Anglican Church, some background on the historical development of the Anglicanism is necessary.

*The Origins of the Church of England*

King Henry VIII (1491-1547) was the second son of Henry VII and so it was his older brother, Arthur, who was to be the next king. Arthur was born in September of 1486 and at the age of fifteen, in November of 1501, was betrothed to Catherine of Aragon. As Catherine was the daughter of Isabella and Ferdinand, the king and queen of Spain, the marriage between her and Arthur had important political implications. Unfortunately, in April of 1502, less than five months after the betrothal and before the marriage had taken place, Arthur died. As a result, the inheritance of the English throne passed from Arthur to his younger brother, Henry. The question remained, however, of what to do with Arthur's widow, Catherine, who at the time was only sixteen years of age. Since at the time of Arthur's death, Henry was only ten years old, six years younger than Catherine, the obvious plan was to have Henry marry the widowed Spanish princess when he came of age. However, first a dispensation from the pope was needed to get around the canonical degree that prohibited marriage between a man and his brother’s widow. After this dispensation was obtained, the marriage took place when Catherine was

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46 Betrothal, or what is called engagement, is, according to the laws, a pledge and promise to marry in the future with an agreement both of the parties betrothed and of their parents. . . . A legal and true betrothal must be accompanied with the ceremony of solemnization in church, when the husband if fourteen years old and the wife thirteen . . . an engagement made in such fashion, though inferior to a wedding, as it is accounted nearly equal to a complete wedding, and those who have become engaged in such a fashion, if their fiancée should die, and they are about to become priests, they may not marry any other woman. . . . Laymen, on the other hand, are forbidden to marry a cousin or any other person related to their fiancée.” English translation in The Rudder (Pedalion): Sacred and Divine Canons (Chicago: Orthodox Christian Educational Society, 1957), 998.
twenty-three and Henry was seventeen, in March of 1509, the same year Henry became King Henry VIII of England.

In 1521, twelve years after his ascension to the English throne, Pope Leo X bestowed upon Henry VIII the title “Defender of the Faith” for writing the *Assertio Septem Sacramentorum*, a work that defended the Sacraments of the church against the Protestant objections of the Lutherans. However, the good relationship between the King of England and the papacy was not destined to last. Thirteen years later, in 1534, an ecclesiastical schism between the Church of England and Rome occurred when Pope Leo's successor, Pope Clement VII, refused to grant Henry's request for an annulment for his marriage to Catherine. In response to the pope’s refusal to grant his request, Henry immediately issued three official documents: the *Act of Submission of the Clergy*, the *Act of Succession* and the *Act of Supremacy*. These three documents unquestionably, when taken together, unequivocally established the King of England as “the only supreme head of the Church of England called Anglicana Ecclesia.” As a result of this ecclesiastical schism, the Catholic clergy living in England were forced to make a difficult decision between their allegiance to the pope and to the king. One of the casualties of this schism was Sir Thomas More, who sided with the pope rather than with the king in regard to a number of important matters, and as a result was executed for treason the following year.

*The Anglican Church: Protestant or Catholic?*

As the schism between Roman Catholicism and the Anglican Church originally was motivated by political rather than theological reasons, the Church of England often was viewed as a half-way house between Protestantism and Catholicism. For Luther and

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Protestantism as a whole, the ecclesiastical separation from the Roman Catholic Church was justified on theological grounds; consequently, the political aspects of Reformation were seen as a derivative from the theological truths for which the Reformation stood or, at least, this was how the Reformation was viewed by Protestant Reformers themselves. Catholics, on the other hand, tended to view the Reformation as primarily a political movement arguing that the theological “truths” of Protestantism were only a thin veil covering political self-interest. Consequently, this made the Anglican Church difficult to classify. As the formation of the Anglican Church was the result of a political schism rather than a fundamental rejection of Catholic theology, Protestants generally thought the Anglican Church was as theologically suspect as Catholicism. On the other hand, Catholics, who tended to view Protestantism as a collection of various political agendas hidden by a thin veil of theological principles, often viewed the Anglican Church as just another type of Protestantism.

In their repudiation of the Roman efforts to cover her dogmatic innovations under the authority of tradition . . . the Anglicans stood with the Protestants; but on the other side they departed from the Reformers of the Continent and from the Puritans at home in their rejection of what they regarded as an illegitimate extension of Scriptural authority. . . . The true thread of continuity, the Anglicans held, was broken either by superimposing new and disputable dogmas upon the divine revelation after the manner of Rome, or by disallowing due weight in the practical sphere of religion to the wisdom of accumulated human experience after the manner of Geneva.

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48This was especially true of the Puritans who “had developed in a very special way the hatred of Rome. The hatred was in some degree common to both Puritan and Anglican. But whereas the latter confined his hatred to those things in which the Roman Church was corrupt and superstitious, the former extended it to everything the Papists did, and would not entertain the possibility of the Roman Church even by accident doing anything right. The Anglican would condemn a thing that was Roman because he thought it was wrong; the Puritan would condemn it as wrong simply because it was Roman.” E. C. E. Bourne, The Anglicanism of William Laud (London: Society for Promoting Christian Knowledge. 1947), 38.

This confusion over whether the Church of England was a Protestant or Catholic church existed even within the English church herself as Anglicans often referred to themselves as either “Anglo-Catholics” or “Protestants” depending on the theological context and the person whom they were addressing. Thus the reasoning, according to Bourne that, “Archbishop Laud [was] accused by the Roman Catholics of being a Protestant, and by the Protestants of being a Papist, whereas in fact he was an Anglican, which is something distinct from both.”

The Anglican Church was the church of King James I and the historical development and theological particularities of Anglicanism help to explain why James often found himself in opposition to both Protestants and Catholics. By the time James ascended to the throne in 1603, enough time had passed for the Church of England to work out an elaborate theological justification for her own existence. Many Anglican theologians of the seventeenth century viewed Catholics and Protestants as merely different sides of the same theological coin arguing that both groups, by their introduction of novelties, had departed significantly from the ancient practices of the “Primitive Church” and the early traditions of Christendom. By the seventeenth century there were a number of theological distinctives that separated Anglicanism from Roman Catholicism; however, as the Protestant commitment to sola scriptura was not one of these, the Anglican Church could not easily be classified as a Protestant church either.

By attempting to ground theology in tradition, while avoiding the “errors” of both Catholicism and Protestantism, Anglican theologians of the sixteenth and seventeenth centuries often looked back to the ancient traditions of the “Primitive Church” that

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51In Anglicanism, apostolic episcopal authority is just as important as scriptural authority, as the former is the basis of the latter.
existed prior to the introduction of “papist innovations” and the subsequent Protestant rejection of these Catholic innovations. A careful investigation of early patristic sources led many Anglican theologians to come to some of the same conclusions Orthodox theologians of the Eastern Church who had opposed the theological innovations of Rome during earlier centuries, an opposition that ultimately resulted in the Great Schism between Eastern and Western Christendom in 1054. To this day, more conservative Anglicans sometimes refer to the Anglican Church as the Orthodox Church of the West, hoping to thereby further distinguish Anglicanism from both Catholicism and Protestantism. However, in order to understand exactly what separates the Anglican Church from both Catholicism and Protestantism, some knowledge of Anglican theology and the hermeneutics of Richard Hooker is necessary, as Hooker's thought is not only one of the best sources, but represents the most comprehensive and exhaustive summaries of Anglican political and theological thought in the early-seventeenth century.

The Anglican Theologian: Richard Hooker (1554-1600)

The late-sixteenth and early-seventeenth centuries, roughly beginning with the publication of Richard Hooker’s *Of the Laws of Ecclesiastical Polity* (1593) and extending to the Glorious Revolution of 1688 was the historical high-water mark of

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52Patrick McCauley, “Why Would an Episcopalian Become Orthodox?” in *An Introduction to Western Rite Orthodoxy*, ed. Michael Trigg (Ben Lomond, CA: Conciliar Press, 1993). “The stubborn adherence of the Anglicans to the episcopal constitution of the Church; the care which they took to preserve tactual succession; . . . the persistent feeling of continuity with the pre-Reformation Church; the persistent tendency to appeal to the Fathers and to turn them against Rome, where the Protestant world ignores them or lumps them together with Rome under one condemnation; . . . the fact that those in seventeenth-century England who really did conform to Protestant standards of doctrine found it impossible to remain in the Church of England—there are the facts on which the High Church interpretation of Anglicanism rest.” H. A. Hodges, *Anglicanism and Orthodoxy* (London: SCM Press, 1955): 24. As the Orthodox Churches are divided into ethnic groups (e.g., Greek, Russian, Bulgarian, etc.) it seems appropriate that the Orthodox church of the Anglo-Saxons would be called the Anglican Church.
Anglican theology. Hooker's *Laws of Ecclesiastical Polity* was largely a response to the Puritan attempt to reform the Church of England along the lines of the model used by Calvin in Geneva. In this work, Hooker used the Latin term *via media* to describe the Anglican position as a “middle way” between the Protestantism and Catholicism. The erudition of Hooker was so vast that he managed to win the respect of even many whom he opposed. Pope Clement VIII, when asked about Hooker’s writings, remarked that “there is in them such seeds of eternity that . . . they shall last till the last fire shall consume all learning.” Even John Locke, who came from a Puritan family, quoted favorably from Hooker on numerous occasions.

Catholics and Protestants, however, on the whole were never as entirely comfortable with Hooker as were Anglicans. Hooker was once taken to task by Puritans, for instance, when he said that he looked forward to seeing many of his Catholic friends in heaven. Outraged by Hooker's inclusion of Catholics in paradise, these Puritans went to great efforts to make their indignation known. In response, Hooker gave a sermon entitled “A Learned discourse of Justification” in which he argued, “God is no captious sophister, eager to trip us up whenever we say amiss, but a courteous tutor, ready to amend what, in our weakness or our ignorance, we say ill, and to make the most of what

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53 Technically the Glorious Revolution occurred in 1689, as William and Mary of Orange became King William III and Queen Mary II of England on Wednesday, February 13, 1688 (OS) or Wednesday, February 23, 1689 (NS).


55 Locke’s quotations from Hooker, however, are often out of context and tend to make Hooker appear to advocate a position that he would have, in fact, opposed. On the subversive nature of Locke’s quotations of Hooker, see Richard H. Cox, *Locke on War and Peace* (Oxford, England: Clarendon Press, 1960).
we say aright.”56 In this sermon, Hooker made it clear that although he believed Catholics were in error concerning their doctrine of justification—thus acknowledging his agreement with Puritan theology on this point—he did not believe that this type of doctrinal error, in and of itself, was sufficient to warrant the eternal damnation of Catholics. For his refusal to polarize issues and his continual attempts to bring both Protestants and Catholics together along the line of a *via media* in both a spirit of humility and charity, he was often simply referred to as “the judicious Hooker.”57

In many ways, Hooker became for Anglicanism what Calvin was to Calvinism and Luther was to Lutheranism. Unlike Calvin and Luther, however, Richard Hooker never attempted to construct a systematic theology, but rather spent most of his labors trying to find a way to reconcile both Catholics and Protestants to the middle ground position of Anglicanism. Accordingly, Hooker’s theological writings were not original in the same way as either Calvin's or Luther’s exegesis of scripture was original. Hooker sought neither to “reform” Christian theology along the lines of the Protestant Reformation nor to “transform and modernize” the ancient traditions and practices of the church as did the Counter-Reformation. Hooker relied neither upon the Protestant hermeneutic of *sola scriptura* or the rationalistic hermeneutic of Counter-Reformation


57“Hooker's influence was to grow, not diminish, as the century passed and as the Church of England became increasing inclined to present itself as a *via media* between Protestantism and Catholicism, rather than as a Reformed church comparable to other Protestant churches. In Hooker's view most of the arguments of the Puritans were concerned with matters which were not essential to salvation—*adiaphora*—and people should be willing to put disagreements on such matters aside for the sake of unity within the national church.” David Wootton, ed. *Divine Right and Democracy: An Anthology of Political Writings in Stuart England* (Indianapolis, IN: Hackett Publishing, 2003), 64.
scholasticism. Quoting equally from both church tradition and scripture, Hooker used reason as a means of reconciling these two authorities when they appeared to conflict. The emphasis on Tradition, Scripture and Reason is often referred to as the “Three-Legged Stool” of Anglicanism, and it is Hooker who was most responsible for the development of this hermeneutical approach.

The Anglican Hermeneutic: Tradition, Scripture, and Reason

Unlike the confused and enervated Anglican theology of later centuries, sixteenth and seventeenth-century Anglicanism was an extremely self-conscious and energetic theological movement, especially when it came to the defense of its own doctrinal particularities. Anglican theologians, as a whole, considered themselves to be a part of a theological tradition that was opposed to both the rationalism of the Catholic Counter-Reformation and the fideism of the Protestant Reformation. For seventeenth-century Anglican theologians, reason alone was not sufficient for theological argumentation, for theology, like many other intellectual disciplines, rested on certain a priori or axiomatic presuppositions that were not themselves subject to rational investigation. These presuppositions were matters of faith, but as these presuppositions were necessary to the

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59In the next century, John Wesley (1703-1791) in his reform of the Anglican Church would add another feature to Hooker’s triadic hermeneutic: experience. Thus, the origin of the Wesleyan Quadrilateral: scripture, reason, tradition, and experience. However, in the seventeenth century, when Hooker was writing, tradition still was viewed as the distilled experience of multiple generations. Seventeenth-century Anglicanism was still solidifying and strengthening her own “traditions” against the innovations of both Rome and the Puritans and thus “tradition” was thought of as the ancient experiences and practices of the Primitive Church. For Hooker, tradition was understood to be the same as the Greek word παράδοσις, used by Paul in 2 Thessalonians 3:6: “Therefore, brethren, stand fast, and hold the traditions which ye have been taught, whether by word or our epistle.” Tradition was passed down not only by written epistle and scripture, but also by word of mouth. However, a hundred years after Hooker, during the time of John Wesley, Anglican “tradition” was no longer understood as an attempt to reconnect with the living experience of the ancient church, so Wesley added “experience” to the hermeneutic to make up for the loss.
proper functioning of theological discourse they were not arbitrary or fideistic. Although not provable from within the hermeneutical framework of the discipline of theology itself, these presuppositions were nonetheless necessary as theological discussion was impossible without them. A firm belief in the divine authority of scripture was to a theologian analogous to what the belief in causation or “cause and effect” was to the scientist. Just as a scientist was unable to prove causation from within the limits of his own scientific discipline, but simply must assume its existence in order to do his scientific work, so a theologian could not “prove” the divine authority of scripture, but simply must assume it, in order to do his theological work. As Hooker so aptly described the situation:

First, then, I shall desire the reader to consider, that every rational science requires some principles quite without its own limits, which are not proved in that science, but presupposed. Thus rhetoric presupposes grammar, and music, arithmetic. Therefore it is most reasonable that Theology should be allowed to have some principles also, which she proves not, but presupposes. And the chiefest of these is, that the Scriptures are of Divine authority.

Within any intellectual discipline, whether scientific or theological, proper presuppositions or assumptions can be distinguished from improper ones only by becoming familiar with the accepted practices and traditions of that discipline—traditions that have been passed down from older masters to their young apprentices, from teachers...
to their students. Theology, like science, medicine or law was an intellectual discipline that needed to be grounded in tradition and experience, rather than in abstract reason alone. In all of these practical disciplines, reason alone was an insufficient guide and needed to be augmented by experience, especially the time-tested experience passed down through the ages and distilled into the various traditions associated with each of these disciplines. Just as a good lawyer was well-practiced in the traditions of law and a good doctor must be well-practiced in the traditions of medicine, a good theologian was one who was familiar with the traditions of the church. Anglican theologians of the seventeenth century viewed themselves more like doctors or lawyers than mathematicians. In order to be a good mathematician one did not necessarily need a great deal of experience, but only needed to be good at manipulating abstract theoretical principles. However, a good theologian needed both wisdom and discernment in order to do his work, two character traits which are commonly gained through much patience and experience rather than by brilliant flashes of abstract reasoning.62 By this insistence on the important role of tradition and experience, especially as these traditions were passed down in the form of the liturgy and sacraments of the Church, seventeenth-century Anglican theologians, such as Richard Hooker, distinguished the Anglican hermeneutic from the more abstract foundations of sola scriptura Protestantism as well as the more rationalistic theology of Counter-Reformation scholasticism.63

62This is also the reason that the greatest mathematicians and physicists are often in their twenties or thirties whereas the greatest doctors, lawyers, and historians are usually in their sixty and seventies.

63“If the Christianity of the Middle Ages is called monastic-ascetic Christianity, then the Christianity of today could be called professorial-scholarly Christianity. . . . The professor! This man is not mentioned in the New Testament, for which one sees in the first place that Christianity came into the world without professors. Anyone with any eye for Christianity will certainly see that no one is as qualified to smuggle Christianity out of the world as “the professor” is, because the professor shifts the whole viewpoint of Christianity.” Kierkegaard, Judge for Yourself (Princeton, NJ: Princeton University Press, 1990), 194-95.
Hermeneutics was not the only difference that separated Anglicanism from Protestantism and Catholicism. Anglicanism also sought to maintain an important balance between the ecclesiastical authority of bishops and temporal authority of kings as both were considered to be essential to the proper functioning of a Christian commonwealth. The Church of England during the early-seventeenth century was wholeheartedly committed to the preservation of the respective political and ecclesiastical prerogatives of bishops and kings. During this historical period, it was King James I (1566-1625), his son King Charles I (1600-1649), and Archbishop William Laud (1573-1645) who occupied these offices. All three of these men were committed firmly to Anglican understanding of the relationship that should exist between ecclesiastical and civil authorities. On this point, the Anglican understanding was distinctly different than the Protestant or Catholic understanding of church-state relations. Indeed, one of the fundamental features of Anglicanism that distinguishes it from Protestantism and Catholicism is its understanding of the indispensable role that bishops and kings play within a Christian society.

In his arguments with Calvinists in Scotland who opposed the right of bishops to rule the Scottish Kirk as well as in latter disagreements with the English Puritans, King James I often responded by saying, “No Bishop, No King,” as this phrase aptly summarized James's view that the elimination of bishops in the church was the same as the elimination of kings in the realm of civil authority. For king and bishop were a mirror image of each other, one ruling in the civil realm and the other ruling in the ecclesiastical realm.\footnote{In the light of subsequent history, who shall say that [James] was wrong? 'No Bishop, no King, no nobility' proved true: monarchy and the House of Lords were abolished in 1649, three years after}
The Puritans met James I on his way from Scotland to London in April 1603, with the “Millenary Petition.” . . . It made no sweeping demands for a Presbyterian ministry, but merely set forth the stock objections to the Book of Common Prayer, attacking such things as the Cross at Baptism, the Ring in Matrimony, Lessons from Apocrypha, and the wearing of the surplice. At first James was sympathetic. But when the University of Oxford successfully brought to his notice that the framers of the Petition were men who wished to limit the power of the Monarchy, the King’s sympathies moved towards the anti-Puritan view. . . . It at once became clear, however, that the ceremonial demands of the Puritans were only a cloak for introducing into England Presbyterian government. This discovery very quickly alienated James from the Puritan cause, and he delivered a sermon on his favorite text, “No Bishop, no King,” in the course of which he stated, “A Scottish Presbytery . . . as well as agreeth with a monarchy as God and the devil.”

In many ways, King James's understanding of the reciprocal relationship that existed between the office of the bishop and the office of the king was what made it possible for him to so greatly influence the religious culture of seventeenth-century England. Indeed, “toward the end of the sixteenth century the bishops recognized the crown as a potential ally against an increasingly demanding laity.” King James enthusiastically embraced the idea of an active role for the king in forming the religious life of the nation and recognized that “the hierarchy inherent in the episcopal system could serve well” the purposes of a Christian king as the episcopacy made it possible for a king to be, “as Eusebius described Constantine, 'a bishop of bishops, and universal bishop within his realm.' And as a ruler in the tradition of Constantine [James] would lead religious reform, using the power of the state.”

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65Paul Elmer More and Frank Leslie Cross, ed. Anglicanism (London: Society for Promoting Christian Knowledge, 1951), xlvi-xlviii. Of his experience with the Presbyterians in Scotland, King James wrote: “While I am in England, I will have bishops, for I had not been so quietly settled in my seat but for them . . . [having] sufficiently tasted of the mischiefs thereof of a presbytery in Scotland . . . as some here in England already have begun to deal with me. For at the first they prayed for me as supreme governor over all causes and persons, but after they began to abate their terms of my superiority.” Ibid.


67Ibid.
For many Anglicans, one of the most appealing aspects of the arguments for preeminence of episcopal authority within the church and the royalist argument for the preeminence of regale authority within the state was the intellectual consistency these arguments provided. As the two arguments were mirror-images of each one, one argument functioned to strengthen the other. According to the royalist argument, the king's authority was the foundation for all civil law. Likewise, according to Anglican argument, the bishop's authority was the foundation for all ecclesiastical law. Both regale and episcopal authority were ultimately rooted in the authority of God without any intermediate agent. But this was not a new argument for it had a foundation in both historical practice as well as a certain degree of scriptural justification.

Rex, Lex: The King is the Law

In the Old Testament, the authority of the Mosaic Law was not derived from Moses himself, but rather from God who gave the Law through Moses. It is for this reason that early Christians considered Christ to have greater authority than Moses, for it was Christ the Lord from whom the Mosaic Law had derived all of its authority in the first place. In other words, in relation to the Mosaic Law, Christ exercised a royal prerogative over this law and, on a number of occasions, even made His authority over

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68As a later offshoot from Anglicanism, Methodism also retained the episcopacy. However, generally speaking, most Protestants eliminated the office of bishop, keeping only presbyters (aka, priests or elders) and/or deacons. Interestingly, in his attack upon nineteenth-century Protestantism in Denmark, Søren Kierkegaard criticized Martin Luther’s understanding of scriptural authority and in the process gave the following argument in defense of apostolic authority: “Why does St. Paul inculcate so clearly that he is an apostle ὁ ἀπ’ ἀνθρώπων ὁ ὃς δὲ ἀνθρώπου [not of men, neither by man—Gal 1:1] except to show the difference in kind, which again is authority. . . . A philosopher with authority is nonsense. For a philosopher goes not further than his doctrine; if I can show that his doctrine is self-contradictory, incorrect, etc. he has nothing to reply. The paradox [of Christian authority] is that the personality is above the doctrine.” Kierkegaard, *Journals*, no. 1025 (1849). Kierkegaard’s brother was the bishop of Aalborg and Kierkegaard himself favored monarchy, as he wrote, “Of all forms of government monarchy is best: it favors and protects, more than any other, the tranquil imagination and the innocent follies of the individual.” “The tyranny of equality, communism, is the most terrible tyranny.” Kierkegaard, *Journals* (New York: Oxford University Press, 1959), xxix.
this Law extremely clear: “The Son of Man is Lord even of the Sabbath” (Matt. 12:8; Mark 2:28; Luke 6:5).

As King of Creation, Christ had greater authority than the Mosaic Law, for the Law, as the expressed will of the King, was dependent upon the King for its existence. The Creator (King) was always greater than the Created (Law) and the King, as the Source of the Law, always remained above the Law and could make changes to this Law whenever he wished. The remarkable humility of Christ, in fact, was most clearly manifested by the fact that he became subject to His own Law, obedient to this Law even unto death, even though he had made clear that “Man was not made for the Law, but the Law for Man.” Thus, the King of Creation and the Lord of the Law chose to be a servant to His Creation and submitted Himself to his own Law, in order to serve as an example of obedience to the rest of creation. Nevertheless, in this willing submission to His own Law, Christ never hesitated to proclaim his royal prerogative to suspend and overrule this Law at any given time: “Thinkest thou that I cannot now pray to my Father, and he shall presently give me more than twelve legions of angels?” (Matt. 26:53). “All authority is given unto me in heaven and in earth.” (Matt 28:18).

The early Christians considered themselves to be co-heirs and rulers with Christ, members of a royal priesthood who shared in Christ's kingly nature. By virtue of their royal prerogative as “those who were in Christ,” these Christians believed they were “above the law” in the same way as a Christ, the King of the New Creation, had been above the old Mosaic Law. Indeed, the apostle James simply referred to the freedom that Christians had in Christ as “fulfilling the royal law.”

69 If you fulfill the royal law, according to the scripture, ‘You shall love your neighbor as yourself,’ you do well.”—James 2:8; see also 1 Peter 2:9: “But you are a chosen race, a royal priesthood, a holy nation, God's own people, that you may declare the wonderful deeds of him who called you out of darkness into his marvelous light.”
Christ and obeying all the commandments of Christ, rather than the commands of Moses, Christians were fulfilling the royal law of love. Although Christ himself, born under the Jewish law, had obeyed all of the Mosaic Law perfectly as an example of humility and obedience, Jewish and Gentile converts to Christianity were no longer required to obey the Law of Moses. The reason for this was because Christ was the King while Moses was merely the King's servant, and so fulfilling the will of the King was viewed as being more important than obeying the King's servant. Of course, on many points there was no difference between the commandments of Christ and the commandments of Moses; nevertheless, Christians still had a different motivation for their obedience. Obeying the letter of the written law was not of ultimate importance, but rather listening to and obeying the Holy Spirit, who was the true Spirit of the Law. In other words, conforming oneself to the will of Christ, Who himself embodied the will of the King, was more important than exact obedience to every letter of the Mosaic Law. “The letter killeth, but the spirit giveth life” (2 Corinth. 3:6).

This interpretation of Christ’s kingly prerogative to stand “above the Law” was anathema to Puritan thinkers. Indeed, Puritans hated the idea of royal prerogative so intensely that they thought it preferable to reinstate Mosaic Law in England rather than to have a Christian king rule over them by divine-right. One of the consequences of this Puritan disdain for royal prerogative was Puritan love-affair with egalitarian and congregational forms of government, for there was nothing more distasteful to the congregationalist Puritan than the idea of episcopal and royal authority. Anglicanism, on

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70 The word “Tory” is etymological derived from a Gaelic word meaning “outlaw” or “one who is pursued.” The term was originally applied to Irish Catholic rebels, but later became associated with the Royalist Party in England, possibly due to the fact that the Tories maintained that the king was above or “outside” the law.
the other hand, had a deep appreciation for royal authority as well as deep respect for the importance of hierarchy in social relationships in general. For the Anglican, social hierarchy was viewed as essential to the preservation of the natural bonds of affection within human society. Without hierarchical authority in society there would be nothing but a mass of “free and equal” individuals lacking any form of protection from each other’s self-interest. As egalitarianism left no room for “social deference,” it produces a “war of all against all”—a world where people only can be restrained by legalized brute force. In the hierarchical world of Richard Hooker and Anglicanism, kingly authority was understood in a much more positive light than in the world of Puritanism.

In contrast to the Puritans, Anglicans like Richard Hooker and Robert Filmer believed that social authority was hierarchical because it had always been so from the beginning. The most basic form of social hierarchy was the family where the parents, from the beginning, ruled over children. Anglicans did not believe that hierarchical authority originally had been imposed upon the world by the creation of arbitrary laws or contracts, as many Puritans maintained, but rather believed that hierarchical authorities had existed from the very beginning as part of the structure and fabric of the cosmos. Whereas the Puritan or egalitarian view of authority was more rationalistic, legalistic, and procedural, the Anglican view of authority was more personal, relational, and metaphysical.

71This insight, in fact, was later developed by Thomas Hobbes who argued for absolutist government in order to check the latent destructive forces of an egalitarian state of nature. Hobbes was a contemporary of Filmer and the political thought of Hobbes was criticized by Filmer on this point. In chapter five, a consideration of Filmer's patriarchal arguments for kingly authority will be contrasted with the absolutist political view of Thomas Hobbes. In contrast to the materialistic and egalitarian “state of nature” philosophy of Hobbes, Filmer followed in the footsteps of Richard Hooker and assumed that political authority had been hierarchical from the beginning of time and argued against the egalitarian “state of nature” claiming that it was a myth. Filmer pointed out that Hobbes was following in the footsteps of Jesuits social contract theorists, and thus while he agreed with Hobbes defense of absolutism, he could not agree with the method used by Hobbes to defend it.
This more metaphysical vision of Anglicanism, in contrast to the more egalitarian and procedural view of Puritanism, was also what allowed Anglican theologians to argue that the love between father and child or husband and wife was strengthened by the inherent inequality that existed between them. Indeed, the more equal one person was in relation to another, the less potential there was for love or affection to develop between them. As C. S. Lewis once observed in his analysis of Hooker’s thought:

Equality is not a conception that has any charms for Hooker. The charm of inequality is, indeed, the mainspring of erotic love. Woman is ‘inferior in excellency unto man, howbeit in so due and sweet proportion as being presented before our eyes, might be sooner perceived than defined’. Hence ‘that kind of love which is the perfectest ground of wedlock is seldom able to yield any reason of itself’ (v.lxxiii.2).

Deference and respect, admiration and humility, and care and concern were nourished by hierarchy and inequality, not by an egalitarian worldview where all men were assumed to be equal and thus primarily accountable and responsible for themselves alone.

_Ecclesiastical Authority: Ministerial or Magisterial?_

As King James had argued that the king was the father of the nation, Anglican theologians argued that the bishop was the father of the ecclesiastical community. As the authority of both the bishop and the king was received directly from God Himself, bishops and kings were sovereign in relation to those under their authority and accountable to God alone for their actions. Nevertheless, the nature of the ecclesiastical authority of bishops was slightly different from the regal authority of kings. Although both forms of authority were hierarchical in nature, the king’s authority was magisterial whereas the bishop’s authority was ministerial. The relationship that existed between bishops and those whom they govern was aptly expressed by John Davenant (1572-1641),

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Lord Bishop of Salisbury, Lady Margaret Professor of Divinity and President of Queen’s College, Cambridge. Davenant, who also happened to be one of the representatives of King James at the Synod of Dort (Dordrecht) in 1618, wrote:  

It is a saying both true and common that “Equal hath not power over equal.” But Bishops have power over the clergy; not indeed a Regal (Regale) or Lordly (Herile) power, but a Pastoral (Pastorale) or Paternal (Paternale) power,—one such as is inconsistent with any kind of parity or equality.  

In other words, the authority of the bishop over his subjects, unlike the authority of the king over his subjects, was not magisterial and regale, but rather ministerial and pastoral. This distinction between magisterial and ministerial authority was another important feature that separated the political theology of Anglicanism from the political theology of both the Reformation and the Counter-Reformation.

That the Anglican understanding of bishops and kings was not the same as the Catholic understanding can be clearly seen by comparing the Anglican view to the Ultramontantist view, the latter which argued that the pope, as the bishop of Rome, had magisterial authority like that of a king. Anglicans certainly did not subscribe to this Counter-Reformation understanding of the pope's magisterial authority as they rejected the idea that kings were mere vassals of the pope. Of course, the magisterial authority of the papacy was not only rejected by Anglicans, but also by all the leaders of the Protestant Reformation. Indeed, the Anabaptists and other groups associated with the “Radical Reformation” actually went so far as to argue that the church should have no relation at

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73 "However little patience [King James] might have had with the ceremonial grievances of the Puritans, he deeply disliked the ‘Arminianism’ now prevalent among the High Church party. In fact, he himself sent Joseph Hall and three other English representatives [including John Davenant] to the Synod of Dort, summoned in 1618 for the express purpose of condemning the Arminian doctrines, with their insistence upon man’s free will." More and Cross, ed. Anglicanism, xlvii-xlvi.

74 John Davenant, “Determinationes Quaestionum Quarundam Theologicarum, Quaestio XLII” (Cambridge, England: 1634); reprinted in Ibid., 359.
all with magisterial authority. Since magisterial authority was not exercised within the church, the Anabaptists thought that all temporal or secular power must derive its authority from a source other than God. For the Anabaptist, the source of magisterial authority was Satan (“the prince of this world”). Consequently, according to the Anabaptist view, no Christian, in good conscience, could wield any temporal power as doing so would place him in allegiance with Satan.

John Calvin and Martin Luther, sometimes collectively referred to as “magisterial reformers,” opposed this argument of the Anabaptists. Calvinism and Lutheranism occupied a middle ground between the Ultramontanist and Anabaptist positions. Calvin believed that the authority of God’s Word was superior to the authority of the magistrates. Thus the clergy had a responsibility to correct the judgments and decisions of civil magistrates if they be contrary to the judgments contained within the Word of God. Indeed, the authority of God’s Word was so far above the king’s authority that many Calvinists, such as John Knox in Scotland, came to the conclusion that almost any type of insubordination and rebellion against the king was justifiable if the king was actively disobeying God’s Word. Although the magisterial Reformers did not go so far as to claim that the clergy had magisterial power over the king—thus distinguishing the Reformers position from the Papist position—the Reformed position still maintained that the church could be actively involved in politics via the church’s authority to preach against the ungodly decisions of civil magistrates. Indeed, seventeenth-century Calvinists became infamous for their battle cry, “Resistance to tyrants is obedience to God.”

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method of reasoning, many Calvinists like John Knox argued that since all kings were sinners, all kings were tyrants. Consequently, in Knox's mind, even the most righteous and just king on earth deserved at least some form of disobedience. And Calvinists, at least on this point, were quick to render Caesar his due, although they were often at pains to explain how this rebellious behavior could be reconciled with the apparently unqualified biblical admonition to “honor the king.”

The Anglican view of the magisterial authority of kings and of the relation of the king's magisterial to the ministerial authority of bishops in the church stood in sharp contrast to the Ultramontanist, Anabaptist and Reformed views. The Anglican view was truly the moderate position, not only was a middle ground between the magisterial ambitions of Catholicism and the more pastoral political concerns of Protestantism, but it was also a half-way house between the Calvinist revolutionary and the pacific Anabaptist. Sometimes this via media Anglican position is called Erastianism; however, it is probably best understood as a form of Caesaropapism—the common name given to the Byzantine view of church-state relations.

**Anglican Church-State Relations: Caesaropapism and Erastianism**

The distinction between the office of the bishop—who exercises ministerial authority—and the office of the king—who exercises magisterial authority—is the foundation for the Anglican understanding of separation of church and state. Thomas Erastus (1524-1583) was a Swiss theologian and a contemporary of Richard Hooker. In fact, Hooker provided a brief description of Erastus's conflict with Theodore Beza in the introduction to his *Law of Ecclesiastical Polity*. Erastus disagreed with the political

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78 1 Peter 2:17 “Honor all men. Love the brotherhood. Fear God. Honor the King.”
theology of the magisterial Reformers who argued that the king had no authority to
govern the church. During the Westminster Assembly (1643-1647), there was a strong
Erastian party that maintained the church should be subject to the king in temporal affairs,
thus drawing strong opposition from the Reformed Presbyterian camp that argued the
king should have no authority over the church.79

There was no substantive difference, for the most part, between the Erastian
understanding of church-state relations and what is often called Caesaropapism, or the
Byzantine view of church-state relations. Indeed, the political thought of the Anglican
Church has much more in common with the political thought of the Orthodox Church
than it does with either the Ultramontantist aspirations of Roman Catholicism, the
revolutionary politics of the Magisterial Reformers, or the political escapism of the
Radical Reformation.

Although somewhat sympathetic to the Anabaptist desire to maintain a strict
separation between magisterial and ministerial authority, Anglicanism was not as
pessimistic about the role of magisterial authority in Christendom as Anabaptism.
Seventeenth-century Anglicans certainly did not view secular authority, embodied in the
king, as an incarnation of satanic power. Rather quite the contrary. For the Anglican,
royal authority was a manifestation of divine authority which was granted to the king by
divine right. Furthermore, the separation of church and state as well as the distinction
between magisterial and ministerial authority, in the Anglican mind, did not require the
exclusion of Christianity or God from the civil government. Thus, on the issue of church-
state relations, as on many other issues, Anglicanism occupied a via media position. For

79William Maxwell Hetherington, History of the Westminster Assembly of Divines (New York: R.
Carter, 1868), Chapter Four, The Erastian Controversy, 1645-1646.
the Anglican, temporal or magisterial authority was not Satanic (contra the Anabaptists) nor was it under the authority of the church—either directly (contra the Ultramontantists) or indirectly (contra the Calvinists)—but rather was bestowed directly upon the king by God himself.

The magisterial or regale authority of civil government was completely independent and separate from the ministerial or spiritual authority of the church. Kings had complete authority in temporal matters and bishops had complete authority in spiritual matters. If the king overstepped the boundaries of his magisterial authority and started acting like a bishop, thereby usurping the spiritual authority of the episcopal office, no one was required to obey him. However, rebellion against the king when he was merely exercising his magisterial sovereignty in the temporal realm—the area where the King has been ordained to rule by God—was not a heroic or courageous act, but rather a sinful and wicked act of rebellion. Even if the king was sinful and wicked, two wrongs did not make a right. Kings must be obeyed in all matters that were strictly temporal. Of course, one was not always required to obey the king with mindless enthusiasm, but begrudged passive obedience—as distinguished from whole-hearted active obedience—was still better than disobedience. This was the Anglican interpretation of Christ’s command to, “render therefore unto Caesar the things which are Caesar’s; and unto God the things that are God’s (Matt 22:21; Mar 12:17; Lk 20:25) as well as Christ’s comment to Pilate concerning the source of the Roman governor’s

80When the iconoclastic emperors outlawed the use of icons, they were opposed by a large number of clergy and bishops. In protesting the emperor’s decree many chose martyrdom rather than give up icons as this was a doctrinal and spiritual matter to be decided by bishops, not by the emperor. As St. Theodore the Stoudite wrote, “Pay attention, O Emperor . . . Ecclesiastical affairs (τὰ τῶν Ἐκκλησιῶν) pertain to priests and to teachers; the administration of external concerns (ἡ τῶν ἔξω πραγμάτων καὶ πίστεως νομοθετεῖν) is proper to the Emperor . . . It is the former who legislate on matters to do with dogma and the faith. You are to follow them and in no way usurp their office.” Roman Cholij, Theodore the Stoudite: The Ordering of Holiness (New York: Oxford University Press, 2002), 145.
authority, “You would have no power over me if it were not given to you from above” (John 19:10).

The king was considered the “Head of the Church” in the temporal sense; in other words, the king had the authority to make decisions regarding the use of church property and other matters of economic and political importance that concerned the church. Consequently, Christians had a responsibility to pray for the king and all other civil magistrates and to be on good terms with them as far as possible in order that these civil rulers would make decisions that favored Christians rather than ones that persecuted them. As a result of this perspective, for Anglicans as well as other Christians who embraced the idea of the king’s sovereignty over the temporal affairs of the church, the legalization of Christianity under Constantine the Great was viewed as an occasion of rejoicing, not a source of lamentation—as was the custom of Anabaptists. Nevertheless, the king was only “Head of the Church” in a temporal or administrative sense, certainly not in the mystical or spiritual sense of the church as the body of Christ. Kings did not exercise any authority in the strictly ecclesiastical affairs of the church for this realm was solely under the authority of bishops, who possessed ministerial authority, rather than magisterial authority. It was Christ alone was the head of the church in the mystical or spiritual sense and bishops, as the ministers and representatives of Christ, mystically represented this spiritual authority of Christ upon earth. Bishops could delegate their ministerial authority to priests and other lesser ecclesiastical officers in the same way that the king delegated his magisterial authority to his lesser magistrates, but the source of ultimate authority in both church and state was originally vested in bishops and kings, not in priests or lesser magistrates and certainly not in the laity.
This distinction between ministerial and magisterial authority, between the authority of kings and the authority of bishops, was fundamental to the Anglican understanding of church-state relations in the seventeenth century. Whereas bishops had no temporal authority to punish or execute criminals, kings had no spiritual authority to excommunicate or make decisions on doctrinal, theological, or other spiritual matters. Of course, this way of separating the authority of the church from the authority of the state in Anglicanism was often a source of confusion for those who were not Anglicans (and even for those who were). For those operating solely with a Catholic-Protestant dichotomy, the Anglican view of church-state relations was especially difficult to understand—if not altogether incomprehensible. This confusion was one of the reasons that Catholics tend to view Anglicanism as a type of Protestantism and Protestants viewed Anglicanism as a type of Catholicism, as they both realized that Anglicanism held to a position that was distinctive from their own position, but were hard-pressed to explain exactly what the Anglican position was.

Roman Catholic critics of the Church of England often maintained that Anglicanism subordinated the institution of the church to the institution of the state. On this point, the Puritans were in full agreement with the Catholic assessment of Anglicanism, although they came to this conclusion by a different route than Catholics, as was usual. Whereas Catholics like Bellarmine and Suárez objected to the idea of the king possessing any type of magisterial authority that was not either directly or indirectly derived from the magisterial authority of the Papacy, the Puritan clergy simply did not like the idea of the church being subject to the king in civil or temporal matters. According to the Papist-Puritan, to use King James's collective noun for those who
opposed the Anglican position, the king of England had usurped the freedom of the church by subordinating the church to the state in regard to temporal matters.

Regardless of the Puritan-Papist objection, the Anglican position did not, in fact, subordinate the church to the state; although the confusion on this point was understandable. Part of the reason for this confusion was a result of the fact that the title “Head of the Church” in both English and Latin was extremely prone to misunderstanding and was a consequence of the fact that in Western Christendom, “the word ‘Church’ began to be used as if it meant the hierarchy and the religious orders in contrast with the people.”

This tendency of Western Christianity to use the word “church” to refer to an ecclesiastical institution, rather than as a body of people, has been summarized by Steven Runciman as follows:

To the Christians of the East the Greek word ecclesia, or ‘church’, has always meant the whole body of the faithful, alive and dead. This is the Church mentioned in the Creed. But in practice, especially in the West, we use the word ‘Church’ more and more to describe the priestly hierarchy, as opposed to the lay authorities. Indeed, owing to the deficiency of the English language, there is no suitable word for the hierarchy. But in contrasting Church with State we are making a distinction which would have been meaningless to the Byzantines; and in making it we are committing a historical and philological error.

According to the Byzantine understanding of “ecclesia,” an understanding which the Anglican Church fully embraced, the king was not and could not be the head of the church in the spiritual sense. However, in the West the meaning of the word “church” was more ambiguous and less precise than the Greek word, ἐκκλησία. In English, the word “church” was often used in many different ways with various meanings, depending on the context. Although Anglican theologians understood these nuances, this inherent

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81 Hodges, Anglicanism and Orthodoxy, 44.
ambiguity was often used by their opponents in order to help support their arguments against the Church of England. Many of the Puritan writers especially took advantage of this ambiguity in language in order to accuse the king of usurping the place of Christ—no matter how vehemently the Anglican authorities denied this accusation.

However, historically and theologically speaking, the King of England had never claimed to be the head of the English church in the mystical or spiritual sense. Even King Henry VIII himself had claimed only administrative or temporal jurisdiction over the church. The king was head of the church made up of property and buildings, but not the church made up of immortal souls.83 But making this logical distinction between various meanings of the word “church” was not terribly effective in countering the rhetorical blasts of Puritan war-horns. For the Puritans, the issue of church-state relations, like most other theological issues, was either black or white. Either the king was the head of the church or Christ was the head of the church. Consequently, the Anglican argument that the word “church” has different meanings depending on the context, even if it was true, was not that convincing.

In saying that the king was the head of the English church, Anglicans meant that the English king, like the Byzantine emperor, possessed certain administrative rights over

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83 The royal supremacy over the Church virtually replaced the pope in England. Papal power had been defined as of two kinds: potestas jurisdictionis, or rule of the Church’s temporal sphere, and potestas ordinis, or the spiritual functions which the pope shared with any bishop. The former was transferred entirely into the king’s hands with his acquisition of the rights to administer the Church, to tax it, to appoint its dignitaries and officials, to control its laws and supervise its courts. The second Henry VIII never claimed, for he never claimed to be a priest. But he claimed the highest jurisdictional authority in the Church. . . . These rights Henry claimed to hold by ancient prescription and grant from God: kings had always held powers which the papacy had then usurped. . . . [This] was part of that medieval line of thought which saw in the king—rex et sacerdos—a ruler who, deriving his powers from God had [both royal and ecclesiastical] (though, despite the term sacerdos, no priestly) functions and faculties. Henry VIII came to fulfill the doctrine of the “True Monarchy” which ultimately went back to Constantine the Great and his position in the Church; the frequent references to that emperor in the writings of the English Reformation demonstrate how conscious the descent was.” G. R. Elton, England under the Tutors. Volume IV in A History of England: in Eight Volumes. Series Editor Sir Charles Oman (London: Methuen & Company, 1955), 163.
the church. These administrative rights were not related to theological or spiritual matters for these matters were reserved to the judgment of bishops. The king himself had no authority to pass judgment on any theological issue; however, the king did have the administrative authority to request that bishops convene in order to settle an important theological conflict within the realm. Furthermore, once the bishops had come to a decision regard a theological controversy, the king had the power to administratively enforce this decision. A good example of this cooperation between bishops and kings is observable in the relationship between King Charles I and Archbishop William Laud, when Charles enforced the judgment of Laud against the Puritans. This coordinated effort between Charles and Laud was similar to the Emperor Constantine's enforcement of the decision of bishops who gathered at the Council of Nicaea against the Arians. Although often working together, it still was the bishop rather than the king who had the final say on theological issues. On this point, the similarity between Anglicanism and the Caesaropapism of the Byzantine Empire was unmistakable:

The monks as a class resented any Imperial control of the Church. They could not prevent the Emperor from holding certain administrative rights. . . . But they were determined that he should never dictate Church doctrine, as the Iconoclastic Emperors had done. He must obey the laws of the Church; he was not entitled from his position to be allowed any dispensation from them.84

By making this distinction, a clear separation between temporal (administrative) headship and the spiritual (mystical) headship in the church was maintained. In the minds of seventeenth-century Anglican theologians, the failure to make a clear distinction between magisterial and ministerial authority was the error of the Roman Catholic Church, but not the error of the Church of England. Or as Sir Robert Filmer himself summarized the

Anglican view of church-state relations, “the work of the high priest was only ministerial not magisterial; he had no power to command in war; or to judge in peace. . . ”\textsuperscript{85} A bishop counseling a king did not imply that the bishop had political sovereignty, otherwise “neither King Saul nor King David had the sovereignty, who both asked counsel of the Lord by the priest.”\textsuperscript{86}

\textit{Anglican Church-State Relations in Practice: Post-1688}

Of course, in actual practice, maintaining a sharp and clear distinction between temporal and spiritual authority was not always an easy task. Furthermore, after the English Civil War and the Glorious Revolution of 1688 maintaining this distinction between church and state in England became \textit{de facto} impossible. For after 1688, the King of England was no longer the supreme temporal authority in England even in the civil realm, much less the ecclesiastical realm. Subject to Parliamentary approval in most matters, the English monarchy after the arrival of William and Mary lacked any \textit{de facto} monarchical power. As a consequence, after 1688, the English monarch was head of the state and head of the church in name only. But if only a symbolic figurehead, rather than a real sovereign, what was the point of making a fine distinction between the king's royal and ecclesiastical authority? Nominal authority remains nominal authority no matter how many distinctions are made, and after 1688 the English monarchy never had any real \textit{de facto} power in the realm of either church or state. Therefore, if one were inclined to argue that the King of England was the head of the Church in a temporal or administrative sense, this argument carried about as much weight as arguing the king was


\textsuperscript{86}Ibid.
the head of the church in the spiritual or mystical sense. One was certainly free to say it, but the argument had no real force because after the Glorious Revolution of 1688, it was no longer true in any practical or substantive sense.

For this reason, it is not surprising that in the years following the Glorious Revolution, a number of Anglican clergymen began to express their discontent with the usurpation of the Stuart monarchy by the Protestant King and Queen, William and Mary of Orange. These Anglican dissenters, who came from within the ranks of both clergy and laity, eventually became known as “Non-Jurors.” (The word “nonjuring” means “not swearing allegiance” and was applied to these dissenters because they would not swear allegiance to the new monarchy.) The non-jurors believed “that the Stuarts were by Divine Right the legitimate monarchs of England [and therefore] refused to take the oath of allegiance to William and Mary and to the Hanoverian Georges.” These non-jurors were uncomfortable with the idea of having a Dutch Protestant king, influenced by the Continental Reformation, as the head of the Anglican Church especially when the rightful successor of the Stuart line was still alive. The Stuart monarchs with their deep sympathies for Anglo-Celto-Gallican Catholicism still were considered by the non-jurors as the best choice to rule England. The non-jurors tended to consist of the more conservative Anglican clergy and many of them were active in the Jacobite movement that sought to restore the Stuarts to the throne.

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88Sir Charles Petrie, The Jacobite Movement. 2 vols. (London: Eyre & Spottiswoode, 1948-50). “There were many who never accepted the Glorious Revolution, because it was an ‘unconstitutional’ transformation of government in England. They were called ‘Jacobites’ after the Latin ‘Jacobus’ for James II and his son James Edward. . . . When his father died in 1701, Prince James Edward Stuart was immediately proclaimed King James III of England, James VIII of Scotland, at the Palais de St-Germain in France. . . . He lived a royal life on the continent of Europe until his death in 1766. He was shown deference owed to a King, and in his heart he was a King.” John Remington Graham, Constitutional History of Secession (Gretna, LA: Pelican Publishing, 2002), 53.
However, as the Anglican Church had always been administratively under the rule of the English crown, and since the English crown, after 1688, was now itself controlled by Parliament, these non-jurors stood little chance of success. Parliament had little sympathy for clergy who took the royalist divine right doctrines seriously and thus the non-juroring clergy, who really believed that the king was the head of the church in the temporal sense, were no longer welcomed. As a consequence, all the non-juroring clergy, including even bishops, were formally deposed and barred from holding all governmental, ecclesiastical and university positions in England by order of Parliament. As the non-jurors tended to be high churchmen, many influential priests and bishops within the Church of England were included among their numbers. Although a numerical minority, the non-juroring Anglican priests and bishops who were deposed were by no means an insignificant number and included among them were some of the best theological minds of the day. One of the best known of these non-jurors was William Law, author of *A Serious Call to a Devout and Holy Life* (1728). Although most of the Anglican clergy thought it better to take the Oath than to be defrocked and barred from

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89 One of the best known non-jurors is William Law, author of *A Serious Call to a Devout and Holy Life* (1728), a book which exerted a considerable influence on many subsequent English thinkers, including Samuel Johnson who wrote, “I expect to find it a dull book (as such books generally are), and perhaps to laugh at it, but I found Law quite an overmatch for me; and this was the first occasion of my thinking in earnest of religion after I became capable of rational inquiry.” Some of the best theology came from the pens of those within the persecuted non-juror camp, radical Jacobites who supported the exiled Stuart kings to the point of refusing to take an oath to the Protestant usurpers, William and Mary. Theologically speaking, after the departure of the non-jurors, the Church of England never recovered. It would not be an exaggeration to say that with the crowning of a Protestant king, William of Orange, the Anglican Church lost her head, both theologically and politically.

90 “This stance, at once political and religious, of the non-juror, made it impossible for Law to hold any university or church appointment. Like other non-juroring priests, he had to earn a living as a tutor, private chaplain or writer... Ready to find testimony to the truth in Papist and Protestant writings, and at the end an ecumenical spirit, he was unwilling to separate himself from the specific regional church into which he was born. And though as a matter of private conscience a non-juror, he took no part in the characteristic non-juroring activities, which were markedly liturgical enrichments or attempted reunion with Eastern Orthodoxy.” William Law, *A Serious Call to a Devout and Holy Life*, Introduction by Austin Warren and Paul G. Standwood (New York: Paulist Press, 1978), 13-15.
holding any public office in England, even many of those who did take the Oath remained sympathetic to the non-juror position, merely lacking the resolve necessary to face the hardships and persecution that was associated with refusing to swear allegiance to the new Protestant monarchy.

After the non-juroring schism, the Anglican Church quickly became both more Protestant and geographically restricted to England, whereas the “Nonjuroring schismatic Church, far more Catholic minded in doctrine and liturgy than the Establishment, continued in England and especially in Scotland, where Jacobite sympathies were strong, well into the latter part of the 18th century.”91 Due to the Scottish heritage of the Stuarts, the Jacobite movement was even stronger and more active in Scotland than in England.92 Consequently, many of the non-jurors and Jacobites living in England after the Glorious Revolution came to the conclusion that either Scotland or the American colonies would be better place to live than in England and “it was the bishops of the Nonjuring Episcopal Church of Scotland who, in 1784, ordained Samuel Seabury as the first prelate of the American Episcopal Church.”93

After the Protestant restructuring of the Anglican church under William and Mary, many of the remaining Anglican clergy—those who had not cast their lot with the Non-jurors—began to see the development of an even deeper and more serious contradiction between theology and practice of the Anglican Church. Although recognizing that the

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91Warren and Standwood, “Introduction” to Law, A Serious Call to a Devout and Holy Life, 15.

92The Jacobites had many interesting characters within their ranks, such as “Sir John Graham of Claverhouse, Viscount Dundee, whose Scottish army smashed troops of the Prince of Orange at the Pass of Killiecrankie in 1689 . . . [and who] fell gloriously on the field wearing the cross of Knight Templar, for the papal bull abolishing the ancient order in 1312 A.D. had never been published in Scotland.” Graham, Constitutional History of Secession, 53.

93Ibid. The connection between the history of the American colonies and the non-jurors, many of whom settled in Virginia, will be explored in more detail in chapter seven.
non-juror position was more consistent, it also brought much persecution and hardship, consequently for many of dissatisfied Anglicans the next best option was to convert to Catholicism—where persecution, at least, could be mingled with some type of consolation. Indeed, Catholicism had the advantage of being more theologically consistent than post-1688 Anglicanism, for even if the English church had lost her head in 1688, there was always still the Roman Pope, who, of course, was standing with open arms to welcome disenfranchised Anglicans back into the Roman fold.94

In latter years, many Anglicans even began to understand the Puritan executions of the King of England and the archbishop of Canterbury, William Laud, as martyrdoms. The evidence of this understanding remains to this day, although in a slightly less devout and dignified form: “Each year, on the anniversary of the execution of King Charles I, the Society of King Charles the Martyr gathers at Whitehall, the scene of his execution in January 1649, to pray for his canonization, a ritual that also involves a good deal of gin drinking.”95

Conclusion

After the exclusion of the Stuart kings from the throne and the non-juroring schism within the Anglican Church, it is not surprising that many devout Christians living in England converted either to Protestantism or to Catholicism, viewing the Anglican

94At the time of the Oxford Movement (1833-1845), John Henry Newman in his “Lectures on Anglican Difficulties” (1850), summarized the theological problems faced by the Anglican Church after the Glorious Revolution, which led him and many others to embrace Catholicism: “We see in the English Church, I will not merely say, no descent from the first ages, and no relationship to the Church in other lands, but we see no body politic of any kind; we see nothing more or less than an establishment, a department of government, or a function or operation of the State—without a substance,—a mere collection of officials, depending on and living on the supreme civil power. Its unity and personality are gone, and with them its power of exciting feelings of any kind. It is easier to love or hate an abstraction than so tangible a frame-work or machinery.” J. H. Cardinal Newman, Certain Difficulties Felt by Anglicans in Catholic Teaching Considered. Vol. 1 (New York, NY: Longmans, Green and Company, 1901), 6.

Church as somewhat of a historical museum or artifact of a previous age. Interestingly, some Anglicans who did not like the increasingly Protestant feel of the Church of England after 1688, including some of the more conservative Anglican bishops and pro-Jacobite royalists went underground into the diaspora lands of Scotland and the American colonies. Other conservative Anglicans simply converted to Catholicism. The mass Anglican conversion to Catholicism is interesting to note, for two reasons. First, it serves to strengthen the argument in this chapter about the difference between Anglicanism and Protestantism. Second, it demonstrates the power of Ultramontantist political thought. In some ways, where the Spanish Armada of 1588 failed, the Glorious Revolution of 1688 succeeded. If he had lived to see it, Francisco Suárez would have been pleased by the exclusion of the descendants of King James from the English throne and the subsequent conversion of many Anglicans back to Catholicism. For according to Jesuitical political theory, if armed invasion by a foreign power failed, as it did during the Spanish Armada, then instigating an internal civil war to overthrow the king was the next best option. If successful, a civil war and the subsequent deposition of a schismatic king was supposed to help bring the country back under the control of the papacy. During the English Civil War, the Puritans and Dissenters worked internally to accomplish what had been impossible for the papacy to do externally with the Spanish Armada. In his collective reference to them as “Puritan-Papists” in 1609, almost thirty years before the beginning of the Civil War, King James I never had been more prophetic.

In the seventeenth century, the seeds of Jesuit political thought began to germinate within the political theology of the Puritans, who challenged the hierarchical foundations of both ecclesiastical and civil government in England. The “Papist-Puritan” maintained that the episcopal and royalist government, as inherently hierarchical, was not a legitimate
basis for political or ecclesiastical authority. Many subsequent liberal political thinkers in England were influenced by this “Papist-Puritan” argument, notably John Locke and John Milton. And as Locke himself recognized, it was Sir Robert Filmer's political writings which constituted the largest obstacle to the unhindered advancement of these Papist-Puritan political doctrines.

The tri-loci hermeneutic of “Reason, Scripture, and Tradition” that was embraced by Anglicanism was used by Filmer to oppose all versions of the single-loci hermeneutic that was embraced by the Papist-Puritan camp—whether it be the scholasticism of the Counter-Reformation which tended to subordinate both tradition and scripture to reason, or the sola scriptura-ism of the Protestant Reformation which tended to subordinate both reason and tradition to scripture. In his arguments against the political thought of the Puritan-Papists, Filmer once wrote that “As for this natural power of the people [to govern themselves], they find neither Scripture, reason, nor practice [tradition] to justify it.”

This was a clear reference to the Anglican idea of there being three sources of authority that work in a conciliar way with each other rather than having only one source of infallible authority which reigns over all other sources of authority. Whereas the Jesuits placed their emphasis on reason and the Puritans placed their emphasis on scripture, Filmer used reason and scripture together, balancing these two sources of authority within the broader context of tradition, in order reveal the common errors contained in both Papist and Puritan political thought.

In the chapters that follow, it is important to keep in mind the material covered in this chapter as the political thought of Sir Robert Filmer was a product of the political and religious culture of seventeenth-century Stuart England and of the traditional Anglican

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understanding church-state relations. Recognizing this fact also will help explain why the political writings of Filmer were so popular among the expatriated royalist settlers who migrated to the Virginia colony during the seventeenth century, a topic that will be addressed in later chapters.
CHAPTER FOUR
Filmer's Patriarchal Political Thought

If English society was ever patriarchal, it was so in Sir Robert Filmer’s generation.¹

—Peter Laslett, “Sir Robert Filmer: The Man versus the Whig Myth”

Anyone who believes that it is servitude to live under a prince is badly mistaken: there is no more welcome liberty than to be under a righteous king.²

—Claudian, De Consulatu Stilichonis

The popularity of Sir Robert Filmer’s writings in the seventeenth century was largely a consequence of Filmer’s ability to offer not only a philosophical defense of the traditional religious and political institutions of England, but also a defense of a particular perspective on these institutions that was typically embraced by the common seventeenth-century English citizen. In Filmer’s day, the established religious and political institutions of England as well as the entire social fabric of English society, for the most part, rested upon certain cherished patriarchal assumptions, and it was in respect to these patriarchal attitudes and social institutions that Filmer, “succeed[ed] in justifying the status quo in every little, almost accidental detail: he tried to prove that the slightest change in anything that went to make up the world as he knew it could be disastrous.”³

In order to provide a background for understanding Filmer’s thought, in the previous two chapters a broad survey of some of the more important religious and political controversies of seventeenth-century English society was outlined. In this


²De laudibus Stiliconis Fallitur egregio quisquis sub Principe credit Servitium: Numquam Libertas gratior extat, quam sub rege pio.” Claudian, De Consulatu Stilichonis, III, 113-15.

chapter, we now turn our attention to a more direct examination of Filmer's political thought. However, before doing so, one other subject must briefly be addressed. As Filmer's thought basically constituted a defense of the patriarchal foundation of all forms of social authority, whether that authority be political, religious, or familial, it is first necessary to consider, not only what is meant by the term “patriarchal,” but also the particular development of some of the patriarchal institutions that existed in England during Filmer's day.⁴

The next section contains a brief summary of the development of patriarchal institutions in England as well as a consideration of the historical background and social attitudes that contributed to the formation of these patriarchal institutions. While not pretending to be a complete or exhaustive analysis of this immense subject, some type of broad historical outline is necessary before beginning our examination of Filmer's thought. This is because Filmer was not arguing for the creation of patriarchal social institutions, but rather was merely providing a defense of the patriarchal institutions that already existed. Thus, some basic knowledge of the history and development of these patriarchal institutions is a prerequisite for understanding the basic intellectual commitments that serve as the starting point for Filmer's patriarchal political arguments.

⁴There were, of course, other thinkers in the seventeenth century who made political arguments that were similar to Filmer's. Next to Filmer himself, the most important of these thinkers was the English statesman and historian, Edward Hyde, the 1st Earl of Clarendon (1609-1674), after whom the Clarendon imprint of Oxford University Press is named. The difference between Clarendon and Filmer was that the former did not ground this theory of a hereditary monarchy on strictly patriarchal foundations. Furthermore, “We may notice two forms of the theory: the stricter, which, giving Adam absolute power, did not admit that any part of this had been alienated by him or his successors; and the milder, which allowed that successive kings had granted away portions of the originally complete power which could not be resumed by themselves or their successions. The first form was advocated by Filmer, the second by Clarendon. . . . The more moderate believers in Divine hereditary right found a spokesman in Clarendon.” F. W. Maitland, *A Historical Sketch of Liberty and Equality* (Indianapolis, IN: Liberty Fund, 2000), 43-2.
Christianity and Patriarchy: East and West

When asked by his disciples for guidance on how to pray, Christ provided an exemplary model that began, “Our father who art in heaven.” This prayer, now commonly known as “The Lord's Prayer,” contains one of the most explicit examples of patriarchal language in the New Testament. For most religions that regard part of the Bible as authoritative, the use of patriarchal language remains commonplace. In the Judaic tradition, Abraham, Issac and Jacob are commonly referred to as Patriarchs. Twentieth-century Islamic fundamentalism also idealizes a more patriarchal understanding of society. In fact, patriarchalism is a view that tends to dominate the societies of the Near East as a whole and is often a source of conflict with the more liberal and individualistic understanding of the world that has developed over the course of the last three hundred years within Western civilization. Indeed, the difference between East and West is today, still to a large degree, a difference between the patriarchal and authoritarian perspective of the East and the more liberal and non-patriarchal perspective of the West.

As the origin of the early, or primitive, church was geographically located in the region of the Near East and only later spread to the West, in many ways early Christianity had a more “eastern” and “patriarchal” feel than does contemporary European and American Christianity. The eastern roots of the Christian tradition have often been a

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5As the father of Christ was God, the relationship between God to those who are in Christ, namely Christians, is properly that of a relationship between a Father and his children. As the mother of Christ was a human woman, Mary, it would have been improper and insulting for Christ to refer to God as his mother, even beside the fact that it simply was not true. In order for Christ to be born as a human being, it was necessary that God's relationship to Christ be that of a Father rather than that of a Mother as human males cannot bear children. This was the reason that Christ had to be conceived (maternally) through Mary and (paternally) through the Holy Spirit. The reason that Christ had to be born as a male human, rather than as a human female, was related to the fact that one of the purposes of Christ's mission on earth was to reveal the Fatherhood of God and this revelation of God as Father could be achieved only if Christ took a male form. For if born as a woman, Christ's statement, “If you have seen me, you have seen the Father” would even be more difficult to interpret and understand than it already is.
subject of scholarly interest, especially as backdrop for a comparison and contrast of the different evolution and development of Christianity that took place in Eastern and Western societies. The more patriarchal nature of Byzantine or Eastern Christianity in comparison to Western Catholic Christianity provides one of the most illuminating points of contrast between these two civilizations. After the fall of Rome, the Western half of the Roman empire became fragmented whereas the Eastern half continued to exercise a strong imperial power for hundreds of years. As a consequence, during the early medieval period, or “Dark Ages” of the West, the Eastern Roman Empire continued to maintain a strong continuity with the patriarchal traditions of ancient Roman civilization—a civilization where fathers had the authority to put their own children to death.6

*Western Christendom*

The various historical factors that contributed to a difference in the development of Eastern and Western Christendom eventually resulted in a schism between these civilizations in the eleventh century. However, the development of this political and cultural divide was a slow and gradual process, especially in regard to the respective difference that existed between the patriarchal attitudes and social customs of these two civilizations. The development of this difference was a process that took many centuries; however, by the eleventh or twelfth century it had reached a point where it started to be a

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6“*In any rightly ordered commonwealth, that power of life and death over their children which belongs to them under the law of God and of nature, should be restored to parents. This most primitive of customs was observed in ancient times by the Persians, and the people of Asia generally, by the Romans and the Celts; it was also recognized throughout the New World til the time of the Spanish conquests.*” Jean Bodin, *Six Books of the Commonwealth*. Abridged and translated by M. J. Tooley (Oxford: Basil Blackwell, 1955), 12.
source of conflict between the two civilizations.⁷ Indeed, as Angold observed, “On two occasions [the twelfth-century Byzantine canon lawyer Theodore Balsamon] cites as proof of the depravity of the Latin church its admission of women into the sanctuary.”⁸ Most Catholic authors agree that the eleventh and twelfth centuries, the era of the Cluniac reforms, marked an important turning point in the development of Western Christianity. Leon J. Poodles argues that the beginning of the shift away from patriarchal social attitudes and the introduction of more effeminate Christian spirituality as well as the “feminization” of certain social institutions began in the West during this period. This shift was largely due to the theology of Bernard of Clairvaux, the preacher of the Crusades, who “introduced into Western spirituality an eroticism that developed into spiritualities he would have condemned.”⁹

As a leader of the Cluniac reforms, Bernard developed the idea of individualistic bridal mysticism, where the soul of the believer was married to Christ himself. Although the church had always taught that a marriage relationship exists between Christ and the church in a corporate sense, Bernard took this corporate analogy and applied it to every individual believer’s soul. According to Poodles, “The language that expressed the union of the soul and God in erotic terms was highly congenial to women.”¹⁰ Consequently, there was a massive influx of women into monastic institutions, and the Western church, which up until that time had been dominated by men, soon became dominated by women.

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⁷On the papal revolution of the eleventh century as the turning point in the development of Western culture, see Harold J. Berman, Law and Revolution: The Formation of the Western Legal Tradition (Harvard, 1983).

⁸Michael Angold, Church and Society in Byzantium under the Comneni (New York: Cambridge University Press, 1995), 430.

⁹Leon J. Poodles, The Church Impotent: The Feminization of Christianity (Dallas, TX: Spence, 1999), 103.

¹⁰Ibid., 105.
“The most spectacular manifestation of the sociological transfer of spirituality . . . is the transformation of an almost entirely male monopoly to an ever-increasing minority, sometimes even a majority, role for women. This phenomenon is all the more remarkable in that it had to overcome prejudices shared even by women themselves.”

The increasing influence and social dominance of women within the Western church did not go unnoticed and it was only a short time after this mass influx of women into the monastic ranks, that the Western church began to first feel that it was necessary to prohibit priests from marriage.

The final legislative blows leveled against clerical marriage came in the twelfth century at the first and second Lateran councils, held in 1123 and 1139. . . . [The first Lateran council] met for three weeks with some three hundred bishops and a large number of abbots in attendance. Among the canons passed was one declaring that the marriage of any person in higher orders was invalid. Thus, church leaders now presumed to say, for the first time, that the clerical order was an impediment to marriage. At the second Lateran council one further step was taken. Although the council met to settle a disputed election between two papal claimants, the members of the synod completed the work of the first Lateran by forbidding the ordination of married men.

Among other things, this restriction of clerical ranks to unmarried men helped to serve to counterbalance the increasingly female-dominated monastic orders.

Most Catholic orders during this time period had two branches, one male and one female, with the female order usually being more populous. However, a notable exception to the typical two-branched structure of most Catholic orders is the Jesuit order, which came into existence long after the Lateran councils, in a world that had already been largely shaped by the ruling of these two councils. As a product of the Renaissance


culture of the sixteenth-century, the Jesuits “were far more masculine than the medieval orders, all of which, in spite of their resistance, had been feminized in the thirteenth and fourteenth centuries. The Jesuits, unlike the Cistercians, Dominicans, and Franciscans, never had a female branch.” The spirituality of the Jesuit Order was also markedly different from that of the other orders, having a more militant and less mystical type of spirituality. The social activist and worldly-orientated mindset of the Jesuits along with their more practical and rationalistic orientation was largely due to the influence of their founder, Ignatius of Loyola, a former military man himself. It was Ignatius, who “in his *Spiritual Exercises*, abandoned the tradition of bridal mysticism. . . . He compares the Christian to a knight who is addressed by an earthly king.” The Christian knight or soldier was to follow Christ, who was his commanding officer in the battle against injustice. Ignatius summarized his view of Christ’s leadership in this matter: “It is my will to conquer all the lands of the infidel. Therefore, whoever wishes to join with me in this enterprise must be content with the same food, drink, clothing, etc. as mine. So, too, he must work with me by day, and watch with me by night, etc., that as he had a share in the toil with me, afterwards, he may share in the victory with me”; the enemy of Christ was Satan, whom Ignatius compared to a woman, for like a woman Satan “is a weakling before a show of strength, and a tyrant if he has his will.”

Although Ignatius continued to promote the “crusader mentality” that had first been introduced into Western Christendom by Bernard of Clairvaux, he worked hard to eliminate the bridal mysticism of Bernard, viewing it as counter-productive to social

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13 Poodles, *The Church Impotent*, 144.

14 Ibid., 145.

change. Although Ignatius of Loyola and Bernard of Clairvaux shared a strong link in their mutual commitment to a more individualist Carthusian spirituality, Ignatius was much more practical and less mystical than was Bernard.\textsuperscript{16} As a result, Jesuit spirituality tended to have a much more individualistic, legal, and juridical nature than the more corporate and relational spirituality that grew out of the bridal mysticism of Bernard. Consequently, relatively few women were interested in Jesuit spirituality; however, many men found this type of spirituality extremely attractive. For Ignatius, the church was more like an army than a family with the Pope being understood as a type of commander-in-chief who was responsible for directing the actions of all Christian soldiers on the earth. The juridical and military analogy of the church was a common theme during the sixteenth century, not only among Jesuits, but also among many Protestant groups. Calvinists, who also tended to have a more juridical view of the atonement, were especially quick to embrace this “church militant” model.\textsuperscript{17}

\textsuperscript{16}At the heart of Carthusian life, as envisioned by its priors and its statutes, was the individual cell. For the twelfth century this represented a radical refocusing of the spiritual life from community life and prayer (the emphasis also of Cistercians and canons regular) toward individual mediation.” Dennis D. Martin, trans. Carthusian Spirituality: The Writings of Hugh of Balma and Guigo de Ponte (Mahwah, NY: Paulist Press, 1997), xi-xvii.

\textsuperscript{17}The juridical view of Christ’s atonement was developed in the eleventh century by Anselm of Canterbury (1033-1109), the father of medieval scholasticism. Anselm’s juridical theory of the atonement also heavily influenced Protestant soteriology as is evident in the theologies of Calvin and Luther. As the development of juridical and scholastic theology in the West took place after the Great Schism of 1054, it was not introduced into the Orthodox Church until much later. In Russia during the Westernizing social reforms of Peter the Great (1672-1725), Western scholasticism was first introduced into the Orthodox world at the Kievian Theological Academy. It was strongly resisted by the more conservative Russian Orthodox clergy who viewed the scholastic method as destructive of the ancient practices and customs of both Russian culture and Orthodox spirituality. “In the West, Scholastic theology evolved, which is antithetical to the Orthodox tradition. Western theology is based on rational thought where as Orthodox theology is hesychastic [practicing stillness or quietness] . . . . The Scholastic acknowledges God at the outset and then endeavored to prove His existence by logical arguments and rational categories. In the Orthodox Church, as expressed by the Holy Fathers, faith is God revealing Himself to man. We accept faith by hearing it not so that we can understand it rationally, but so that we can cleanse our hearts [through asceticism] attain to the faith by ‘theoria’ [vision] and experience the Revelation of God.” Hierotheos Vlachos, Orthodox Spirituality (Levadia, Greece: Birth of the Theotokos Monastery, 1994), 25-26. See also, J. S. Romanides, “Original Sin According to St. Paul,” St. Vladimir's Seminary Quarterly 4 (Fall-Winter 1955-56): 5-28.
Nevertheless, the extremely demanding and militant nature of Jesuit spirituality left little room for a more patriarchal view of Christianity that viewed Christ in the terms of an elder brother who inherited the father's estate and desired to share the family wealth with his brothers and sisters. Whereas this more patriarchal perspective continued to be popular in Eastern Christendom, after the eleventh century this perspective was marginalized in the West, being replaced by a more juridical and the military image. As a consequence, even to this day, the archetypal model for the Eastern church remains that of a patriarchal father who lays down his life for his children, rather than that of a scholastic-militant crusader who wages war against those who stand in opposition to God's will.

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18. "The body of the Church had no other hypostasis [mode of being], whether legal or administrative, apart from the eucharistic assembly. The eucharistic synaxis constitutes, realizes and manifests the Church. The ability to represent the eucharistic body cannot be invested in an impersonal administrative structure or organizational mechanism, or in some founding charter or constitution made up of canons; it cannot constitute a 'legal person.' The only possible way in which the eucharistic body can be represented is through a natural person, the person of the father of the synaxis who is the bishop, 'as type and in place of Christ.' . . . The bishop embodies and sums up the life of the Church, her personal mode of existence, the fact of personal communion and relationship which constitutes the Church. This again is why the bishop is above the canons [i.e., the bishop, like the king, is above the law] since he embodies and sums up all that the canons simply indicate and delimit.” Christos Yannaras, “Pietism as an Ecclesiological Heresy,” in *The Freedom of Morality*, Trans. Elizabeth Briere (New York: St. Vladimir's Seminary Press, 1996), 192-93.

19. Individualistic bridal mysticism and crusader spirituality were connected in that Bernard of Clairvaux was the author of both. As products of Western Christianity after the Schism of 1054, bridal mysticism and crusader spirituality have no counterparts in Eastern Christianity. The “crusader” mentality became popular during the Cluniac reforms and the papal revolution of the eleventh century. See Harold J. Berman, *Law and Revolution* (Cambridge, MA: Harvard University Press, 1983). The papal revolution which occurred in the later part of the eleventh century, shortly after the Schism, restructured the entire legal and intellectual culture of the West. “One might indeed ask: what relationship existed between the successes of what appears now as a new, original civilization (the West)—and this 'Papal Revolution'? I would reply firstly that men of the West could, at that time, both know the world and co-operate to act on it better than they ever could before, and secondly that it is the 'Papal Revolution' which made possible this new use of reason—which effectively 'invented Western Reason.'” Philippe Nemo, “The Invention of Western Reason,” in *Rationality and Irrationality / Rationalitat und Irrationalitat* eds. B. Brogaard and B. Smith (Vienna: Obvahpt, 2001), 227.
Eastern Christendom

After the fall of Rome in the West, the imperial power of the city of Constantinople, or the Second Rome, continued to exercise considerable authority in the East. As a consequence, political authority within Byzantine society never fell into the hands of ecclesiastical authorities as it did in the West where, after the fall of Rome, the authority of the Church was often the only form of social authority that remained. As a consequence of this important cultural and political difference, the Western church ultimately became more involved in the daily administration and government of secular affairs than did the Eastern church.

When the Roman imperial government lost control of the western provinces of the Empire, the Church of those provinces was left for several centuries in a cultural and political vacuum, with no strong and enlightened civil power to keep her company. She had to use all her spiritual prestige to establish even a minimum standard of order and decency in public life. We can therefore understand why she began more and more to magnify her authority, claiming first a full measure of independence over against the civil power and ultimately a right of supremacy over it. We can understand too the gradual concentration of power with the Church herself into one centre, the medieval Papacy... But this was achieved at a price. It meant that the Church was slowly transformed from a free society into an army, from a fellowship of the Spirit into a power-organization, and the fundamental relationships within the Body were henceforth conceived too exclusively as relations of authority and obedience.20

The different role of the church within society as well as the difference that existed between attitudes towards women and the marriage of priests were all factors that helped contribute to the gradual alienation of East from West.

One of the reasons that the prohibition of priests from marriage never occurred in the Byzantine Church was the fact that the social and cultural institutions of the East were more patriarchal than those of the West. This was, in part, due to tremendous social

disruption that had overtaken the West after the fall of Rome. The patriarchal nature of Byzantine civilization functioned to help keep the social roles of men and women distinct. Consequently, women rarely found themselves in a situation where they constituted a serious threat to the power of men. As the role of women was limited to the domestic sphere of the home and family, the influence of women only indirectly touched the public world of men. Indeed, in Byzantine civilization, much like the patriarchal culture of the Old Testament Judaism and some contemporary Islamic societies, women were not even permitted to give testimony in court as it was considered indecent for women to exercise any type of public authority over men. According to Angold, “The status of Byzantine women was no better than it was in many other patriarchal societies. They were expected to be dependents, first on their fathers, then on their husbands. Marriage was their natural state and the family and household their setting.” However, as a consequence of this strict social segregation of men and women, the authority of women in private life also tended to be more respected in the East than in the West:

A woman’s position was precarious. Her influence fluctuated according to circumstances: from family to family; from generation to generation, even within a lifetime. It depended very largely on identifying herself with her family, her husband, and her children. She scarcely counted in her own right, but as the embodiment of family interest she might be a very powerful figure.  

This social distinction between male and female in the East was further reinforced by Byzantine theology, which held to a more corporate and less individualistic understanding of the church. In many ways, this made it easier for the Byzantine mind to see the

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21Michael Angold, *Church and Society in Byzantium under the Comneni* (New York: Cambridge University Press, 1995), 426.

22Ibid.
distinction between the roles of men and women as a form of social interdependence rather than a type of social rivalry.

The theology of the Eastern church was both more mystical and personal and less juridical and organizational than the theology of the Western church. Although the West also had its own share of mystics, the corporate mysticism of the East made impossible the development of the individualistic bridal mysticism that eventually came to dominate the Western Church. This individualistic mysticism of the West is often simply referred to as pietism and can be found in the thought of most Western mystics after the twelfth century, both Catholic and Protestant. The mystical relationship that existed between Christ and the church was often viewed as analogous to a marriage between a man and a woman. However, in the East, this marriage relationship was understood to exist only in the corporate sense, between Christ and the church as a whole, not a relationship that existed between the individual believer and Christ. The reason that this marriage relationship could not be individualized was because for one reason, among many others, it would imply that one man could marry another man, for not only women, but men also would be married directly to Christ according to the terms of this individualistic bridal mysticism. As an effeminate and latently homosexual conception, this individualistic understanding of Christ's marriage to every single believer was clearly

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23It is characteristic of Rome . . . whether ancient or modern, imperial or ecclesiastical . . . to conceive life in terms of government, and government in terms of authority, and authority again in terms of power. Thus, in society at large, justice is sought through law and administration, wherein a few control the many; and the Roman genius in government has always tended toward centralization and been suspicious of the diffusion of power . . . But there is also a tendency to see things mechanically and impersonally, and a distrust and fear of free initiative, which to the Roman mind implies insubordination and potential anarchy.” H. A. Hodges, Anglicanism and Orthodoxy (London: SCM Press, 1955), 44.

24For an Orthodox critique of the theological foundation of pietism, see Yannaras, “Pietism as an Ecclesiological Heresy,” in The Freedom of Morality, ch. 8.
Consequently, the Eastern church, unlike the Western church, formally rejected the idea that Christ was related to the soul of the individual believer in the same way as a husband was related to his wife, limiting Christ's role as husband to his corporate relationship with the church as a whole.

There also were important theological and liturgical implications connected with this more corporate understanding of the nature of Christ's relationship to the church which prevailed in the East. In contrast to the Western Catholic priest, the Eastern Orthodox priest could not hold a private mass or celebrate a mass by himself. The reason behind this prohibition was related to the Byzantine understanding that a priest could not function as priest independently from the laity any more than a father could function as a father in the absence of children. Without the existence of children, a man was merely a man, but not a father. Without the existence of the laity, a priest could not function in his role as a priest. Likewise, the subordination of children to their father and the subordination of a wife to her husband did not imply the independence of the father from the children or the independence of a husband from his wife. Indeed, it was

25] Corinthians 6:9 reads: “Or do you not know that the unrighteous shall not inherit the kingdom of God? Do not be deceived; neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor homosexuals.” In medieval canon law, a marriage between two people of the same sex was commonly used to illustrate the concept of a “null and void” contract as it was assumed that this example was one of the clearest and most obvious examples of an illicit and impossible contractual relationship.

26] During his earthly ministry, Christ emphasized the importance of “corporate relatedness” in interaction with the Canaanite woman (Mt 15.21-28). Christ refers to her as a “dog” for she stands outside the community Israel. The woman’s response, “Do not even the dogs eat the crumbs from the table?” resulted in Christ praising her for having greater faith than many of those who were within Israel.

27] In the Western church, “the unity of the Body was lost to view, and the word ‘Church’ began to be used as if it meant the hierarchy and the religious orders in contrast with the people. The Spirit was thought of no longer as moving freely through the Body, but as canalized through the sacraments, and therefore through priestly hands. The liturgy came to be thought of as something done for the people by the priest, not as something done by the whole congregation with and through the priest. Christ was sought and recognized in the Pope, who was His vicar, and (quite rightly) in the Eucharistic Presence, but not in the whole body of His baptized members. . . . [T]he Roman See, the pinnacle of the whole structure, could now say of itself that it ‘judges all and is judged of none.’” Hodges, Anglicanism and Orthodoxy, 44.
understood that a father existed for the sake of the children just as the husband existed for the sake of his wife. Consequently, the importance of protecting and providing for women and children was emphasized more in the East than in the West. Although it might be possible to be a commander of an army without having any concern for women and children, one could not be a patriarch of a family without exercising this concern. Whereas marriage and children might be a hindrance to the vocation of a crusader waging war against social injustice, they were most complementary to the lifestyle of a patriarchal father, who was willing to sacrifice his own safety and welfare in order to provide for and protect those over whom he ruled. Thus, it should come as no surprise that the marginalization of the patriarchal understanding of Christianity reached its peak in the West during the late middle ages, roughly overlapping with the time of the Crusades.

*The Western Recovery of the Patriarchal Perspective*

In many ways similar to the Byzantine church of the East, seventeenth-century Anglicanism did not make celibacy a requirement for priests as Anglicans likewise viewed the roles of father and of priest to be perfectly commensurable and compatible with each other. One of the reasons for Anglicanism’s more commensurable understanding of these two roles was related to the fact that in the sixteenth and seventeenth centuries, after many years of decline, the patriarchal foundations of Western Christianity were undergoing a type of recovery. This recovery of patriarchy was not

28In contrast to Protestantism, the clergy of the Anglican church are recognized to have a sacramental or priestly function, but they are still allowed to marry. Anglican priests are the only priests in Christendom, besides Orthodox priests, who are allowed to be married and still function without hindrance in their sacramental role as priests. Whereas most Protestants refer to the head of the congregation simply as “pastor,” Anglicans, Catholics, and Orthodox continue to use the term “father.” That Catholicism alone excludes a biological father from functioning as a sacramental or priestly “father” is more than a little ironic.
limited to the Anglican Church, but also was manifested within the various different camps of Protestantism that sprang up throughout Europe during the sixteenth and seventeenth centuries. Indeed, the Protestant Reformation was, in many ways, the catalyst for this “patriarchal recovery” in the West and it was particularly evident in Protestant countries, especially within the Lutheran movement in Germany.

In stark contrast to medieval Catholicism, which had considered the institution of marriage to be an unacceptable hindrance for those who were called to the priesthood, sixteenth- and seventeenth-century Protestantism viewed celibacy as a hindrance to the spread of Christianity. The closing of many monasteries in Protestant countries during this period was one of the most important social changes brought about by the Reformation. This was true not only for the Protestant Reformation of Continental Europe, but also for the Anglican Reformation in England. As Steven Ozment notes, “Whereas approximately 3,500 nuns had filled English convents in 1350, only 1,900 were counted in 1534. . . . [just prior] to the reforms that would by the end of the decade dissolve all monasteries and nunneries.”

Although at first a few Protestant monasteries in Germany decided to convert to Lutheranism, over the course of years these monasteries were either entirely dissolved or eventually converted back to Catholicism, for apparently Protestantism did not provide enough nourishment for the continuation of the monastic life. It is certainly true that Protestants and Anglicans, to a lesser degree, generally did

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30 Francois Biot, *The Rise of Protestant Monasticism* (Baltimore, MA: Helicon, 1964). “In actual fact, the doctrine of justification by faith declared, as a practical corollary, that religious vows were not only reprehensible but invalid. It emptied the convents and monasteries of Germany. From that time on, one might assume that 'Protestantism' and 'monasticism' were mutually exclusive and that such a thing as 'Protestant monasticism' was inconceivable. (It must, of course, be remembered that Anglican monasticism is not 'Protestant.')” Thomas Merton, *Mystics and Zen Masters* (New York: Noonday Press, 1961), 189.
not hold the celibate life in high regard, finding little theological justification for it and thus less willing to devote resources to its maintenance and support.\textsuperscript{31}

From the start, the legalization of clerical marriage had been almost as fundamental a biblical tenet of the reformers as the sole authority of Scripture and the sufficiency of faith. In the new theology, marriage became the lifestyle ordained by God and nature for all men and women with only the rarest exception (according to Luther, one in a thousand). Luther saw an ascending divine order of creation, running from family (\textit{paterfamilias}) to state (\textit{paterpoliticus}) to church (\textit{patertheologicus}). Indeed, [to quote Luther] “marriage pervades the whole of nature, for all creatures are divided into male and female, even trees marry; likewise, budding plants; there is also marriage between rocks and stones.”\textsuperscript{32}

Luther’s strong advocacy of the advantages of marital life over the celibate life was undoubtedly connected to his own personal experiences as a monk. Luther had spent a good number of years living in a monastery and, after his excommunication from the Catholic Church, liberating “captive” women from European convents proved to be one of his favorite pastimes. The great majority of the nuns who were liberated by Luther, of course, were younger women of marriageable age who still had prospects outside the monastic life. Indeed, Luther himself eventually married one of these liberated ex-nuns.

One of the more memorable of Luther's attempts to advance the cause of “women’s liberation” in Europe was his successful raid on the Nimbschen convent. On this occasion, Leonhard Koppe, a close friend of Luther, drove a covered wagon that normally was used to deliver food through the main gate of the convent. While inside, twelve nuns hid inside the wagon and were driven away to meet Luther in Wittenburg. Although keeping silent for a period of time after this incident, Luther eventually wrote an open letter admitting his involvement in the scheme wherein he referred to Koppe as

\textsuperscript{31}There are still some Anglican monasteries in existence today, but no Lutheran monasteries.

\textsuperscript{32}Steven Ozment, \textit{Ancestors: The Loving Family in Old Europe} (Cambridge, MA: Harvard University Press, 2001), 35.
“foreordained” by God to be a “holy robber.”\textsuperscript{33} According to Ozment, “In another pamphlet entitled \textit{Why nuns May Leaven Cloisters with God’s Blessing} (1523), Luther again praised Koppe’s deed as an example for all parents with children in cloisters, comparing it to Moses’s deliverance of the children of Israel from Egyptian bondage and Christ’s theft of mankind from the Prince of the World.”\textsuperscript{34}

Following the example set by Luther himself, a number of other first-generation Lutheran clergymen, many of whom were former Catholic priests or monks, also married. These marriages took place with Luther’s strong encouragement and approval, even though Luther's condoning of this practice was quite controversial. Although both Protestants and Catholics agreed that marriage was an honorable institution, for those who were formerly priests, monks, or nuns there existed the problem of “contradictory vows” as a marriage vow could never be completely reconciled with the former vow of life-long celibacy.\textsuperscript{35} For this reason, a number of those who married under these circumstances later regretted their decision.\textsuperscript{36}

The emptying of the monasteries in Germany and in other Protestant lands was a significant event in the history of early-modern Europe. One of the lasting results was


\textsuperscript{34}Ozment, \textit{When Fathers Ruled}, 17.

\textsuperscript{35}As one ex-priest wrote to his brother, who had remained a monk: “Within me a constant conflict rages. I often resolve to mend my course, but when I get home and wife and children come to meet me, my love for them asserts itself more mightily than my love for God, and to overcome myself becomes impossible for me.” Heinrich Denifle, \textit{Luther and Lutherdom} (Somerset, OH: Torch Press, 1917), 3.

\textsuperscript{36}Luther spent much of his time writing to various priests and clerics urging them to marry and thereby break the solemn vows they had made. His motives in urging marriage on apostate nuns and priests were clear. Once that spiritual transaction had been accomplished, the apostate priest was firmly in the Lutheran camp, a fact that Luther exploited for its maximal political effect. . . . It was a uniquely effective way of organizing ex-clergy in opposition to the Church. Once they had made two contradictory sets of solemn vows, there was no way out.” E. Michael Jones, \textit{Degenerate Moderns: Modernity as Rationalized Sexual Misbehavior} (San Francisco: Ignatius Press, 1993), 244.
that it brought many women out from under the authority of a Mother Superior and back under the authority of their husbands and fathers. The feminization of medieval Western Christianity and considerable increase in female monasticism that had begun in the eleventh century during the bridal mysticism of Bernard of Clairvaux was effectively brought to an end with the Protestant Reformation's attack upon the monastic institutions of late medieval Europe. Although the Anglican Church was only tangentially connected with Protestantism, the situation was basically the same in England, but for a slightly different reason. Whereas Luther and Calvin had a theological motivation for attacking monasticism, the confiscation of monastic property by King Henry VIII basically produced the same result in England—a marked decrease in the number of people who followed the monastic vocation.\textsuperscript{37}

The fact that most Protestant and Anglican clergymen during the sixteenth and seventeenth centuries were no longer celibate opened the door for a more familial and patriarchal model of the church to reestablish itself in the West. If only for this reason alone, the Protestant Reformation can be said to have contributed significantly to the restructuring of the social institutions of sixteenth-century Europe. Indeed, the development of a more self-consciously patriarchal society in England during the seventeenth century, to a large degree, would have been impossible if the Reformation of the sixteenth century had not taken place. Sixteenth-century European society was a transition period between the medieval model of celibate clericalism and the patriarchalism of the seventeenth century. In many ways, the seventeenth century was the

\textsuperscript{37}“Luther's most characteristic theological doctrines were shaped by his revolt against the limitations of religious life in a community that was, if not totally corrupt, at least subject to serious deficiencies. . . . The 'works' by which he denied that man could be justified were first of all the monastic observances which traditional Catholic theology had associated with the state of perfection, the life of vows. If Calvin and Luther had confined themselves to a theoretical dispute on justification, there might have been some hope of adjustment and reconciliation.” Merton, \textit{Mystics and Zen Masters}, 189.
high-water mark not only of Protestant and Anglican theology, but also of patriarchal social institutions.\textsuperscript{38} This was especially the case in England where both the Anglican Church and the Stuart monarchy, as the established religious and political institutions of the seventeenth century, were largely products of a self-conscious development and recovery of the patriarchal foundations of society that began during the sixteenth century. This also explains why Filmer's defense of the status quo social order of his day amounted to virtually nothing other than a patriarchal defense of the religious and political institutions of seventeenth-century England. For as Peter Laslett observed, “If English society was ever patriarchal, it was so in Sir Robert Filmer’s generation.”\textsuperscript{39}

\textit{Sir Robert Filmer’s Defense of Patriarchy}

Like many other seventeenth-century thinkers, Filmer devoted a considerable amount of time to the subject of women, particularly the important role that women play within human society. Patriarchal thinkers, like Filmer, recognized that the more influence and control men exercised in the public realm, the more women's influence would naturally dominate the private realm.\textsuperscript{40} However, among those who defended this private-public distinction between the sexes, there existed a wide-range of attitudes toward women.

\textsuperscript{38}Indeed, after the seventeenth century, patriarchal thought rapidly declined in England. With the advent of the social contract theories of Hobbes, Locke, and Milton the eighteenth century became more of a transitional period between patriarchy and the development of modern liberalism. However, in America, patriarchal thought continues to exercise its influence, especially in Virginia and the Southern states. In many ways, the social institutions of the eighteenth-century American South are closer to the social institution of seventeenth-century European England than they are to eighteenth-century England. This is less true for the Northern New England states which tend to follow along and keep up with the social developments in England and the rest of Europe more closely.

\textsuperscript{39}Laslett, “Sir Robert Filmer: The Man versus the Whig Myth,” 545.

The patriarchal attitude of Filmer, for instance, stood in stark contrast to the more misogynistic attitude of Ignatius of Loyola, who, in his comparison of women to Satan, had used the terms “weakness” and “tyranny” to point out the similarities between the two. Although Filmer also made a comparison between Satan and women, Filmer was much more complimentary in this comparison than was Ignatius. Filmer argued that women were inherently better than men in the same way as Satan was inherently superior to the rest of the angelic hosts before his fall. Consequently, the corruption of a woman was comparable to the corruption of Satan in the fact that it resulted in a much greater evil than the corruption of the lesser angels or the corruption of men. As Filmer argued, “If some women have been worse, then some women have been better than men, as devils are therefore worse because good angels are better than men. The corruption of the best is the worst; the best wine makes the strongest vinegar.”

By this argument, Filmer set forth an interesting proposition, namely that women had a wider range of virtue than men and thus, accordingly, women potentially could be either more virtuous or more vicious than men.

A consideration and defense of the important role that women play within a patriarchal society was the subject of two of Filmer’s works: *An Advertisement to the Jury-Men touching Witches* (March 1653) and “In Praise of a Vertueous Wife”

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42This is also an accepted theological position among Eastern Orthodox theologians, who consider Mary, the mother of God, to have attained the highest degree of human virtue and perfection. In other words, it was a woman, namely Mary, who is the most perfect and virtuous person to have ever lived upon the earth, excepting only God Himself when he became incarnate in the person of Christ. The Anglo-Catholic author J. R. R. Tolkien in his *Lord of the Rings* had a woman slay the king of the Ringwraiths as this powerful evil creature supposedly was unable to be mortally wounded by men—possibly an illusion to the Virgin Mary and her role in defeating Satan. Likewise, in the Bible, Paul referred to women as being “weaker vessels” in comparison to men, but it is often forgotten that Paul also argued that certain types of weakness could be advantageous. Consider 2 Corinthians 12:9, where Paul claims that “power is perfected in weakness.” This same point was made in the nineteenth-century by Robert Lewis Dabney, whose views on women will be considered in Chapter Eight.
In his *An Advertisement to the Jury-Men Touching Witches*, Filmer sought to defend women against the charge of witchcraft for, at the time of its publication, many Puritans were advocating the reinstitution of Mosaic Law in England, including the execution of witches. In his unpublished, but privately-circulated essay entitled, “In Praise of a Vertueous Wife,” Filmer defended the important place of women within the family, arguing that if wives and mothers were without virtue, then human society could not long exist.

*An Advertisement to the Jury-Men Touching Witches (March 1653)*

During times of great social upheaval and turmoil, as was the case in seventeenth-century England just prior to the Civil War, there often is a desire to find someone to blame. If social institutions are patriarchal in nature, it is not uncommon for women to become an increasingly popular scapegoat, especially women who are marginalized or already subject to some form of social ostracism. The rise of the witchcraft trials in the sixteenth and seventeenth centuries are often pointed to as an example of this scapegoating process—the process by which communal tragedy, including religious and social upheaval, is blamed upon a marginalized segment of society. This “scapegoated” segment of society is then persecuted in the hopes of purging the evil from within and restoring the social order. In medieval Christendom, the Jews were a common target of scapegoating, especially during the outbreak of plagues when they were often accused of poisoning the waters. However, after the breaking up of Christendom during the Protestant Reformation, it was not only the Jews, but also women who became an increasingly popular scapegoat. Many Puritan authors devoted long tracts defending the

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persecution of witches. On this point, Filmer was again a strong opponent of the Puritan tendency to “cast the first stone”—whether that stone be directed at the king (tyrants) or at women (witches).

In his essay defending women against the charge of witchcraft, Filmer argued that a distinction should be made between a Hebrew witch and an English witch and, in making this distinction, Filmer came close to denying the existence of English witches altogether. The target audience of the essay was jurymen deliberating at a witch trial. Filmer sought to persuade these jurymen that most of the women who had been condemned as “witches” in England were, in fact, not guilty of witchcraft as the term was used in the Old Testament. Filmer did not go so far as to deny the existence of witches altogether, and he certainly agreed that witches (or rebellious women) could be a malicious force within society. However, he did make it clear that he considered the majority of women condemned for practicing witchcraft in seventeenth-century England to be innocent of the crime as it was defined in the Old Testament. Filmer’s view on the subject of witchcraft, much like his political views, was not well-received by Puritans, who as a group tended to favor the enforcement of the Mosaic Law, including the execution of witches, and the incorporation of the Old Testament penal code into the legal systems of both England and America.

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44 In England, the practice of witchcraft was made a capital offense right before the Civil War in 1641, the same year that Parliament declared that it could be summoned without the king’s command and that it was Parliament, and not the king, that was responsible for the defense of England.

45 There is a strong connection between rebellion and witchcraft in 1 Samuel 15:23: “For rebellion is as the sin of witchcraft, and stubbornness is as iniquity and idolatry.” The reason stubbornness was associated with idolatry might be due to the fact that a stubborn person tends to make an idol out of his own opinions.

46 In 1688, Cotton Mather of Boston, Massachusetts published his Memorable Providences, Relating to Witchcrafts and Possessions in which he restates and attempts to strengthen the Puritan arguments in favor of the persecution and execution of witches. In 1692, Mather played an important role in the Salem witch trials.
In Praise of a Vertueous Wife (unpublished)\textsuperscript{47}

Whereas Filmer’s essay on witchcraft was addressed to jurymen in a legal setting, his essay of the *Vertueous Wife* was addressed to all men, particularly young men who were thinking about marriage and to married men who were having difficulty in their marriages. It is in this unpublished essay, circulated among his peers and friends, that Filmer’s attitude toward women can be seen most clearly. In the course of this treatise on married life, Filmer gave considerable attention to the qualities that a man should be particularly mindful of when choosing a wife, especially the character traits that should be avoided, most notably the vice of contentiousness. “That much of the honor and profit of a virtuous woman now remains the pleasure which is described by the contrary, namely the trouble of a contentious wife.”\textsuperscript{48} For a contentious wife would cause a man no end of trouble, no matter how virtuous he himself attempted to be. Thus, Filmer counsels his readers to choose a meek wife, as meekness was the opposite of contentiousness. “If a contentious wife be such a purgatory what a paradise is a woman of meek spirit.”\textsuperscript{49}

In addition to this most important character trait of meekness, Filmer also suggested that a man be mindful of three other factors, namely a woman's mind, her body, and her estate. In the area of mind, a man should attempt to find a woman who could understand his own thought processes (“she must knowe thy language and religion”) and whose mind was marked by good affections (“she must not be grievously tainted with pride, lust, covetousness”). Taking these two factors into consideration would help to ensure that the woman would prove helpful to the man’s “calling” and his “person.”


\textsuperscript{48} Ezell, *The Patriarch’s Wife*, 177.

\textsuperscript{49} Ibid.
regard to her body, Filmer's only recommendation was to avoid a woman that had “an eminent contagious disease lest it breed separation though not perpetual divorce.” And, finally, in regard to her estate, Filmer suggested that a man avoid marrying a woman who came from greater wealth or a much higher social estate than himself unless the man won her by “some heroical and publique actions”; thus, lessening the chance for any contempt arising in his wife due to the unaccustomed difficulties she might suffer from his lower estate.

After providing all of this “premarital counseling” to his readers, Filmer then turned his attention to addressing a number of common stereotypes about women in order to demonstrate their falsehood. After identifying a number of these stereotypes, Filmer proceeded to systematically debunk each stereotype using the traditional scholastic pedagogy of objection and response. Stating each stereotype in the form of an objection, Filmer formulated a response using quotations from scripture in order to demonstrate the false premise upon which the stereotypical objection rested. A few examples will suffice:

Objection: Woman was the first sinner.
Answer: 1. Not the cause (for that was man’s will) but the occasion. 2. She was the occasion not by hateful knowledge (as Satan) but by ignorant love. 3. The woman did deceive out of error; the devil out of knowledge; the man did eat: so that she is to be pitied not hated. 4. She was the occasion though not the cause of our salvation in Christ.

Objection: A woman is the weaker vessel.
Answer: 1. That is in perseverance, but not in a sudden act. 2. Her weakness is a fit middle term to combine the father to his tender children; again if both were equally strong neither should yield and so no concord. 3. God’s power is seen in our infirmity (2 Corinthians 12:9).

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50 Ibid.
51 Ibid.
52 Ibid., 171.
Objection: Adam was seduced by his wife.

Answer: 1. That Eve was a good woman appeareth because the promise was made to her (Genesis 3:15) and [she] received the same (Genesis 4:25). 2. She was deceived but was first deceived herself (1 Timothy 2:14; 2 Corinthians 2:3). 3. Let none therefore with Adam lay the blame upon her, but rather blame him that should have been the wiser of the two. Filmer also challenged those who maintained that women should only be allowed to excel in “the wheele and the spindle” by arguing that if any woman had the ability to govern the commonwealth, “she shall be no more bound to the wheele than a prince to the plouge.”

Thus, according to Filmer, England could be ruled by either king or queen.

However, despite his defense of women and the praise that he directed toward virtuous wives in particular, Filmer should not be considered a forerunner of women’s rights. As a defender of patriarchy, Filmer simply assumed that women were subject to men. Filmer took the biblical account of the creation and fall of man literally. In the beginning, God formed Adam out of the dust of the earth, and then Eve proceeded out of the side of Adam. Since the creation of Adam was an original creation (from non-living earth to living being) and Eve's creation was derivative from Adam's creation, Adam must have existed before Eve. Since the relationship that existed between Adam and Eve was not a relationship between two simultaneous co-creations, but rather a relation between an original type and a derivative thereof, it followed that Adam had preeminence over Eve from the beginning. In the same way as mothers had preeminence over the children who proceeded from their own bodies, so likewise, Adam had preeminence over Eve who proceeded from his own body.

53Ibid., 175.

54Ibid., 187.
After the fall, due to the entrance of sin, this original preeminence of Adam over Eve took on a different and more difficult form, namely that of Eve's subjugation to Adam. However, the original hierarchical relationship that existed between Adam and Eve, a relationship in which Adam had preeminence over Eve, was not itself a result of sin. Rather, the sinless hierarchical relationship that existed between Adam and Eve was analogous to the relationship that existed between the Father, the Son, and the Holy Spirit. All three persons of the Trinity were considered to be equal in being; however, in terms of hierarchical functional authority the Father had preeminence over the Son and the Holy Spirit because he was the source and root of their eternal existence. The Father was considered to be the fountainhead of the Trinity because the Son was eternally begotten of the Father and the Holy Spirit eternally proceeded from the Father. Indeed, the Holy Spirit's procession from the Father was analogous to Eve's procession from Adam's side, and the Son was begotten of the Father in the same way that Adam's children were begotten from him. As the first-created, Adam's existence did not necessitate the existence of Eve or children. However, the existence of Eve and the existence of children necessitated the prior existence of Adam. Thus, Adam had preeminence over Eve and his children in the same way that God the Father had preeminence over the Son and the Spirit.\(^{55}\)

However, it is important to note that this economical preeminence of Adam did not imply his ontological superiority. As all three persons of the Trinity were considered to be equal in ontology, but not in their respective economical functions, women and men...
were ontologically equals in regards to their personhood.\textsuperscript{56} It was only the economical function of Adam that had preeminence over the economical function of Eve. Thus, Eve was called Adam's “helpmate” and Adam was not called the “helpmate” of Eve. Furthermore, this original functional difference of economy between Adam and Eve did not necessarily imply the subjugation of Eve to Adam. This subjugation did not come into the picture until after the fall. Once disobedience entered into the picture, it was necessary to institute certain restraints in order to keep human society from falling into chaos. Thus, either Adam had to be subjugated to Eve's authority or Eve had to be subjugated to Adam's authority. But since Adam already had economical preeminence over Eve, subjecting Adam to Eve's authority would introduce even greater disruption into creation and only serve to increase the disorder and chaos that was introduced by sin. Thus, it was necessary that Eve be subject to Adam for, as Paul expressed it in 1 Corinthians 11:9, “man was not created for the woman's sake, but woman for the man's sake.”

This traditional biblical understanding of the distinction between the roles of men and women in human society was simply taken for granted and assumed by Sir Robert Filmer. Although the personhood of a woman was equal to that of a man, nevertheless women had been placed under the functional authority of men from the beginning. A woman was either under the authority of her father or later, upon marriage, under the authority of her husband. Consequently, the proper place of women, in Filmer's

\textsuperscript{56}In orthodox trinitarian theology, there is a distinction made between the ontological trinity and the economical trinity. Ontological subordination was rejected, but the fact that the Father has a “monarchial” relation to which the Son and the Spirit are subject implies some type of economic subordination. Word (Son) and Breath (Spirit) originate from the same Source (Father). The Father always acts through the Son and by the Spirit. The reason that the Source of the Trinity is called Father, rather than Mother, is due to the fact the world was created ex nihilo (out of nothing) and did not proceed from God himself. As God the Father did not give birth to Creation, but rather Creation came into being by the Father acting through the Son and Spirit, the analogy of Fatherhood (which implies separateness of Being) is more appropriate than Motherhood (which implies commonality of Being).
patriarchal mind, was not the public sphere where they would be forced to directly engage the authority of men, but rather within the mediating context of family life, where a woman remained protected by the authority of either her father or her husband.\textsuperscript{57}

Since it was in the domestic sphere that women lived their lives, it was also in this sphere that they were most in need of virtue. Whereas a man needed courage in battle to defend his country and king, a woman needed just as much courage in the defense of her home and husband. Whereas a man’s primary responsibility was to care for the commonwealth and his wife, a woman’s primary responsibility was to care for her household and her children. Provided that the primary responsibilities of the wife and mother were not being neglected, husbands were free to allow their wives and daughters to exercise their “eminent graces” in the area of government and medicine, “provided always that the women neglect not housewifery.”\textsuperscript{58}

Since a woman needed so many virtues in order to accomplish her numerous domestic responsibilities, a man who overlooked the necessity of virtue when choosing a wife did so at his own peril. Consequently, Filmer counseled men to not consider women to be mere objects of lust or prizes to be won, but rather to contemplate their indispensable and essential role in the proper functioning of the family and in the welfare of the entire society. A woman without virtue was just as destructive and dangerous as a man without virtue. Whereas vicious men could destroy the government or economy of a nation and tyrannize their own households, vicious women could destroy the fabric of domestic life itself and thus the well-being of the entire social order. At least this was the

\textsuperscript{57}In the Old Testament, if a woman had taken an oath to do something which her husband (or father, if she wasn’t married) later objected to, she was not bound to fulfill it as the husband’s authority overruled his wife’s authority and thus he had the power to make her previous oath null and void.

\textsuperscript{58}Margaret Ezell, \textit{The Patriarch’s Wife}, 187.
perspective of Filmer. But Filmer, of course, was not alone in these sentiments. This patriarchal understanding of the world was assumed within large segments of seventeenth-century European society, and this patriarchal cultural soil was what provided the nourishment for the institutions of marriage and family life during this period, especially in countries like England and Germany.

*Marriage and Family Life in Reformational Europe*

In seventeenth-century England the institution of the family was quickly moving toward a more “closed domesticated nuclear family” with fewer extended relatives living under the same roof and with the children governed primarily by one father and one mother.59 Under these circumstances, one woman had more control and influence over household affairs and thus needed greater virtue and industry to accomplish her duties.60 With this pruning of the size of the family, the choice of a good wife became even more important. Consequently, a virtuous and industrious wife was considered to be a great social advantage to men and “how to chose a good wife” thus became a common theme in the moralist literature of the sixteenth and seventeenth centuries.61 In this literature,

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60Wolfgang Russ, “following the advice of the Roman philosopher and satirist Apuleius, suggests that a man should select a wife in the same deliberate way he would buy a horse. One does not, he pointed out, buy a horse because he fancies its saddle and bridle, its harness, or its gait, and neither should one choose a wife because she has a striking appearance and dress. One should rather search out inner strengths and weaknesses. Is she virtuous, pious, and honorable, a woman readily respected, a person with companionable qualities? To approach marriage with such questions in mind was to court lasting success.” Ozment, *When Fathers Ruled*, 58.

61Ozment, summarizing the common perspective of the authors of this moralist literature, writes: “A wife was to be chosen for her maturity, so she would be able to manage the household economy. It was suggested that women be between twenty and twenty-four years, and her husband between twenty-four and thirty, roughly the age at which, according to modern demographers, most people tended to marry in early modern Europe. These were the perceived ages of emotional and vocational maturity, when men and women had completed their educations and/or mastered the skills necessary to support a household. A ready inheritance alone did not suffice; a successful marriage required mature judgment and the ability to perform useful, rewarding work.” Ibid.
wealth and beauty were often downplayed as secondary in importance, for both men and women, as these qualities were not considered to be essential to a good marriage or to the faithful shouldering of domestic responsibilities. As Filmer so poignantly put it, “So is a woman given by God if she be vertuous and marry willingly, not for lust, beauty, honor, wealth, else she is a hellish screechowle not a heavenly nightingale.”

Those who wrote these moralistic essays realized, of course, that for many of their readers, if not most of them, the advice to marry a virtuous woman was a moot point. Men who were already married, especially those men whose marriages were not good, would not be helped by this ex post facto advice on how to choose a wife. Furthermore, as the most influential and important figures within patriarchal societies tended to be married men, rather than celibate priests or monks, the social disruption that could be caused by vicious wives was of no small concern. Although it was true that most women in patriarchal societies had little or no standing to directly influence the public realm, women wielded a great amount of authority in the private realm and thus within society as a whole. Within the context of domestic life, a woman's authority was both well-protected and respected, if not by her husband, then at least by the society as a whole. According to Ozment, “Contrary to the impression often given by modern historians, paternal authority in Reformation Europe did not necessarily mean that a man was free to dominate his household as he pleased. Enormous moral and legal pressure was brought to bear on housefathers who flagrantly abused their mandate.”

In Europe, the Protestant Reformation had not only increased the number of people who forsook monastic vows, but it also made it easier to obtain a legal divorce as

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63Ozment, *When Fathers Ruled*, 51.
marriage was understood as less of a sacramental institution and more of a social relationship that encouraged mutual care and concern. However, the decreasing amount of legal difficulty and social stigmatization for those who grew tired of their monastery or their spouse was still a far cry from contemporary Las Vegas weddings and “no-fault” divorce laws. In the seventeenth century, marriage was not easily entered into and obtaining a divorce still required some type of justification. Even in the case of adultery, always a justifiable reason for divorce, there often were many cultural reinforcements and social considerations that worked to help keep the husband and wife together, especially in the upper social classes. A woman might overlook her husband’s infidelity as seeking a divorce would rarely help her own social status. And the same was true for men. A woman’s dowry remained her own property until her death and even if a man obtained a divorce from his wife due to unfaithfulness, so he often would lose a significant portion of his aggregate wealth. Marriage was a social and economic institution with many built-in safeguards making divorce as difficult as possible and the fact that a divorce was difficult to obtain was usually more advantageous to women than to men, not only because women derived their power and influence directly from the domestic realm, but also because after many years of marriage it was usually more difficult for women to remarry. Even if a woman was wealthy, “many moralists considered marriage to an older

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64 Ibid., 83.

65 Dowry is property given to the daughter to take with her into marriage. Technically it is her property and in her own control though the husband usually has rights of management. A husband cannot transfer the dowry to his sister, partly because he requires his wife’s consent, but more importantly because it is against the spirit of the dowry institution, which is that the dowry given a wife and in her legal possession should form part of the conjugal estate, to be enjoyed by husband and wife and to be transmitted in time to their children.” Jack Goody and S. J. Tambiah, Bridewealth and Dowry (Cambridge University Press, 1973), 62.
woman as risky as one to an immature girl; they feared that an older woman, especially if she were wealthy and experienced (a rich widow), would not be properly subservient to a younger and less affluent mate.\textsuperscript{66}

In England, seventeenth-century Anglicans and royalists were typically strong advocates of the patriarchal social order whereas Puritans and other dissenters tended to favor a more egalitarian view of human society. “Since the Royalist political position was to justify social order by patriarchy, any disruption in the family was perceived as a threat to the state.”\textsuperscript{67} In contrast to the royalists who sought to preserve patriarchal society, the dissenters, especially the Levelers, were strong opponents of the patriarchal social order.\textsuperscript{68} In fact, one of the self-conscious agendas of the Puritan Revolution was to revise the existing patriarchal laws that governed marriage and divorce.\textsuperscript{69} The reasoning process justifying this legal revolution was simple: “If the religious sanction for the

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\textsuperscript{66}Ozment, \textit{When Fathers Ruled}, 58.

\textsuperscript{67}Sharon Achinstein, “Women on Top in the Pamphlet Literature of the English Revolution,” \textit{Women’s Studies} 24 (1994): 153. “[T]he contractual theory of political obligation— with its insistence that the political order was conventional as demonstrated by its origins—contradicted the traditional view that human relationships were the natural outgrowths of the familial association and its paternal authority. . . . Patriarchalism thus answered and corrected the erroneous non-naturalism of the contractualists.” Gordon J. Schochet, \textit{Patriarchalism in Political Thought: The Authoritarian Family and Political Speculation and Attitudes Especially in Seventeenth-Century England} (New York: Basic Books, 1975), 55.

\textsuperscript{68}Largely drawing support from the army, and comprised of people from the lesser gentry and middling sort, the Levelers pressed for expanded manhood suffrage, the ‘fundamental rights of all Englishmen,’ toleration of religion in the name of salus populi, and presented positions demanding constitutional reforms. . . . [W]ives of Leveller leaders helped to drum up support, and several of the Leveller pamphlets addressed men and women alike. . . . In their petitioning before Parliament . . . the women supporting the Levellers demanded participation . . . [and] followed a logic of gender equality, asking for the same fundamental rights as the Leveller men had. Along with their suits to release the Leveller men, they appealed to the ‘foundations of true freedom,’ mentioning their ‘native liberties.’ They also articulated that, as women, they were entitled to a prevailing interest in national affairs: ‘that we have an equal share and interest with men in the Common-wealth, and it cannot be laid waste (as now it is).’” Achinstein, “Women on Top in the Pamphlet Literature of the English Revolution,” 136-38.

father’s headship of his family, or the king’s fatherhood of his people, is taken away, the whole of society and all its institutions are open to review from the point of view of the inner light, reason, natural right, popular consent, common interest.” Because of this attempt to overturn the established domestic order in this way, the royalist pamphleteer literature of the day continually accused the Puritan revolutionaries of mistreating women. By their refusal to recognize that women were weaker and thus primarily in need of laws favoring their social protection rather than their social equality, the royalists argued that the Puritans were misogynists who were unconcerned with the welfare of women. In other words, it was those who most vigorously defended the patriarchal order who claimed to be most concerned with the welfare of women.

The reasoning process that stood behind this surprisingly counter-intuitive claim of the royalists was simple to understand as the patriarchal argument for keeping women subjugated to men corresponded exactly to the royalist argument that was used in support of monarchy. The royalist argued that, “Anyone who believes that it is servitude to live under a prince is badly mistaken: there is no more welcome liberty than to be under a righteous king.” The patriarchalist, by changing only a few words, likewise argued: “Any woman who believes that it is servitude to live under a patriarch is badly mistaken: there is no more welcome liberty than to be under a righteous father or husband.” Of course those who were not royalist sympathizers did not associate monarchy with liberty

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72 “De laudibus Stiliconis Fallitur egregio quisquis sub Principe credit Servitium: Numquam Libertas gratior extat, quam sub rege pio.” Claudian, *De Consulatu Stilichonis*, III, 113-15. Flavius Stilicho was a Roman general who defeated the barbarians on numerous occasions. This quotation from Claudian also appears on the title page of Filmer’s *Freeholder’s Grant Inquest*. 
so readily. Those who objected to patriarchy, especially the women who had vicious fathers or wicked husbands or had been the target of Puritan witch-hunting, were more inclined to associate patriarchal rule with tyranny than with liberty.  

The social and legal protection that surrounded the married woman in patriarchal seventeenth-century England was the source of much of her authority and influence in society. These social protections also made a woman’s virtue a more important consideration in a man’s choice of a wife. For if a man made a bad decision in his choice of a wife, there was no easy way out and a wife lacking in virtue, especially if she came into the marriage with a large dowry, could make the domestic life of her husband almost unbearable.

[W]ives who brought great wealth into a marriage tended to be demanding and haughty; they neither feared nor looked after their husbands properly and believed they could do wrong with impunity. The poorer husband, humiliated by the fact that his wife’s wealth had made him more important than he otherwise would have been, tended to tolerate such abusive behavior.

As a member of the upper social class, Filmer was familiar with the common problem of the wealthy, independent-minded wife who sought every way possible to undermine the authority of her husband and even addressed this problem in his *Vertuous Wife* essay. However, the most interesting thing about Filmer’s discussion of this problem of difficult wives was his solution. Unlike some of the other moralist writers of his age, especially

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73 Of course, patriarchal institutions could be taken advantage of by women as well. This was especially a problem in places like Florence: “When a widow left a house in order to remarry, she left with her dowry but without her children . . . many of the tax declarations deplore the abandonment of orphans whose mother had ‘left the family, taking away her dowry,’ leaving her husband’s heirs in the charge of guardians and of paternal kin. . . . The paternal kin had to take charge of orphans ‘of whom it can be said that they are orphaned on both the father’s and the mother’s side, one Florentine orphan reiterates, ‘since it can well be said of those who still have a mother that they have none, given the way she has treated them and abandoned them.’” Christiane Klapisch-Zuber, “The ‘Cruel-Mother’: Maternity, Widowhood, and Dowry in Florence in the Fourteenth and Fifteenth Centuries,” in *Oxford Readings in Feminism: Feminism and Renaissance Studies*, ed. Lorna Hutson (New York: Oxford University Press, 1999), 193.

the witch-hunting Puritan pamphleteers, Filmer neither admonished men to exercise more power over their wives nor counseled women to be more submissive. A man had great freedom in choosing a wife, but once a wife was chosen there was little point in complaining about her deficiencies or the difficulties she caused at home. These domestic difficulties were unavoidable risks associated with marriage and with patriarchal rule. Often times the ruler would be resented by those over whom he ruled and by virtue of his close patriarchal and familial relationship to them, it was impossible for him to avoid the risk of being harmed by those whom he was obligated to protect.

And so it was in the case of a man married to a bad wife. In this situation, Filmer did not suggest that a man attempt to tyrannize his wife by exerting more power over her, but rather counseled long-suffering and patient endurance. Indeed, Filmer argued that it may be the case that God arranged for a good man to marry such a wicked wife “either as chastisement for some sin past, or a preventing of some to come, or else for a domestical martirdome.”

Due to the social difficulties associated with divorce, a man who was married to a wicked woman in the seventeenth century had few options. As the domestic sphere was primarily the woman's domain, a contentious wife could make home-life almost unbearable. Indeed, the power of the wife in the domestic sphere was so great that “[t]he evil or irresponsible wife, it appears, has enough power in her secondary role to disrupt totally the peace of the family, inflicting 'domestical martirdome' on its head” and thus, Filmer in his *Vertuous Wife* essay as well as most of the other moralist writers of the seventeenth century emphasized the importance of making a wise decision when choosing a wife.

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76Ibid., 136.
Filmer's consideration of a bad marriage as a type of domestic martyrdom is interesting for a number of reasons. Most notable among these is the similarity between Filmer's thought and the perspective of patristic Christianity which placed a great deal more emphasis on being a martyr and suffering patiently for the sake of righteousness than it did on being a crusader for the sake of social justice.\textsuperscript{77} Indeed, Filmer’s close association of marriage with martyrdom corresponds almost exactly to the teachings of the Eastern church on the subject of marriage, especially the Desert Fathers of Egyptian monasticism. The monks of the desert often counseled married men coming to them for guidance to consider the vices of their wives as an opportunity for martyrdom. Suffering in a marriage to a “bad wife” could often be an effective way for a man to gain a heavenly reward.\textsuperscript{78} Furthermore, the responsibilities of the husband and his duty to care and provide for his wife existed independently of his wife’s good or bad behavior. And thus, many men who sought to escape their own domestic martyrdoms by fleeing to the wilderness and becoming monks were told to go back home and patiently endure the domestic abuse.

The idea of patriarchal authority not only implied rule, but responsibility. As patriarchal rule vested more authority and power in husbands and fathers, husbands and fathers also were required to act more responsibly and shoulder more burdens than their wives and daughters. Consequently, if a man was truly responsible for his wife, then he

\textsuperscript{77}The “Crusader” mentality became popular during the Cluniac Reforms of the eleventh century. On this point, see Harold J. Berman, Law and Revolution (Cambridge, MA: Harvard University Press, 1983) and Leon Podles, The Church Impotent (Dallas, TX: Spence, 1999). Bridal mysticism and crusader spirituality are connected in that Bernard of Clairvaux was the author of both. They are a product of Western Christianity after the Schism and have no counterpart in Byzantine Christianity which idealizes the self-denying ascetic and martyr rather than the erotic crusader.

\textsuperscript{78}Benedicta Ward, The Sayings of the Desert Fathers (Kalamazoo, MI: Cistercian Publications, 1975), passim.
could not simply abandon her whenever she became too difficult to live with. On the other hand, although a woman had little public authority, she had a tremendous amount of private influence and could use this influence to either “make or break” her husband. Thus the reason that in patriarchal societies it was so important that a man choose a virtuous wife for, once married, a man had few options but to provide and care for his wife no matter how ungrateful or troublesome she may become. Under patriarchy, a man was responsible for caring and providing for his wife in the same way that a king was responsible to care for and protect his subjects. Even if the king's subjects were rebellious to the point of being a threat to the king’s own safety, the king could not abandon or fight against his subjects without also injuring himself; likewise, a husband could not abandon or inflict harm on his wife without also injuring himself. Consequently, if his wife was insubordinate, the husband must be long-suffering and patient, for the wife’s sin did not release the husband from his duty to care for and protect her, even at the expense of his own well-being.

In many ways, an understanding of the interdependence and reciprocal nature of the relationship that existed between the ruler and the ruled, the master and slave, the king and subject, the husband and wife, rested at the heart of patriarchalism. This perspective was what distinguishes Filmer's patriarchal political thought most notably from the egalitarianism and individualism of political liberalism, which sought to ground all authority in a procedural or legal structure of “human rights” or “equality” thereby justifying disobedience or rebellion by appealing to abstract concepts of equality, fairness, or other “rights-based” theories of justice. The hierarchical authority of patriarchalism

The difference between the individualism and egalitarianism of Suárez and the patriarchalism of Filmer and King James was clearest on this point. Whereas Suárez argued that the king could be an enemy of the state, Filmer and King James denied the legitimacy of positing a distinction between king and people, as they were members of the same body politic with the king being the head of the body.
rejected all of these notions. In relation to his wife, the patriarchal husband was not considered to be an equal. Indeed, as the patriarchal husband had more responsibilities and duties than his wife, he often had less freedom than his wife. In this regard, the husband's relationship to his wife was analogous to the relationship that existed between a king and his subjects. The king had numerous responsibilities and duties, which never lessened or disappeared, and also could be a victim of domestic martyrdom, like the husband, if his subjects chose to use their strategically advantageous and protected position within his kingdom to wage a war against him, as was the case in a civil war.

Of course, the risk of internal civil war and rebellion was nothing new. It was a risk that had been associated with patriarchal rule from the beginning and had first manifested itself in creation when Satan rebelled against the patriarchal rule of God the Father. In human society, the reality of this risk was first manifested in Adam and Eve's disobedience in the Garden of Eden. It was these two great internal rebellions within creation, both ultimately rebellions against God the Father, that had made necessary the crucifixion of Christ, who as the Uncreated and Primordial King of Heaven gave himself in martyrdom for his Created and Derivative Bride, the Church. This patriarchal model of martyrdom, where the stronger and greater laid down his life for the weaker and lesser, was essential to Filmer's understanding of patriarchal authority as it served not only his patriarchal understanding of the relationship that existed between the husband and the

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80The wound that Christ received in his side before falling into death has often been compared to the wound that Adam received in his side before falling into deep sleep. Whereas the falling asleep of Adam resulted in the creation of Eve, the death of Christ resulted in the creation of the church. Thus, the creation of Eve from the body of Adam and creation of the Church from the Body of Christ were considered to be analogous events. The body and water that flowed from Christ's side represented the waters of baptism and the eucharistic blood of Christ received in communion, the two boundaries separating those who are in the Body of Christ from those who are outside or excommunicated.
wife, but also the relationship that existed between the king and the people.\textsuperscript{81} And it is with this acute observation that our discussion of the political writings of Filmer now begins.

\textit{The Political Thought of Sir Robert Filmer}

One of the more interesting things about the writings of Sir Robert Filmer is that none of them were published until he was fifty-nine years of age.\textsuperscript{82} Although he wrote continually throughout his life, until the political crisis that was evoked by the English Civil War, his works remained unknown to the general public, although they were circulated in manuscript form among his friends and acquaintances. In his political writings, Filmer addressed the relationship that existed between patriarchal rule and monarchical government. He wrote a number of different works in defense of monarchy, his most well-known work being the posthumous \textit{Patriarcha} (1680), the treatise that later invoked a passionate response by John Locke. However, reading \textit{Patriarcha} alone is insufficient to give one an appreciation for the subtlety of Filmer's political thought. As a matter of fact, this work for which he is best remembered was not published until almost thirty years after Filmer's death.\textsuperscript{83} Although the \textit{Patriarcha} still received a great deal of attention when published in 1680, the implications of an even earlier publication date,

\textsuperscript{81}Faithfulness to this view of the king’s duty was the reason that Charles I was executed for he easily could have escaped and taken refuge in France, but he refused. Hilaire Belloc, \textit{Charles I} (Norfolk, VA: Gates of Vienna, 2003).

\textsuperscript{82}Filmer’s first published work was \textit{Of the Blasphemie against the Holy Ghost} (February 1647) which condemned the Puritan interpretation of the unforgivable sin; it was published anonymously.

\textsuperscript{83}There is some evidence that Filmer might have completed the manuscript before the Civil War began and even may have attempted to publish it as early as 1632; however, the exact reason for its delay remains unknown. “An important document amongst the Trumbull Papers (Misc XLII, 35) . . . 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.” Johann P. Sommerville, “Preface” to \textit{Patriarcha and Other Writings} (New York: Cambridge University Press, 1991), viii.
possibly as early as 1632, are interesting to consider. For instance, John Locke, who was born in 1632, would not have been in any position to respond to Filmer's arguments, at least not within a ten-year period, as he did with the 1690 publication of his *Two Treatises of Government*.

Filmer's *Patriarcha* was published posthumously in 1680, almost three decades after his death in 1653. The manuscript dates from 1628, but in the absence of a final edit from the author's hand, this work was in many ways less systematic and concise than the other works by Filmer that were published during his own lifetime. Consequently, *Patriarcha* needs to be interpreted within the context of Filmer's earlier published writings. Thus, a fuller treatment of *Patriarcha* as well as Filmer's critical analysis of the social-contract theory of government, the subject of his *Observations Concerning the Original of Government* (February 1652) will be addressed later. However, in addition to these two important works, Filmer also wrote a number of other lesser-known political works: *The Freeholder’s Grant Inquest* (February 1648), *The Anarchy of Limited or Mixed Monarchy* (April 1648); *The Necessity of the Absolute Power of all Kings* (August 1648); and *Observations Upon Aristotle’s Politics* (May 1652). In the remainder of this chapter, the first three of these lesser-known works will be examined.

*The Freeholder’s Grant Inquest* (February 1648)

The *Freeholder's Grant Inquest* constitutes Filmer's earliest published contribution to English political thought. Although notable for its depth of technical legal argumentation and knowledge of the history and development of English law, it is not the most philosophical or interesting of Filmer's political writings. In this work, Filmer attempted, among other things, to challenge the legal arguments of the renowned English
common-law jurist, Edward Coke. Filmer used both practical illustrations and historical evidence to demonstrate the inadequacies of Coke's common law interpretation of the English civil law. On certain points, Filmer's challenge to the common law tradition was significant as most scholars who seriously examine the The Freeholder's Grant Inquest admit.\footnote{The work is remarkable for its scholarliness and for its moderation; it shows the influence of the eminent historians and lawyers of early Stuart Westminster. But it was a strictly factual, highly legalistic and exclusively constitutional treatise, not remarkable for its readability.” Laslett, “Sir Robert Filmer: The Man versus the Whig Myth,” 538-39. J. G. A. Pocock’s The Ancient Constitution and the Feudal Law (New York, NY: Cambridge University Press, 1957) also contains a helpful discussion of Filmer's Freeholder's Grant Inquest.}

In contrast to the common-law position of Coke and others, Filmer argued that the political rights of a freeholder—a person who owned allodial property and was thus free from paying any form of rent or taxation on his land—ultimately were derived from the good will and consent of the king.\footnote{The Norman invasion of 1066 marked the beginning of the feudal system of property in England. The older Celtic system was significantly different, both more conciliar and more communal. Although common up through the nineteenth century, alodial property rights no longer exist in America. This is evidenced by the fact that no one is excluded from paying property tax (a form of rent). The State of Nevada recently passed a law reinstating “alodial titles” for homesteaders who pay 5% of the value of the property and are thus free from property tax until their death assuming they continue to live on the property. However, unlike ancient alodial rights, a Nevada alodial title is not transferable to heirs and does not apply to non-homesteaded property.}

Although freeholders were free from royal taxation on land (as they owned alodial property rather than feudal property), the possession of these alodial property rights did not imply that a freeholder's other political rights, beyond the right of non-taxable property, existed independently of the king's authority or consent. In other words, according to Filmer, property rights were not to be confused with political rights. Although the freeholder was master of his own property, he still remained a servant of the king when in came to exercising any type of political authority within the king's realm. In all other areas other than that of property, the freeholder remained the king's servant.
Filmer’s *Freeholder’s Grant Inquest* has little significance in relation to his larger patriarchal political theory; however, the fact that Filmer sided with the king rather than the freeholders is interesting to note as most of the freeholders in England were located in East Anglia, the region of England where the Puritans and Parliamentarian support was the strongest and also the place of origin for most of those who settled in the colony of Massachusetts.\(^8^6\) Probably another reason why Filmer’s political writings were not as popular in Puritan New England as they were in the Old Dominion of Virginia.

*The Anarchy of Limited or Mixed Monarchy (1648)*\(^8^7\)

During the English Civil War, as in any armed conflict, there were those who sought to find a compromise between the two warring camps. As the political lines in this conflict were drawn between the royalist supporters of the king and those who supported Parliament, a political compromise of adopting a mixed or limited monarchy often was suggested. By this compromise, political sovereignty over England could be shared by both the king and the Parliament. In response to this suggested compromise, Filmer wrote two works, both published in 1648: *The Anarchy* and *The Necessity*. In both of these works, Filmer sharply criticized the idea of mixed or limited monarchy, arguing that it was ultimately the same thing as having no sovereign at all. In other words, a mixed or limited monarchy was a prescription for anarchy.

\(^8^6\)East Anglia [was] very different from [the feudal regions of] Wessex, Mercia, and the north of England [having] comparatively large number of freemen, and small numbers of *servi* and *villaini*.” Fischer, *Albion’s Seed*, 44. “The Puritans’ greatest enemy, Archbishop William Laud, complained that East Anglia was the throbbing heart of heresy in England. Within East Anglia, the Puritan movement was strongest in the small towns whence so many migrants left for Massachusetts.” Fischer, *Albion’s Seed*, 45-46.

\(^8^7\)The full title of this work is “The Anarchy of a Limited or Mixed Monarchy or, a succinct Examination of the Fundamentals of Monarchy, both in this and other Kingdoms, as well about the Right of Powers in Kings, as of the Originall or Naturall Liberty of the People. A Question never yet disputed, though most necessary in these Times.”
On the title-page of the original edition of Filmer’s *Anarchy* there was a quote from the Roman poet Claudian (370-405 A.D), who lived under the rule of Theodosius the First—the last emperor to rule both Eastern and Western halves of the undivided Roman empire. Claudian is often considered the last of the classical Roman poets, dying only five years before 410 A.D.—the same year the barbarians sacked and invaded Rome. Given the troubles of the English Civil War, one wonders if Filmer shared some sympathy with Claudian, as both lived during periods when monarchical and imperial power were in decline. Indeed, in a number of his published works, Filmer often quoted a particular passage from Claudian’s *De Consulatu Stilichonis* that in translation might be rendered: “Anyone who believes that it is servitude to live under a prince is badly mistaken: there is no more welcome liberty than to be under a righteous king.”

From the opening paragraph of *The Anarchy*, Filmer made it obvious that he was not interested in finding a middle-ground compromise between the royalist camp and the Parliamentary camp as he recognized that the compromise of a mixed monarchy amounted to a defeat for those who supported the king and a victory for those who supported the Parliament. A mixed monarchy would concede that the king was not absolutely sovereign and thus spelled the doom of the monarchical principle of government. Furthermore, unlike some of the younger men who actively participated and fought in the Civil War, Filmer was old enough to remember that many of the arguments of the Puritans and Roundheads were borrowed from a political conflict of a previous generation. In fact, they were the same arguments that had been used by the

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88“De laudibus Stiliconis Fallitur egregio quisquis sub Principe credit Servitium: Numquam Libertas gratior extat, quam sub rege pio.” Claudian, *De Consulatu Stilichonis*, III, 113-15. Flavius Stilicho was a Roman general who defeated the barbarians on numerous occasions. This quotation from Claudian also appears on the title-page of Filmer’s *Freeholder’s Grant Inquest.*
Ultramontanists to attack the sovereignty of King James. At the beginning of The Anarchy, Filmer made his suspicions along these lines abundantly clear:

Since the growth of this new doctrine of the limitation and mixture of monarchy, it is most apparent that monarchy hath been crucified (as it were) between two thieves, the pope and the people. For what principles the papists make use of for the power of the pope above kings, the very same (by blotting out the word pope, and putting in the word people), the plebists take up to use against their sovereigns. . . . If we would truly know what popery is, 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. . . . If popery and popularity agree in this point, the kings of Christendom that have shaken off the power of the pope have made no great bargain of it, if in the place of one lord abroad, they get many lords at home within their own kingdom.  

Clearly Filmer, like King James, saw a close connection between the political thought of the Puritans and the Jesuits. However, Filmer also recognized that in the wake of the Civil War this subtle point was of no great concern to many of his contemporaries as they were more concerned with trying to find a way to resolve the present civil conflict than with rehashing the forgotten political arguments of a previous generation. Filmer, thus, quickly moved on, devoting the vast majority of his time in the The Anarchy to explaining why a mixed or limited monarchy was a contradiction in terms and thus was not a realistic solution to the constitutional crisis that erupted during the period of the English Civil War.

Written primarily as a response to Phillip Hunton’s Treatise of Monarchy defending a limited or mixed monarchy, Filmer’s Anarchy served as a critique of Hunton’s book while also presenting a rough outline of his own patriarchal political views, a summary of the longer and more elaborate argument contained in his Patriarcha. Filmer began his criticism of Hunton, who was a contemporary of Filmer, with an

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etymological analysis of the term “monarchy,” tracing its roots to two Greek words: μόνος meaning either “one” or “only” and ἀρχή meaning either “rule” or “first principle.” Arguing that the word monarchy could only properly be used if the “supreme power” was considered to be one, Filmer claimed that a monarchical government, by definition, could not have more than one ruler. Thus, any form of government where power was divided between the king and the various estates of Parliament was not a “mixed or limited” monarchy, but rather no monarchy at all. This also was the reason that a true monarchy could not be anything other than an absolute monarchy. Filmer backed up his argument by pointing out that the foundation of human government was not grounded originally in the constitutional consent of a multitude, but rather was vested by God in one person, namely Adam. Adam exercised a monarchical rulership over creation by virtue of the fact that God had bestowed upon him the right to do so. In other words, Adam originally possessed his absolute monarchical authority over creation by divine right. According to Filmer, “Neither Eve nor her children could either limit Adam’s power or join others with him in the government.” This connection between God's original grant of kingship over creation to Adam was foundational to Filmer’s argument for a patriarchal absolute monarchy:

As the Scripture teacheth us that supreme power was originally in the fatherhood without any limitation, so likewise reason doth evince it, that if God ordained that supremacy should be, that then supremacy must of necessity be unlimited. For the power that limits must be above that power which is limited. If it be limited it cannot be supreme. . . . The monarchical power of Adam, the father of all flesh, being by a general biding ordinance settled by God in him and his posterity by right of fatherhood, the form of monarchy must be preferred above other forms [of government].

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90Ibid., 132-33.
91Ibid., 138.
92Ibid., 139.
Filmer developed this argument for Adam’s divine right monarchical rule in greater detail in his *Patriarcha*; however, in *The Anarchy*, his main concern was to show how government could not be derived from the consent of the people simply because a government based upon universal consent was not, in fact, possible. Even those who advocated consensual forms government recognized that the idea of everybody being “free and equal” in relation to each other was, at least in practice, impossible to implement.

But where there is an equality of nature, there can be no superior power. There every infant at the hour it is born in, hath a like interest with the greatest and wisest man in the world. . . . [I]t will be said that infants and children may be concluded by the votes of the parents. The remedy may cure some part of the mischief, but it destroys the whole cause and at last stumbles upon the true [origin] of government. For if it be allowed that the acts of parents bind the children, then farewell the doctrine of the natural freedom of mankind.”

Despite the exalted and noble language of those who advocated a mixed or limited monarchy—a monarchy where the king’s absolute power was checked by the consent of Parliament—the actual result of this limitation of absolute kingly authority was nothing other than an importation of anarchy into the principles of government. Thus, Filmer concluded that Hunton’s defense of a mixed monarchy should be dismissed on the following ground:

The main charge that I have against our author . . . is this—that instead of a treatise of *monarchy* he hath brought forth a treatise of *anarchy*. . . . For instance, the king commands me, or gives judgment against me; I reply, his commands are illegal and his judgment not according to law. Who must judge? . . . Thus our author hath caught himself in a plain dilemma: if the king be judge, then he is no limited monarchy; if the people be judge, then he is no monarch at all. So farewell limited monarchy. Nay, farewell to all government if there be no judge.\(^94\)

\(^93\)Ibid., 142.

\(^94\)Ibid., 150-51.
The Necessity of the Absolute Power of all Kings (1648)

Four months after The Anarchy was published, in August of 1648, Filmer’s Necessity of the Absolute Power of Kings appeared. The Necessity was a shorter work, little more than a compilation of quotations and a restatement of the arguments for an absolute monarchy that had been given by Jean Bodin in his Six Livres de la République (Six Books of the Commonwealth). Filmer simply noted the passages in this work where Bodin discussed or used the English monarchy as an example. Filmer’s purpose in the Necessity was to make Bodin’s argument available to a wider audience, probably believing that a shorter work collecting and summarizing Bodin’s major political arguments with particular attention given to his insights on English political history would be more accessible to most readers than Bodin’s larger work. Forty years earlier, in 1606, a complete English translation of Bodin’s work had been done by Richard Knolles and this was the translation that Filmer used to compile the Necessity. Interestingly, Knolles’s 1606 translation remains the only complete English translation of Bodin to the present day and it was not republished until a reprint edition was brought out by Harvard University under the editorship of Kenneth McRae in 1962. Consequently, even to this day, Filmer’s Necessity remains a valuable resource for those interested in a concise summary and introduction to Bodin’s political thought.

The Necessity began with the following quotation from Bodin: “To majesty of sovereignty belongeth an absolute power not subject to any law.”\textsuperscript{95} The sovereignty of the Monarch was thus absolute and “notwithstanding all oaths, the prince may derogate

from the laws, or frustrate or disannul the same, the reason and equity of them ceasing."  

Furthermore,

Wise politicians, philosophers, divines and historiographers, have highly commended a monarchy above all other commonweals. It is not to please the prince that they hold this opinion, but for the safety and happiness of the subjects. And contrariwise, when as they shall limit and restrain the sovereign power of a monarchy, to subject him to the general estates or the council, the sovereignty hath no firm foundation, but they frame a popular confusion or a miserable anarchy, which is the plague of all estates and commonweals.  

Filmer made no arguments of his own in *The Necessity* and his quotations and summaries from Bodin, in many ways, only served to fortify and strengthen the arguments he had set forth a few months earlier in *The Anarchy*. The two works were complementary in that they both clearly taught that in the absence of an absolute monarchy there existed only various degrees of anarchy and that having sovereignty divided was the same as having no sovereign at all. In other words, sovereignty was like chastity. Either a woman had it or she did not. It was just as impossible to be partially chaste as it was to be partially sovereign. Sovereignty, by its very nature, was indivisible. Thus, it only made sense that sovereignty should reside in one single individual rather than in a vast multitude. For if a multitude was considered to be sovereign then the ruling power would easily become divided against itself—as was the case during the civil war—and a house divided against itself cannot stand. Thus, reasoned Filmer, it was no surprise that the most stable kingdoms in the history of the world, the kingdoms in which people had the most liberty, were those kingdoms which were ruled by an absolute monarch.  

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96Ibid., 174.  
97Ibid., 182. The similarity with Claudian’s lament over the decline of Rome is obvious.  
98Within the last few years, the numerous advantages of monarchical governments relative to democratic governments, when judged by certain objective economic, political, and cultural markers, has been forcefully argued by Hans-Hermann Hoppe, *Democracy, The God That Failed: The Economics and Politics of Monarchy, Democracy, and Natural Order* (New Brunswick, NJ: Transaction Publishers, 2001).
passage contained in his *Patriarcha*, Filmer made an even more direct correlation between absolute monarchy and civil liberty: “The greatest liberty in the world (if it be duly considered) is for the people to live under a monarch. It is the Magna Carta of this kingdom. All other shows or pretexts of liberty are but several degrees of slavery, and a liberty only to destroy liberty.”

**Conclusion**

In this chapter, we considered Filmer's defense of the patriarchal social institutions of seventeenth-century England and also began our examination of his political writings. Little of what Filmer wrote can be classified as “innovative” or original in the same sense that the political works of his contemporary, Thomas Hobbes, were original. In fact, this self-conscious lack of innovation and novelty in Filmer's thought was one of the reasons that his writings were so popular among Englishmen of the seventeenth century. It is also the reason why Filmer is so rarely read and so often misunderstood today, for in the seventeenth century, “it was because of patriarchalism that Sir Robert Filmer was read, not because of his literary or philosophical ability.”

Likewise, it is precisely because of his patriarchalism that Filmer is no longer read today.

Up to this point, in previous three chapters, we have attempted to provide a historical, theological and social context for understanding the patriarchal political thought of Sir Robert Filmer. In the next two chapters, we now turn our attention to a more direct examination of Filmer's patriarchal political thought and how it differs from the social contract theory of government, the theory espoused by a number of better

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known English political philosophers, including the two giants of seventeenth-century English political thought, Thomas Hobbes and John Locke. In the process of considering the difference that exists between Filmer's patriarchal theory of government and the social-contract theory of government, there will be ample opportunity to examine Filmer's more important political writings in greater detail.
CHAPTER FIVE

Filmer's Critique of the Social Contract

*With no small content I read Mr. Hobbes' book *De Cive* and his *Leviathan*, about the rights of sovereignty, which no man, that I know, hath so amply and judiciously handled. I consent with him about the rights of exercising government, but I cannot agree to his means of acquiring it. It may seem strange I should praise his building and yet dislike his foundation, but so it is.*

—Sir Robert Filmer, *Observations Concerning the Original of Government*

This chapter is devoted to an examination of Sir Robert Filmer's critique of the social contract theory of government. The social contract was the primary subject of Filmer's *Observations Concerning the Original of Government* (1652) in which he offered an extensive critique of the political thought of Hugo Grotius (1582-1645), Thomas Hobbes (1588-1679) and John Milton (1608-1674). In this chapter, the social contract thought of these three thinkers and Filmer's response to each will be considered, beginning with Grotius who was six years older than Filmer, then Hobbes who was born in the same year as Filmer, and finally Milton who was twenty years Filmer's junior.

As neither Hobbes nor Milton ever directly replied to Filmer's *Observations* and Grotius reposed seven years before its publication, there was no significant response to Filmer until almost forty years later in 1690, when Locke's *Two Treatises of Government* was published. Although Locke's response to Filmer was significant, Locke spent most of his time attacking Filmer's defense of patriarchal monarchy rather than addressing Filmer's critique of the social contract theory. The reason why Locke chose to ignore Filmer's criticism of the social contract will be considered in the next chapter. Our

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concern in this chapter is primarily with Filmer's response to the social contract thought of Grotius, Hobbes and Milton. However, in order to understand these three thinkers, it first is necessary to revisit and recapitulate some of the important aspects of Jesuit political thought, especially that of Francisco Suárez, who was one of the most important forerunners of the social contract theory.

The Jurisprudence of Hugo Grotius and Francisco Suárez

In the second chapter, the connection between the political thought of Hugo Grotius (1582-1645) and Francisco Suárez (1548-1617) was briefly mentioned. Although today the name of Suárez generally is not as well-known as the name of Grotius, in the early seventeenth century the reputation of Suárez overshadowed and surpassed that of Grotius. Although a few decades younger than Suárez, Hugo Grotius was a contemporary of the Spanish Jesuit. As noted in chapter two, Grotius even borrowed and incorporated some of Suárez's ideas into his own political thought. However, unlike the arch-defender of Ultramontanism, Grotius was on favorable terms with many of the monarchs of Europe including James I of England and Louis XIII of France. Consequently it was necessary for him to conceal any indebtedness to Suárez's theories in order to remain in good standing with these royal households. As the Ultramontantist doctrine of Suárez was a calculated attempt to undermine the authority of kings, Grotius wisely ignored this controversial feature of Suárez's thought and concentrated his attention on the other aspects, particularly Suárez's attempt to develop a theory of international law. Indeed,

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\(^2\)Suárez's *De Legibus* (1612) preceded Grotius's *De Iure Belli ac Pacis* (1625) and it is “not unreasonable to assume that when Suárez’s *De legibus* appeared in 1612, Grotius read it with interest and promptly jotted down, in his own words, a summary . . . in an appropriate place in his unpublished manuscript.” James Brown Scott, “Introduction” to *Selections from Three Works of Francisco Suárez, S. J.* (New York: Buffalo, 1995), 17a.

\(^3\)Ibid., 20a.
Grotius even believed that the development of a system of international law might prove beneficial to the monarchs of Europe in providing a common standard for resolving conflicts and wars between rival kings and kingdoms. By focusing on Suárez's theory of international law rather than his defense of Ultramontanism, Grotius hoped to make Suárez's philosophical insights more palatable to those who otherwise were uncomfortable with the Jesuit's extremely controversial views on church-state relations.

Suárez's Neo-Scholasticism: Contractualism and International Law

In the thought of Suárez, the scholastic philosophy exemplified in the thought of Thomas Aquinas was significantly reformulated to meet the needs of the new socio-political environment ushered in by the cultural and intellectual forces of the Renaissance and the Reformation. By the time of his death in 1617, Suárez had developed a number of significant philosophical and political theories, theories that not only influenced the development of seventeenth-century political thought but also continued to define and shape the Western legal tradition down to the present day. Even in his own day, the philosophical and political contributions of Suárez were considered so important that Pope Paul V (1605-1621) gave him the name Doctor Eximius, the Excellent Doctor.4

In his reformulation of traditional scholastic thought, Suárez placed more emphasis on the independent agent, or individual \textit{qua} individual, which in turn opened the door to a more contractual and individualistic way of thinking about political society than previously had been possible. Rather than viewing persons merely as members of larger social and political communities, Suárez emphasized the individual as an

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4Suárez is usually considered to be the greatest theologian the Jesuit Order ever produced. “We are told, indeed, that it was a distinguished Dominican who exclaimed upon learning of Suárez’s death: ‘The Church of God has today lost the greatest genius it had had since St. Thomas.’” Ibid., 10a. However, unlike Robert Bellarmine, Suárez never has been canonized a saint.
autonomous agent who freely contracted with other individual agents to form legal and contractual associations. For this reason, Suárez often is considered to be one of the more important forerunners in the development of the social contract theory of government.

Suárez's individualistic and contractual way of thinking about political society offered a powerful alternative to the classical Aristotelian and Thomistic understanding of political society. In the older scholastic thought of Aquinas, the individual *qua individual* received little attention and rarely was considered to have any political standing outside of a particular community or society. However, Suárez’s reworking of scholastic thought along more individualistic lines made it possible to think about individuals as autonomous “free agents” who existed independent and outside the boundaries of any particular or local community, thus laying the foundation for the development of a purely contractual understanding of political organization and of the modern social contract theory. According to Reijo Wilenius, “social relations [were] seen by Suárez as essentially legal relations.”

Suárez was not interested in “factual social relations but the legal structure of social reality.” In other words, it was not the *de facto* existence of social or communal bonds that were most essential, but rather the existence of *de jure* contractual rights and legal obligations. Indeed, according Suárez, it was the existence of law rather than existence of human relations that constituted the essence and *raison d'être* of a political society.

One of the consequences of Suárez's more contractual and juridical understanding of political organization was that traditional familial and ethnic affiliations that typically held medieval political communities together tended to be marginalized and pushed to the

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6Ibid.
background whereas more strictly legal considerations became increasingly more important in defining the boundaries of political life. Any non-rational ethnic and/or social attachments, especially sentimental feelings for the king as “father of the fatherland” (*pater patriae*) were simply dismissed within the pure juridical categories of Suárez's political thought. For Suárez, the king of a country was not analogous to the father of a family and, in fact, using familial analogies to describe political leaders only served to obfuscate the fact that political authority was ultimately rooted in contractual and legal obligations, rather than familial and ethnic ones.

As discussed in chapter two, Suárez rejected the idea that political authority was originally vested in the king, arguing rather that it was originally held by the people, who as an aggregate collection of autonomous individuals came together to established a common political authority by mutual, contractual consent. This contractual understanding of the origins of political authority stood in stark contrast to the more organic understanding of the divine-right theory which insisted that political authority was rooted in the familial and ontological personhood of the king, who much like a father, received his sovereign authority directly from the hand of God Himself, rather than from the consent of the people over whom he ruled.\(^7\)

As also noted in the second chapter, in his reply to King James in the *Defensio Fidei* (1613), Suárez attempted to expand the political jurisdiction of the papacy to include all nations and people, even heathen nations that had no formal connection with

\(^7\)“[Suárez] elaborated the doctrine of the 'social contract' with such skill and emphasis as to place the sovereign altogether upon a lower level than the nation, while the Pope towered over all. According to these principles, the interest of the sovereign should be subordinated to those of the people. The king derived all his power immediately from the State; and in a case of extreme misgovernment, when the preservation of the State required it, the nation might depose its sovereign, and might, if necessary, depute any person to kill him.” William E. H. Lecky, *History of the Rise and Influence of the Spirit of Rationalism in Europe*, vol. 2 (London: Longmans, Green and Company, 1910), 148.
Christianity. This argument for the “universal domain” of the papacy was in many ways a corollary that grew out of Suárez's earlier work, *De Legibus* (1612), where he attempted to establish a universal jurisdiction and domain for international law. By developing an international system of jurisprudence, Suárez hoped to ground international law in a set of universal moral principles that were commonly held by all people and nations, regardless of their particular ethnic consistency or religious commitments. The acceptance of an universal theory of law, Suárez believed, not only would help to undermine the local and national allegiances that often played into the hands of those who advocated a divine-right theory, but it also had other significant advantages as well.

It was these other advantages that Hugo Grotius emphasized in his *De Jure Belli ac Pacis* (*The Law of War and Peace*) published in 1625.\(^8\) In this work, Grotius borrowed many of the legal and philosophical arguments that Suárez had set forth over a decade earlier in *De Legibus* (1612); the two most important of these being:

1. The distinction Suárez made between the arbitrary positive laws that govern the nations (*jus gentium*) and the universal moral law of nature (*jus naturae*).

2. Suárez's argument that subjects had the right to resist their rulers under certain circumstances, particularly when the universal moral law came into conflict with the arbitrary laws of human rulers.

As these two features of Suárez's thought were embraced by almost all subsequent social contract theorists and also were focal points for Sir Robert Filmers' critique of the social contract theory, both warrant a closer examination.

Like Suárez, Grotius in his *De Jure Belli ac Pacis* made a distinction between the universal moral law given by God and the positive law created by human authorities. The law of nature (*jus naturae*) was the universal moral law. The law of nations (*jus

gentium), which included all forms of civil and ecclesiastical law, was the law established by human authorities. By making a strict distinction between these two categories of law, it was possible for both Suárez and Grotius to argue that certain types of civil and canon law (jus gentium) were in opposition to the universal moral law of nature (jus naturae). The possibility of direct conflict between these two categories of law, in and of itself, constituted a significant departure from the traditional scholastic categories of law, which were more closely related and commensurate, with little potential for the development of a direct, head-on conflict between two categories.9

John Neville Figgis summarized Suárez's motivation for making such a firm distinction between natural law (jus naturae) and the law of nations (jus gentium) as follows: “Natural law must be regarded as independent of God the sovereign, as being the embodiment not of caprice but of reason.”10 In other words, by grounding natural law in universal reason, rather than in the will of a particular sovereign, Suárez was hoping to strengthen the distinction between legality and morality and to widen the gap between the civil law (jus gentium) and the moral law (jus naturae). Suárez believed that making a firm distinction between legality and morality was advantageous because as long as morality was closely associated with obeying the will of any particular sovereign agent, it was extremely difficult to justify disobedience to this ruler. Furthermore, a strong distinction between legality and morality also had two other advantages:

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9There is little different between the thought of Grotius and Suárez on this point; however, unlike Grotius, Suárez did recognize the existence of another universal category of law, namely Eternal Law (an important category in traditional scholastic legal system). Nevertheless, this Eternal Law had no practical importance for Suárez for “Eternal law is the ‘source and origin’ of all temporal laws. It does not include any particular norms of behavior. It is difficult to see what remains as the content of eternal law when all the general rules of conduct . . . belong to the sphere of natural law. Suárez seems to have difficulty in assimilating this traditional Scholastic concept (which he could not omit) into his own system of laws.” Wilenius, The Social and Political Theory of Francisco Suárez, 50.

1. The development of international law would no longer require the existence of an universally agreed upon sovereign power.\textsuperscript{11}

2. If morality was grounded in natural law knowable by universal reason, rather than in the will of the sovereign knowable only by the sovereign’s personal revelation, then the divine-right theory which maintained the will of the King, as the representative of God’s sovereign authority on earth, could no longer be viewed as a legitimate foundation for either civil or moral law.

However, by making such a strict separation between morality and legality, Suárez was clearly departing from the traditional scholastic categorization of law, especially in regard to his classification of all civil and ecclesiastical law as falling under the category of arbitrary human or positive law.

By introducing this sharp distinction between legality and morality, Suárez effectively undermined the “divine authority” of civil law by appealing to the even higher moral principles of natural law, thus destroying one of the foundational assumptions on which the entire divine-right argument rested. For by making a distinction between positive law (i.e., the law that was based in the will of the sovereign) and natural law (i.e., the law that was grounded in universal moral reason), Suárez was able to argue that it was the universal moral law of nature, rather than the sovereign will of a particular civil authority, that most reflected divinity and thus was best suited to serve as a basis of the development of both civil and international law. Or to put it another way, for Suárez, the nature and character of God was not best known through obedience to His explicit will and the observation of his divine commandments, but rather through abstract reflection upon the works of His hands and the rational investigation of the natural order that He

\textsuperscript{11}This problem was more of a difficulty for Grotius than it was for Suárez as the latter simply argued that this universal sovereign power was the papacy.
Thus, by making such a sharp distinction between morality and legality, and between obedience and rationality, Suárez effectively cracked the foundation of traditional scholastic thought and set up a conflict between the will and reason, a conflict that remains at the root of the theoretical difficulties associated with modern ethical theory as well as the source of numerous contemporary legal and ethical battles, as is evidenced in most “freedom of expression” and “right to choose” debates. In the aftermath of the schism between legality and morality, debates such as these are now theoretically impossible to resolve, with a temporary cease-fire or prudential compromise being about the best one can hope for.

Despite the advantage that this categorical separation of legality and morality provided for those who opposed divine-right theory, a strict distinction between the positive law of *jus gentium* (civil and canon law) and the universal moral principles of *jus naturae* (moral law) introduced a new difficulty, one that had not existed under the older scholastic system of jurisprudence. This difficulty was that if Suárez was correct and all civil and ecclesiastical law was merely arbitrary positive law that lacked any foundation in universal moral principles or divine authority, what then was the justification for obedience to these civil and ecclesiastical authorities? Why should anyone obey mere human law if it was only arbitrary positive law without any foundation in divine or universal moral principles? This was the problem that Suárez had introduced by making

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12 Like Suárez, “Grotius rejected the idea of the divine ordination of political authority. He even went so far in the direction of secularism as to argue that his natural law theory would be intelligible ‘even if we should concede, that which cannot be conceded without the utmost wickedness, that there is no God, or that the affairs of men are of no concern to him.’” Hugo Grotius, *De Jure Belli ac Pacis* (Oxford, England: Clarendon Press, 1925), prolegomena, sec. II; cited in Lee Ward, *The Politics of Liberty in England and Revolutionary America* (New York: Cambridge University Press, 2004), 73.

13 Modern philosophy, to a large degree, grows out of this crack in the foundations of medieval scholasticism with modern philosophers taking positions on either side, focusing either on human reason or human volition. Modern philosophers like Kant and Hegel, for instance, emphasize the role of reason whereas postmodern philosophers, like Kierkegaard and Nietzsche, emphasize the role of the will.
such a sharp distinction between morality and legality. It also was the problem that Grotius realized could not be left unaddressed.

Grotius recognized that if obeying the civil or ecclesiastical law was not morally obligatory then some people might justify disobedience to human authorities (jus gentium) by appealing to the “higher” universal moral law of nature (jus naturae). Since all human laws were imperfect to some degree, the potential for a full-scale opposition between the principles of moral law and the civil law constituted a serious threat to the stability of the social order. For if the idea of a direct conflict between legality and morality was whole-heartedly embraced it would threaten every kingdom in Europe with the possibility of anarchy, rebellion, and civil war. To help assuage this threat of universal rebellion, Grotius appealed to the social contract theory's understanding of the origins of human government in order to explain why people were under the obligation to obey human laws, even when these civil laws occasionally came into conflict with higher moral principles.

**The Social Contract Argument for Obedience to Civil Authorities**

For those who opposed divine-right theory, the importance of separating the foundations of civil law from the sovereign will of the king was recognized as the key to undermining political absolutism. Both Suárez and Grotius recognized political absolutism grew out of the idea that civil law was grounded in the will of the sovereign. Furthermore, they both understood that in the absence of an universal pope or universal emperor, there was no ruler on earth who had the power to enforce his will upon any

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14In the political thought of Suárez, “[The State] has no existence independent and immutable. Its constitution is not of God’s ordinance. It lies at the mercy of the Pope. . . . Kingship is not specially divine. The king holds an office, not a patrimony. He is a minister not master of his people.” John Neville Figgis, *Political Thought from Gerson to Grotius, 1414-1625* (New York: Harper, 1960), 111-12.
kingdom outside the jurisdiction of his own realm. Indeed, this was the reason that Suárez had argued that the pope's temporal power should extend over the whole world. However, as Grotius was not an Ultramontantist, he thought that if there ever was to be a universal system of international laws that could apply to all nations and kingdoms, this system could not be grounded in either divine right royal sovereignty or Ultramontantist papal sovereignty.15 Furthermore, Grotius recognized that there also needed to be a way for international law to overrule the political sovereignty of local authorities without also undermining the foundations of all civil law.

Grotius argued that the social contract theory, especially its understanding of the origins of human government, provided a solution to these concerns. Whereas the divine-right theory assumed that people had always been subjugated to some type of government and that this government had been established by God from the very beginning, the social contract theory, in contrast, assumed that people were originally “free and equal” in the state of nature, a pre-political state that had existed prior to the existence of civil government.16 In this state of nature, “all men were equal” in the sense that each individual had an original claim to sovereignty and was under no necessary obligation to obey anyone else. In the absence of any external political authority, however, many conflicts arose between these individuals, conflicts that were impossible to adjudicate without any commonly agreed upon governmental authority. Consequently, these free

15Suárez and Grotius agreed on this point, the only difference being that Suárez maintained that in addition to kings being subordinate to the law of nations, the Pope also maintain an independent authority over kings. Ór, at least, that is what he had to argue in order to avoid the possibility of another excommunication.

16The social contract theory of government has been the subject of a good deal of scholarly attention. One of the best books on the subject remains the study by J. W. Gough, first published by Oxford in 1936, with a second edition in 1957, and then reprinted again in 1963. As Gough observed, “The seventeenth and eighteenth centuries were, indeed, the heyday of the social contract. They were an age of monarchy, and often of absolute monarchy, firmly rooted in the divine right of kings.” J. W. Gough, *The Social Contract: A Critical Study of Its Development* (New York: Oxford University Press, 1963), 1.
and equal agents eventually contracted together to form a common political authority under which they agreed to be governed. From thenceforth, this “original contract” was the ultimate basis of all civil authority as well as all obligatory obedience to civil law. Thus, while the social contract theory of government denied that sovereignty was original to civil authorities, maintaining rather that sovereignty was original to the people themselves, it also held that the people had contractually given up their original sovereignty in exchange for protection and thereafter were, at least, conditionally obligated to obey the civil law.

The Social Contract Argument for The Right of Resistance

One of the reasons that the social contract theory's understanding of the origins of human government was appealing to many in the seventeenth century was because the idea that political authority had been given to civil rulers by God himself played into the hands of those who defended political absolutism. Resistance to the idea of political sovereignty originally resting in the king, rather than in the people, was evident in the writing of a number of seventeenth-century thinkers, including the English common law jurist, Sir Edward Coke (1552-1634), who favored a natural or evolutionary grounding of jurisprudence and opposed the grounding of law in royal prerogative.17

Whereas divine-right theory demanded at least passive obedience to political authority under all circumstances, the social contract theory demanded only conditional obedience under most circumstances while also allowing for the right of resistance in

17In 1610, Edward Coke enraged King James when he told him to his face that the King of England did not have the authority to modify any aspect of the common law nor could the king make anything illegal which was not already illegal before. See Steve Sheppard, “Introduction” to The Selected Writings of Sir Edward Coke, 3 vols. (Indianapolis, IN: Liberty Fund, 2004). “The advocates of the common law of England in the seventeenth century [e.g., Edward Coke], the believers in fundamental laws abroad [e.g., Francisco Suárez and Grotius], apparently had a similar reluctance to face the idea of sovereignty.” John Neville Figgis, “On Some Political Theories of the Early Jesuits,” 105.
certain instances. Although people normally were obligated to obey civil authorities, in the case of extreme mismanagement, the social contract theory also allowed the people to depose their rulers by reasserting and reclaiming their original political sovereignty through either armed resistance or open rebellion.

In his Defensio, Suárez had defended the right of resistance to civil authorities when he recommended that English Catholics rebel against the rule of King James. However, by doing so, Suárez again was departing from the classical Aristotelian understanding of political society by introducing a formal distinction between the person of the king and the state of his kingdom.

By virtue of making this distinction between the king and his kingdom, Suárez was able to argue that a king could become a threat to the well-being of his own citizens, thus becoming an enemy of his own kingdom. This distinction between the king and the kingdom, in large measure, was made possible by Suárez's more individualistic and contractual reformulation of scholastic political theory. For in the political thought of Aristotle and Aquinas, the king was considered to embody the state in his own person and thus the king could not wage war against the state anymore than he would wage a war against himself. However, if political authority originally resided in the people as a whole and was only later granted to the king by consent of the people, as the social contract theory maintained, it was also conceivable that the king could violate the trust that had been given to him by the people and thus forfeit his claim to be the rightful enforcer and executor of political authority with the kingdom. In other words, the king

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18On this point, Filmer agreed with Aristotle and he wrote, “Many an ignorant subject hath been fooled into this faith, that a man may become a martyr for his country by being a traitor to his Prince, whereas the new coined distinction between Royalists and Patriots is most unnatural, since the relation between King and people is so great that their well-being is reciprocal.” Filmer, Patriarcha and Other Writings, 5.
could become an enemy and usurper within his own kingdom and therefore could be resisted for “the justification of resistance [was] deduced from the terms of the original contract that formed society.”

On this point, Hugo Grotius compared the people's conditional obedience to political authorities to that of a wife's conditional obedience to her husband. For in both cases, the duty of the grantee (the king or husband), “first arose by the will of the grantor [the people or wife] but later continued by necessity—as when a woman chooses a husband, whom she must then by necessity obey.”

Although it was normally the duty of the wife to obey to her husband, under certain circumstances, especially when the required act of obedience was to her own detriment, the wife had the right to resist her husband's will. Likewise, although the authority of the civil government was to be obeyed in most circumstances, in certain instances the civil government could be disobeyed, especially when obedience to the civil authorities was not advantageous to the people. Disobedience was allowed and justifiable under these circumstance because, according to the social contract theory, it was the people who originally had consented to allow the civil authorities to rule over and thus the people also had the right to resist these authorities whenever these authorities ceased to be beneficial. Thus, according to Grotius's theory of the social contract, the people basically were in the same as situation as a wife who consented to allow her husband to rule over her, as long as he cared for and protected her, but retained the right to resist her husband's authority whenever she believed it was in her best interest to do so. For Filmer, however, the idea of conditional obedience, in either domestic or political life, was nothing but a formula for disaster.

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20 Cited in Filmer, Observations, 224.
Filmer's Rejection of the Jurisprudence of Suárez and Grotius

One of the best ways to understand Sir Robert Filmer's critique of the social contract theory is to view it as growing out of Filmer's rejection of the categorical distinction that Suárez and Grotius made between the law of nature and the law of nations. Filmer argued that this distinction was a false one, necessitated only by the spurious assumptions of the social contract theory itself. For the social contract theory, according to Filmer, mistakenly assumed that “all things at first were common” and that “all men were equal.”\(^2\) It was these two false assumptions, more than anything else, that served as the starting point for all the other errors contained within the social contract theory. These assumptions stood in direct contradiction to the biblical account of the origins of human society and thus were not Christian assumptions at all, but rather “an error which the heathens taught.”\(^2\) Although it may have been excusable for pagans who lacked “the guide of the history of Moses” and who “were fain to follow poets and fables for their leaders” to make this mistake, for Christians who had knowledge of the Scriptures and biblical revelation it was not just a serious error, but also a culpable one. Hence, Filmer argued, “for Christians, who have read the Scriptures, to dream of either a community of all things, or an equality of all persons, is a fault scarce pardonable.”\(^2\)

Filmer argued that, in the absence of these spurious social contract assumptions, there was no reason to make such a hard and fast distinction between the law of nations and the law of nature. Indeed, this distinction was merely something that had been introduced in order to help hide the otherwise obviously false assumptions of the social contract theory itself.

\(^2\)Ibid., 209.

\(^2\)Ibid.

\(^2\)Ibid.
contract theory. For “to maintain the community of things to be natural, Grotius hath framed new divisions of the law of nature.”

Furthermore, Filmer argued, “if there hath been a time when all things were common and all men equal, and that it be otherwise now, we must needs conclude that the law by which things were common, and men equal, was contrary to the law by which now things are proper and men subject.”

In other words, given the assumptions of the social contract theory, the moral law of nature could not be the same as the law of nations. For if they were the same, then either the equality of all men and the commonality of all things must be called into question (i.e., the assumptions of the social contract were false) or the existing civil laws that reinforce social inequality and private property were immoral (i.e., the civil law and moral law were in conflict). Thus, in order to salvage the social contract theory, rather than admitting this obvious problem with the theory, a spurious distinction between legality and morality was introduced.

Filmer noted, however, that there was a much simpler solution to this dilemma created by the social contract. Furthermore, it was a solution that had strong biblical support, for “if we allow Adam to have been lord of the world and of his children, there will need no such distinctions of the law of nature and of nations. For the truth will be that whatsoever the heathens comprehended under these two laws, is comprised in the moral law.”

Or to put it a slightly different way, there would be no need to make such a sharp distinction between the law of nature and the law of nations, i.e., between morality and legality, if one simply stopped assuming that all the existing civil laws protecting

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24Ibid.


26Ibid.
private property and reinforcing social inequality stood in violation of the some supposed mythological law that once governed an egalitarian, communal state of nature. Indeed, if one simply rejected these egalitarian and communal premises of the social contract, then the entire conceptual dilemma that first made necessary the spurious distinction between the moral and civil law would simply disappear. And consequently, one could continue to assume, without any great difficulty, that, “the common or civil laws of each kingdom, which are made against treason, theft, murder, adultery, or the like, are all and every one of them grounded upon some particular commandment of the moral law; so all the laws of nations must be subordinate and reducible to the moral law.”

To help understand the basic thrust of Filmer's argument here, it might be helpful to consider an illustration from contemporary traffic law. Following the reasoning of Suárez and Grotius, one might argue that breaking an arbitrary civil traffic law should not necessarily be considered an immoral act or a violation of the principles of the universal moral law. Indeed, many people consider traffic laws to be one of the best examples of arbitrary civil laws that have no necessary connection to any higher moral principles. After all, what do laws prohibiting parking in a certain place during a certain time of the day or prohibiting driving more than a certain speed down a certain street, have to do with the universal law of morality? For instance, if the law regulating the speed limit changes, does universal morality also change with it? Certainly, it is difficult to understand how a traffic light turning red necessarily must be associated with the universal moral obligation to come to a complete stop. This was the reason that Suárez and Grotius argued that within the state of nature, where all men are equal and all things are held in common, it made perfect sense to assume that a red light has no moral significance and that it was

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27Ibid., 211.
only by virtue of the fact that traffic laws were a subset of the positive law of nations, rather than a subset of universal moral law, that they had any prescriptive value whatsoever.

Filmer, however, would have strongly objected to the above line of reasoning as well as any attempt to make such a hard and fast distinction between the law of nations (legality) and the law of nature (morality). In response to the above argument, Filmer would have maintained that the relationship that existed between a red traffic light and universal morality was much closer than it may appear on the surface. Indeed, for Filmer, there was a direct connection between a red traffic light and the moral law because even such a seemingly arbitrary civil law as this presupposed the prior existence of one of the ten commandments given by Moses. For instance, as the ultimate purpose (or telos) of stopping at a red light was to reduce the chance of harming or killing another person, this particular law was rooted in the commandment, “Thou shall not murder.” Indeed, all civil law presupposed and required the prior existence of a universal moral law for just as the king was analogous to a father, civil rulers were analogous to parents. Consequently, even those civil laws that did not seem to make any sense or did not fall under any specific moral commandment were, at the very least, covered by the commandment to “Honor thy father and they mother, that your days may be long in the land” (Exodus 20:12).

In contrast to Grotius’s hard and fast distinction between the law of nations (the civil law) and the law of nature (the moral law), Filmer maintained that the civil law had always existed and that there had never been a time in the mythological past, in the state of nature, when it had been acceptable to kill or steal from another person. There had never been a period of time in the past when people lived without the existence of some
type of civil law, nor a time when all property was held in common and all persons were considered to be free and equal in relation to each other. For from the beginning of Creation at the time of Adam, and then again at the second beginning of human society during the time of Noah, fathers had owned property and ruled over their wives and children. Civil laws were nothing other than a development and elaboration of the original laws set down by these early fathers, as the practical application and outworking of the original moral law given by God. The laws that protected inequality, social deference, and hierarchical order were rooted in the command to honor thy father and mother just as the laws that protected people and property were rooted in the commandments against murder and theft. As such, these civil laws should never be considered as falling into a distinct and separate category from the moral law, but rather were simply the practical application of this universal moral law within a particular social context. Thus the reason, in Filmer's mind, there was absolutely no reason to make a sharp distinction between the civil and the moral law. In fact, if one simply rejected the assumptions of the social contract, as Filmer did, then any need to pit these two forms of law against each other simply disappeared. Thus, in contrast to Suárez and Grotius, Filmer maintained that “the common or civil laws of each kingdom, which are made against treason, theft, murder, adultery, or the like, are all and every one of them grounded upon some particular commandment of the moral law; so all the laws of nations must be subordinate and reducible to the moral law.”

Ibid.
As a Anglican who was committed to both scripture and the traditions of the church, Filmer was often critical of classical pagan philosophy. Nevertheless when it came choosing between the classical political philosophy of the ancient Greeks and the modern Renaissance theories of Suárez and Grotius, Filmer firmly sided with the ancients over against the early moderns. Indeed, one of the books that Filmer wrote was devoted, in its entirety, to an examination and defense of Aristotle's political philosophy. In his critique of the social contract theory, Filmer quoted liberally from numerous classical authors, often juxtaposing the solid reasoning of Aristotle over against what, in his mind, was the more questionable and spurious reasoning of Suárez and Grotius.

Interestingly, in his critique of the attempt to separate the moral law from the civil law, Filmer cited a passage from the writings of Luis de Molina (1535-1600), another Spanish Jesuit and a contemporary of Suárez. It appears that Filmer found himself in strong agreement with Molina's insights on the relationship between the moral and civil law. For Molina's views on the subject stood closer to the older scholastic tradition and Filmer believed that his comments accurately summarized the ancient judgment of Aristotle and Aquinas over against the modern innovations of Suárez and Grotius. The fact that Filmer quoted favorably from another Jesuit author, seems to imply that Filmer was not opposed to everything ever written by Jesuits, but simply the more innovative social-contract arguments that had been set forth by Suárez.

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29 Sir Robert Filmer, Observations upon Aristotle's Politics (1652); reprinted in Filmer, Patriarcha and Other Writings. Edited by J. P. Sommerville. (New York: Cambridge University Pres, 1991), 235-86.

30 Molina wrote, “The necessity of human law flows from this, that natural or divine law comprehends certain self-evident principles of morality and extends at the most to what follows from those principles by necessary and evident consequence” (editor's translation of Molina's original Latin). Filmer quoted Molina in the original Latin. Both the Latin and English can be found in Filmer, Observations, 211.
One of the most significant disagreements between the political thought of Suárez and more classical Thomistic or Aristotelian political thinkers was the difference of opinion that existed between them concerning the extent that subjects were obligated to obey their rulers. This controversy came to a head in the respective views of these two camps on the subject of slavery. In contrast to modern thinkers, Aristotle and most classical thinkers had almost no problem with the idea of slavery, viewing it as a condition of life that was beneficial and helpful for some people. Suárez, however, departed significantly from the more traditional Aristotelian position when he argued that 

in the nature of things all men are born free; so that, consequently, no person has political jurisdiction over another person, even as no person has dominion over another; nor is there any reason why such power should, [simply] in the nature of things, be attributed to certain persons over certain other persons, rather than vice versa.  

Slavery, in the older Aristotelian perspective, was considered to be the natural condition of a good portion of the human race, particularly those who lacked either the economic or the moral discipline that was necessary for self-government. On this point, it is both interesting and important to note that this difference in the views of Suárez and Aristotle on the subject of slavery was also the same point that Filmer found himself in disagreement with the social contract theory of government. Indeed, it was in his assertion that “all men are born free” that Suárez’s political thought stood in most direct opposition to the patriarchal political thought of Filmer. The fact that Filmer recognized this difference as the ultimate source of the conflict between his own patriarchal views and the social contract theory was evident in the first chapter of his *Patriarcha* where he remarked that the idea that all men originally were born free did not originate either in the

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philosophy of classical Greek philosophy or in theology of the early Christian church, but
rather “was first hatched in the schools [of Renaissance scholasticism] and hath been
fostered by all succeeding papists.”[32]

Filmer's Rejection of the Right to Resistance

As was discussed in the previous chapter, Filmer's social and political thought
placed a great deal of emphasis on suffering for the sake of righteousness rather than on
crusading for the cause of political justice. Consequently, it is not surprising that one of
Filmer's objections to the social contract theory of Grotius was centered around Filmer's
objection to Grotius' argument for the “right of resistance” to political authority. Even
though Grotius had maintained that obedience to political authorities was obligatory in
most cases, he also claimed that in some cases and under some circumstances, resistance
to civil authorities was legitimate and justifiable.

Whereas Grotius and Suárez had argued for contractual and procedural way of
thinking about social and political relations, Filmer had a more ontological and
substantive way of thinking about these relations. This fundamental difference of
outlooks helps to explain why Filmer's critique of Grotius's De Jure Belli ac Pacis
(1625), as Ward observed, was rooted in “his dispute with two key ideas: the law of
nations and the arguments for the legitimate resistance to sovereign authority that derive
from Grotius' notion of contract.”[33] In order to see the difference between these two ways
of thinking, procedural and substantive, one needs only to consider Filmer's objection to
Grotius's argument that subjects, in certain circumstances, had the right to resist their
rulers.

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Whereas Grotius compared the people's obedience to the king to a wife's obedience to her husband, considering both as a matter of practicality and necessity rather than as an unconditional or immutable requirement, Filmer took issue with this way of understanding the relation between husband and wife. In his response to Grotius's argument for the right of resistance to political authorities, Filmer argued that in using the analogy of husband and wife, Grotius had failed to understand the nature of both the political and the domestic relation:

By this we may judge how improperly he useth the instance of a woman that appoints herself a husband, whom she must always necessarily obey—since the necessity of the continuance of the wife's obedience depends upon the law of God, which hath made the bond of matrimony indissolvable. Grotius will not say the like for the continuance of the subject's obedience to the prince, neither will he say that women may choose husbands as he tells us the people may choose kings, by giving their husbands as little power and for as little a time as they please.  

In Filmer's mind, Grotius's analogy revealed not only a lack of understanding of the social nature of political authority, but also a lack of understanding of the social nature of marriage. For instance, many women in the seventeenth century did not even choose their own husbands. In the case of arranged marriages for young daughters, the woman often merely expressed her consent (“let it be done to me according to thy will”) or dissent (“hell no, I won't go”) in regard to the man that her father had chosen to be her husband. Thus, it certainly was not true, in every case, that a woman chose her own husband, at least not in the sense that Grotius implied. For having the choice to either ratify or reject your father's will in regard to his choice for your future husband was not exactly the same as freely choosing a husband for yourself.  

\[34\] Filmer, *Observations*, 225.

35 Observing another contradiction of Grotius on this point, Filmer argued, “There is no law for virgins out of their fathers' house; we may not think they would have been omitted if they had been free from their fathers. We find no freedom in the text [of Grotius] for women till after marriage—and if they
Nevertheless, by far the more important of Filmer's objections to Grotius's “right of resistance” was a technical legal matter related to the law of contracts. Filmer, as a member of the Bar and having a trained legal mind, used his background in the law to bring to light some of the more spurious elements of Grotius's version of the social contract argument for the “right” of resistance. From a purely legal standpoint, specifically relating to the laws that governed contractual relations, Filmer pointed out that Grotius utterly failed to provide any conditions under which the “right of resistance” was, in fact, executable. For according to Grotius's own understanding of the terms of the original social contract, the people had freely and contractually given up their own natural liberty, without any expressed reservation or condition, in exchange for the protection offered by a common government. But if this was, in fact, the nature of the case, then from a purely legal point of view, certain problems immediately arose. Filmer observed, for instance, that even if,

our ancestors had made an absolute grant of their liberty, without any condition expressed, yet it must necessarily be implied that it was upon conditions to be well governed, and that the non-performance of that implied condition makes the grant void. Or, if we will not allow an implicit condition, then it may be said that the grant itself was a void grant for being unreasonable and a violation of the law of nature, without any valuable consideration. What sound reply Grotius can return to such answers I cannot conceive, if he keep himself to his first principles of natural community.36

In other words, since Grotius claimed that people in the state of nature had contracted to form a government and given up their liberty without any expressed conditions or reservations, he could not also at the same time maintain that the people had a legitimate or contractual right to resist the government if certain conditions were not met. For if the

were married, though they were in their fathers' houses, yet fathers had no power of their vows, but their husbands.” Ibid., 227.

36Filmer, Observations, 224-26
later were true, then one of the implicit conditions of this original contract must have been the provision of “good government” and thus the former “unconditional” grant of liberty must be false. However, if the former was true and the people had given up their liberty unconditionally, then the people could never have any legitimate basis for resisting civil authority. In either case, there could be no “contractual right” of resistance. For in the first situation, once the fact of an implicit condition of “good government” and the non-performance of this action on the part of the government was established, then it followed that the entire contract was voidable on the grounds that the promise by the people to give up their natural liberty in exchange for the government's promise to provide good government had been an unreasonable demand on the part of government, being a violation of the existing laws of nature “without any valuable consideration.”

Filmer pointed out that if the social contract was a contract in reality and not just in name, and if these were indeed the conditions under which the social contract was formed, then if either party failed to fulfill the specific actions they were contractually obligated to perform, then contractual obligations of the other party were no longer enforceable either. In other words, in the absence of good government, the people were no longer obligated to give up their natural liberty and all civil laws resting on the original contract would be made null and void. Likewise, in the absence of the people's obedience to the civil authority, the civil authority was no longer obligated to provide good government for the people. And if this was the case, Filmer argued, then there never could be any “right to resistance” because at this foundational level, the non-

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37 Ibid., 224. Consideration, within a contractual context, means that each party must receive some type of benefit or “consideration” in exchange for the performance of an action by the other party. Without consideration, on both sides, the promise to perform any given action will not result in the formation of a contract—as is the case when one party gives a free gift to another party without expecting any “consideration” or benefit in return. In the case of the social contract, the “giving up of liberty” on the part of the people was the performance or consideration given by the people in exchange for the benefit or consideration of “good government” promised by civil authorities.
performance of contractual obligation on the part of the ruler threatened the foundations of the legal order of the whole society. Thus, it would not result in the “right of resistance” on the part of the people, but rather in the dissolution of the entire basis of the legal order of civil government itself. Consequently, everything would immediately revert back to the original state of nature where there was no such thing as obligation, duty, or contractual right. Furthermore, in the absence of any commonly recognized civil authority, neither could there be any established legal remedy for the failure to perform a contractual obligations and thus no way for any specific consequences of this failure to be enforced. In other words, given the terms of the social contract, the contractual “right” of resistance on the part of the people against established political authority was nonsensical.

Of course, the reason that Grotius had wanted to argue that the original contract was, in some sense, unconditional was to avoid the undesirable implication of potentially reverting back to the anarchical state of nature. However, Filmer argued, that if the social contract was truly unconditional in the sense Grotius claimed, then the people would always be unconditionally bound to obey the civil rulers no matter what, and had no “right or resistance” after entering in to the contract. Otherwise, if the social contract was conditional, then the non-performance of a contractual obligation on the part of one party would result in the dissolution of the contractual obligation of the other party. Either way, whether the social contract was a conditional or unconditional contract, there could never be any “contractual right” to resistance under the terms of the social contract.

Despite Grotius's heroic attempt to find a way to make the social contract theory work by requiring obedience to good government while allowing resistance to bad government, Filmer argued that by making a partisan distinction between the people and the government and the king and his kingdom, the social contract theory ultimately called
into question the legitimacy of every civil law and effectively undermined the legitimacy of all political authority. By denying the divine-right basis of civil law, the social contract theory subjugated all political authority to the tribunal of the people. For if grounded in the will of the people, rather than in divine authority, the civil law “lacks the normative power to compel absolute non-resistance.”

The most serious problem with the social contract theory, according to Filmer, was not only that it failed to provide an adequate justification for rebellion and resistance to civil authority, but rather that it failed to provide an adequate justification for the obligation to obey any civil law whatsoever. For if all civil law was merely positive law, neither divinely sanctioned (as was royal law) nor ultimately grounded in universal principles (as was the natural law), then there could be no necessary moral reason why the civil law must be obeyed. In fact, under these “social contract” conditions the only reason that civil law might be obeyed was out of respect for the force of arms and brute strength of the civil magistrate, in other words the justification for obedience was simply the argument that “might makes right.” The government is stronger than the individual, thus the individual must obey the government. But this way of thinking resulted in a permanent divorce of morality from legality and was completely unacceptable to Filmer.

Interestingly, Filmer was not alone in recognizing the weakness of the social contract theory on this point. This problem was also recognized by many others, and not only those who opposed the social contract theory like Filmer, but also by one of the strongest defenders of the social contract theory, Thomas Hobbes. Indeed, shoring up this fundamental weakness was one of the driving motivations behind the absolutist arguments set forth by Hobbes in his *Leviathan* (1651). Rather than rejecting social

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contract on the basis of its inability to make a connection between morality and legality as did Filmer, Hobbes simply sought to find a way to strengthen the social contract theory in order to overcome the anarchical implications of those who were advocating the right of resistance. For Hobbes, it did not matter that the social contract theory was a purely juridical theory that grew out of an amoral worldview where morality had nothing to do with legality. All that mattered for Hobbes was that the power of the civil government was not threatened by anarchy or rebellion of any form. In response to those who argued for the right of resistance, Hobbes wrote one of the most powerful philosophical defenses of political absolutism that has ever been written. However, Hobbes's social contract version of absolutism was much different than the patriarchal absolutism of Filmer.

*Thomas Hobbes: The Artificial Man of the Leviathan State*

In 1588 the Spanish Armada set sail for England shortly after Pope Sixtus V issued his “Declaration of the Sentence and Deposition of Elizabeth” wherein he absolved all English citizens from obedience to Queen Elizabeth and commanded that all Catholics in England give aid to the advancing forces. The Armada was led by Alexander Farnesius, Duke of Parma, under the authority of Phillip II of Spain. The intention of Pope Sixtus V and King Phillip II was to reclaim England and Ireland for the Catholic faith, reopen the monasteries, and take back the church property that had been confiscated by Henry VIII. To English Catholics who helped support this attempt to bring England back to the true faith, the pope promised financial rewards, plenary indulgence, and pardon of all sins. But to those English Catholics who continued to support Elizabeth, the pope issued a threat of excommunication and corporal punishment.

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39Elizabeth I had already been excommunicated by Pope Pius V in 1570; however, prior to the invasion of her country, Pope Sixtus V thought it might be a good idea to reaffirm this excommunication.
The Armada advanced from the Spanish territory of Flanders across the English Channel toward the Southeastern edge of England, near the coastal region of Kent. Although the invasion ultimately failed, the hostilities between England and Spain continued throughout the remainder of Elizabeth’s reign. It was only with the ascension of James I that reconciliation efforts with Spain began in earnest. Having more sympathies with Catholicism than did Queen Elizabeth, King James offered numerous concessions to Spain and in 1604 the two countries signed a peace treaty. After the treaty, the tensions between Catholics and Protestants in England lessened for a brief period until the Gunpowder Plot of the following year renewed hostilities.

In the same year as the failed invasion of the Spanish Armada took place, two children were born, both who would grow up to become influential English political theorists. In East Sutton, Kent near the invasion point of the Spanish Armada on the South Eastern coast of England, Filmer was born. On the other side of the country, in Wiltshire, Malmesbury, one of the oldest boroughs in England a hundred miles west of London, Hobbes was born. As adults, both Filmer and Hobbes were to become defenders of the English monarchy and strong opponents of the Ultramontantist Papist doctrines that had caused their mothers such great anxiety during the year of their birth.

Although it is true that both Filmer and Hobbes defended an absolutist form of government, Filmer was strongly opposed to the Hobbesian system for Hobbes had attempted to ground political absolutism in the artificial and legal foundations of the social contract, rather than in a patriarchal and moral theory of divine right. Filmer’s

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40 Although Hobbes “was a committed royalist, he was not at all an orthodox one: in particular, he was completely unsympathetic to any defense of royal power which presupposed that kings qua kings have special rights. Many royalists who thought that they were fighting for the principle of monarchy deeply mistrusted Hobbes, a feeling voiced most clearly by Sir Robert Filmer. What they spotted was that Hobbes's theory began from the same premises as that of some of the king's most radical opponents, that men are born free and equal; the gulf between Hobbes and patriarchalists like Filmer was further emphasized by Hobbes's striking claim that dominion over children belongs (if to anyone) to the mother.
Observations Concerning the Original of Government (February 1652) was the first critique of Hobbes’s Leviathan to appear in print, only nine month after Hobbes’s work was published in May 1651.

On the surface, many of the arguments set forth in Hobbes's Leviathan were similar to the arguments used by King James against the Jesuit theory of Ultramontanism. As A. P. Martinich observed, “Like James, Hobbes detested Jesuits, partly because Jesuit theologians like Robert Bellarmine and Francisco de Suárez defended revolution against tyrants.”

Furthermore, like King James, Hobbes distaste for the Ultamontantism and Jesuitry did not make him unfavorable to those of the Catholic faith and despite, “his anti-Catholic sentiments, [Hobbes] nonetheless had many Catholic friends . . . but none was a Jesuit.”

Nevertheless, despite the similarities that existed between the anti-ultramontantist political thought of James and Hobbes, there were a number of important differences that separated them. In his defense of political absolutism, for instance, Hobbes argued that the civil power was the supreme power in both temporal and spiritual matters, whereas the patriarchal and Anglican political thought of James and Filmer retained some notion of the separation of these two powers.

In contrast to James and Filmer, Hobbes rejected the patriarchal and divine-right foundations of political absolutism. Political sovereignty, Hobbes argued, was not granted by God via divine right, but rather was derived originally from the consent of the people via a social contract. According to Martinich,

(IX. 2-6). So Hobbes was always faced by a strategic problem: how could he link his fundamental political ideas to the practical requirements of the royalist cause?” Richard Tuck, “Introduction” to Thomas Hobbes, On the Citizen (New York: Cambridge University Press, 1998), xxxi-xxxii


42Ibid.
Hobbes recites the formula of divine-right theory in *Leviathan*, but he was not a divine-right theorist, because he did not believe one of the central tenets of that theory, namely that the legitimacy of a leader is due to God’s direct selection of a monarch. Hobbes probably gave lip-service to the divine-right formula to show his solidarity with the king and because he agreed with another, equally important feature of James’s version of it, namely, the claim that monarchs are obliged or answerable only to God, and not to any human being.  

In other words, Hobbes was a social contract absolutist, rather than a divine-right absolutist. The political absolutism of Hobbes was a purely secular absolutism that left little room for any rival authority, including the ecclesiastical authority of bishops. For Hobbes the authority of the church was subject to the authority of the state, a point that stood in sharp contrast to the understanding of political absolutism represented by the patriarchal and Anglican political absolutism of James and Filmer. Indeed, in sharp contradiction to James and Filmer, Hobbes went so far as to claim any attempt by a bishop to excommunicate a king was an act of treason. As Hobbes argued in his *Leviathan*, “The fact of St. Ambrose, in excommunicating Theodosius the Emperor (if it were true he did so) was a capital crime.”  

Unlike the absolutism of James and Filmer, Hobbes’s social contract absolutism presupposed that all hierarchical authority was derived bottom-up from the people rather than top-down from God. For Hobbes, once political sovereignty was invested or incorporated by the people into the artificial man, the corporation of the state, no single individual had the right to rebel against this political sovereign even if that individual was a bishop of the church. Whatever the bishop's authority represented, it was different than the authority of the king. For the king’s authority did not represent the authority of God the Father, but rather represented

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43 Ibid., 5.

the authority of the corporation of the State. Since this authority of state was derived from the people, any attempt by a bishop to excommunicate the king was no longer viewed as the use of a legitimate ecclesiastical sanction, but rather was now an act of treason against the corporate body of the State, of which the king was the chief executive officer.

For Hobbes, an acknowledgment of the fact that all authority on earth resided in the civil ruler, rather than being divided between bishops and kings, was essential for the protection of Christian liberty. In the concluding section of Leviathan bearing the title, “The Kingdom of Darkness,” Hobbes outlined the process by which Christian liberty was gradually eroded within Western Christendom. There were three progressive stages or “knots” that were tied that gradually worked to restrict this liberty. The first knot was the introduction of excommunication by the priests or presbyters to control the laity. The second knot was when “the presbyters of the chief city of a province, got themselves an authority over the parochial presbyters, and appropriated to themselves the name of bishops.” And the third knot was tied when “the Bishop of Rome, in regard of the imperial city, took upon him an authority . . . over all other bishops of the empire.” When this third and last knot was tied, “the whole synthesis and construction of pontifical power” was thereby made complete.

Hobbes then proceeded to explain how these three knots upon Christian liberty had been cut away in England, thus setting the English people free from the despotic power of the dominion of darkness. The first knot was severed when “the power of popes

\[45\] Ibid., 479.

\[46\] Ibid.

\[47\] Ibid.
was dissolved totally by Queen Elizabeth."\(^{48}\) The second knot was untied when the Presbyterians in England “obtained the putting down of the Episcopacy.”\(^{49}\) Soon after this, the third knot unraveled when “the power was taken also from the Presbyterians.”\(^{50}\) This effectively reduced the government of the church “to the independency of the primitive Christians to follow Paul, or Cephas, or Apollos, every man as he liketh best.”\(^{51}\) This state of affairs, according to Hobbes, was the best state for a number of reasons. First, because “there ought to be no power over the consciences of men, but of the Word itself, working faith in everyone, not always according to the purposes of them that plant and water, but of himself, that giveth the increase.”\(^{52}\) Second, “because it is unreasonable in them, who teach there is such a danger in every little error, to require of man endured with reason of his own, to follow the reason of any other man.”\(^{53}\) Thus, in England, the Christian liberty of the people had been reestablished, freeing the people from the control of the church and returning Christians in England to the original ecclesiastical “state of nature” where Christian liberty and the dictates of conscience reigned.

In contrast to the Anglican perspective of Filmer and James, Hobbes did not believe that making a distinction between the episcopal authority of the church and the regale authority of the state was a wise one. In his rejection of Filmer and James, Hobbes not only rejected the traditional Anglican understanding of the separation of church and state, but he also made it clear that he did not so much as disagree with the social

\(^{48}\)Ibid. \\
\(^{49}\)Ibid. \\
\(^{50}\)Ibid. \\
\(^{51}\)Ibid. \\
\(^{52}\)Ibid, 480. \\
\(^{53}\)Ibid.
contract views of Bellarmine and Suárez, but rather only with their claim that it was the Church, rather than the State, that held absolute authority over all temporal and spiritual affairs on earth. Indeed, in many ways, Hobbes’s theory can be considered as not so much a refutation of Ultramontanism, but a secular mirror-image of it. Whereas the Jesuits placed all temporal and spiritual authority under the ecclesiastical rule of the papacy, Hobbes placed all spiritual and temporal authority under the secular rule of the State. This supreme secular ruler was incorporated in the Artificial Man of the corporation, which Hobbes simply referred as the Leviathan. This corporation, or artificial person, of the state was to be distinguished from the natural person of the king. For Hobbes, it was not necessary that this corporate Leviathan state be constructed as a monarchy. It could have other forms, but whatever its form, the only important thing was that the State was to be understood as absolutist or totalitarian authority that governed all areas of life, both secular and ecclesiastical.

*Filmer's Response to the Political Thought of Thomas Hobbes*

In his critique of Hobbes’s political thought, Filmer noted his agreement with Hobbes on the inescapable necessity of political absolutism, but took objection to the fact that the divine-right theory was undermined by the social contract premises of Hobbes’s political thought. Although, at times Hobbes paid lip-service to the divine right theory, Filmer argued that, in actual fact, the divine-right theory was in direct opposition to Hobbes’s thought: “I consent with him about the rights of exercising government, but I cannot agree to his means of acquiring it. It may seem strange I should praise his building and yet dislike his foundation, but so it is.” Filmer argued that Hobbes either

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needed to rethink his social contract premises or should stop pretending his theory was compatible with divine-right theory.

Filmer’s critique of Hobbes was similar to his critique of Grotius. Hobbes, like Grotius and Suárez, also made a distinction between morality (jus naturae) and the law of the civil government. However, whereas Grotius had called the latter jus gentium (the law of nations), Hobbes called the latter regnum institutivum (kingdom by institution). This was because Hobbes was not so much concerned with international law as he was with the civil laws of one particular institution or kingdom, namely England. Despite the different terminology, Filmer was extremely critical of Hobbes's attempt to separate legality from morality:

His jus naturae and his regnum institutivum will not down with me, they appear full of contradictions and impossibilities. A few short notes about them I here offer, wishing he would consider whether his building would not stand firmer upon the principles of regnum patrimoniale [a paternal kingdom], as he calls it, both according to Scripture and reason—since he confesseth the “father being before the institution of a commonwealth” was originally an “absolute sovereign” “with power of life and death”, and that “a great family, as to the rights of sovereignty is a little monarchy”. . . . If according to the order of nature, he had handled paternal government before that by institution, there would have been little liberty left in the subjects of the family to consent to institution of government.55

This passage, in many ways, summarized Filmer's basic objection to Hobbes's political theory in general. Although Filmer found himself in agreement with Hobbes on certain points, remarking that there were many things in Hobbes which he could affirm, the primary problem with Hobbes's theory was that it was inconsistent and “full of contradictions and impossibilities.”

The reason that the political absolutism of Hobbes was inconsistent and contradictory, according to Filmer, was because Hobbes had attempted to ground his

55Filmer, Observations, 185.
absolutism in a social contract foundation that lacked any necessary connection to divine authority. Filmer argued, was more logically consistent and would avoid many of the contradictions that arose from Hobbes's social contract absolutism. In his critique of both Hobbes and Grotius, Filmer focused his attention on their contradictory statements. Although Hobbes gives lip service to divine-right theory, his arguments undermine the divine-right ecclesiastical authority of bishops and thus Filmer believed that this was an obvious sign and symptom of a deeper problem that existed within Hobbes's theory. Indeed, even in his own day and despite his frequent use of religious and theological language, Hobbes was often accused of being an atheist. Interestingly, contemporary scholars also have pointed out many contradictory passages in Hobbes to demonstrate that his use of theological and religious language was secondary to his primary purpose, namely the secularization of political theory:

Grotian and Hobbesian natural jurisprudence represented, although to decidedly varying degrees, the process of secularization in the natural liberty tradition of the seventeenth century. While Hobbes was more emphatically modern than Grotius, a greater secularist and a more rigorous and logically consistent proponent of individual natural rights, Filmer recognized in both a new dimension in the natural liberty tradition, “first hatch'd in the schools.”

In contrast to Grotius's attempt to secularize political authority and Hobbes's attempt to subordinate ecclesiastical authority to the centralized power of the Leviathan state, Filmer argued for a divine-right and patriarchal grounding of political absolutism while also

56 It should be noted that Hobbes did attempt to argue for a type of “divine right” political authority, but this argument was based in an appeal to rationalism, rather than to divine revelation. For instance, in De Cive, Hobbes argued that “The same Law which is natural and moral is also wont to be called divine, nor undeservedly, as well because reason, which is the law of nature, is given by God to every man for the rule of his actions.” In other words, Hobbes argued that since his theory was grounded in reason and since reason was given by God, his theory was, of necessity, given by divine right. In contrast, Filmer argued that the “divine right” of political absolutism was not based on reason alone, but also by the witness of both scripture and tradition as both maintained that political sovereignty or was based on the fact that the civil magistrate was God's representative on earth. Thus, Filmer strongly objected to the use of “divine right” to describe Hobbes's rationalistic social contract absolutism.

maintaining, in good Anglican tradition, a strict separation between regal and ecclesiastical authority. Indeed, Hobbes's attempt to collapse the distinction between political and ecclesiastical authority and to centralize them in one institution may help to explain why Filmer associated Hobbes's absolutist thought with Jesuit political theory. After all, both Hobbes and the Jesuits agreed that spiritual and temporal authority should be unified under the rule of a single earthly sovereign. The only difference was that for the Jesuits this earthly sovereign was the papacy, or the Church, whereas for Hobbes it was Leviathan, or the artificial man of the corporate State. Thus, Hobbes and the Jesuits both rejected the Anglican understanding of the separation of church and state. The disagreement between them was over which sovereign legitimately wielded both the mitre and the sword. Was it the Pope and the papacy as the Jesuits argued, or was it the Leviathan of the corporate state as Hobbes claimed?

Of course, these two alternatives, namely the choice between either the Pope or Leviathan, were not the only options available to those who embraced the social contract theory of government. There was also a third option, namely that of political liberalism, or classical political liberalism to be more precise. It was this third option that was chosen by the English poet and author of numerous political tracts, John Milton. This was also the path that John Locke, arguably the most important and influential of English social contract thinkers, was to follow. In his critique of the social contract theory, Filmer specifically addressed the political liberalism of John Milton. However, before analyzing Filmer's critique of Milton's social contract liberalism, it is first necessary to provide a brief summary of Milton's life as this will help to explain why Milton held certain political opinions.
John Milton: A Defense of the People Against Tyranny

The English poet John Milton (1608-1674) is best known as the author of the epic poem *Paradise Lost* (1667). Born in London in 1609, Milton was educated at St. Paul's and Christ's College, Cambridge. After completing his studies at the university in 1632, Milton “studied privately, immersing himself especially in the Greek and Latin writers” for six additional years; “this leisured existence culminated in 1638 in a fifteen-month tour of Europe during which he met [Hugo] Grotius.”

As a follower of Puritanism, Milton opposed both the religion of Catholicism and the Anglican establishment of the Stuart monarchy. During the English Civil War and the period that followed he wrote a number of political tracts defending Cromwell's Army and arguing in favor of the execution of King Charles. Consequently, a little over a month after Cromwell came into power, Milton “was rewarded from his unsolicited efforts” by an appointment to serve as the Secretary of Foreign Tongues during the period of the Commonwealth. During the entire period of the interregnum, “Milton was responsible not only for handling much of the Commonwealth's diplomatic correspondence but was also in effect its chief propagandist.” When the Stuart King Charles II was restored to the throne in 1660, “Milton only narrowly escaped with his life at the Restoration and, until his death in 1674, devoted himself largely to poetry, publishing first *Paradise Lost* and then *Paradise Regained* and *Samson Agonistes.*

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59Ibid., ix.
60Ibid.
61Ibid.
In 1642, before he became a well-known writer and poet, Milton had married a young woman by the name of Mary Powell. Although they were married for ten years, within the first few months of marriage the couple separated with Mary going back home to live with her parents. The only reason they remained married for ten years was due to the strict seventeenth-century English laws that governed marriage and divorce. As a consequence, during the first three years his marriage, or rather the first three years of his separation from his wife, Milton wrote four tracts criticizing the English laws governing marriage and divorce.\textsuperscript{62} The most comprehensive of these divorce tracts was *The Doctrine and Discipline of Divorce* (1644).\textsuperscript{63} In all of his writings on marriage and divorce, Milton went far beyond most Puritan attempts to reform the marriage laws in England, adamantly disagreeing with other Puritans “who saw the marriage relationship as extending far beyond that of mere husband and wife.”\textsuperscript{64} Indeed, with an extremely radical state of mind, Milton actually went so far as to deny that “children, parents, commonwealth, church . . . [had] any part in the essential marriage relationship.”\textsuperscript{65} Whereas most Puritan reformers “were disposed to deny the lawfulness of marriage without parent consent,” Milton rejected every attempt to impose community standards upon marriage, arguing that marriage was simply a bond of love between two individuals

\textsuperscript{62}Milton argued that not all marriages were “true marriage” and if a marriage did not provide “the helps and comforts of domestic life” then it was not a “true marriage.” In his divorce tracts, “Milton raises human reason to the level of sole arbiter of moral issues and the individual to a position of eminence over institutions . . . in asserting the primacy of human feeling over contractual rigor he [took] marriage out of the realm of law and placed it in the realm of affective psychology. . . . Milton's argument declares invalid all marriages in which such a feeling—or its possibility—is absent.” John Halkett, *Milton and the Idea of Matrimony: A Study of the Divorce Tracts & Paradise Lost* (New Haven: Yale University Press, 1970), 6-8.


\textsuperscript{64}John Halkett, *Milton and the Idea of Matrimony*, 13

\textsuperscript{65}Ibid.
lacking any larger civil or ecclesiastical implications.\textsuperscript{66} Thus, according to Milton, “no ordinance, so no covenant, no, not between God and man, much less between man and man, being, as all are, intended to the good of both parties, can hold to the deluding or making miserable of them both.”\textsuperscript{67}

No doubt some of the difficulties in Milton's marriage were related to the fact that during the Civil War, his wife and her parents were supporters of the Stuart monarchy whereas Milton was a supporter of Cromwell. When Cromwell finally took control of the English government, many Royalists supporters were persecuted. During this period, Mary's entire family was vanquished from their home in Oxford and without anywhere else to go, Mary as well as her parents, took shelter with Milton. From this point onward, Mary continued to live with Milton until her death in 1652, the same year Milton went completely blind. During this period, Milton had reconciled many of his previous differences with Mary and greatly lamented his wife's death. Four years later, in 1656, Milton married again; this time to Katherine Woodcock who lived with Milton for only two years until 1658, when she also died. Two years after Katherine's death, in 1660, the year that the Stuarts were restored to the throne, Milton began to suffer considerable persecution for both his anti-monarchical opinions and his liberal view of divorce. As a consequence, he withdrew from active participation in politics and concentrated on writing poetry. He wrote \textit{Paradise Lost} in 1667, a work that contained strong anti-monarchical sentiments, but veiled within a poetic form.\textsuperscript{68} As he was completely blind by

\textsuperscript{66}Ibid.


this time, Milton composed the verses to *Paradise Lost* in his head during the day and his daughters wrote them down in the evening when they returned home. In 1663, during this last period of his life, Milton married his third and last wife, Elizabeth Minshull, who cared for him until his death in 1674.

*Milton's Classical Liberalism*

By virtue of his strong emphasis on the individual and reason rather than the community and tradition, Milton has always been considered a strong defender of classical political liberalism and of the social contract theory that political liberalism rests upon. Like other social contract thinkers, Milton embraced a methodological individualism where everyone originally stood alone in a “state of nature” and all were free and equal in relation to the other. However, due to his own personal experiences with political persecution, Milton's social contract thought was extremely liberal relative to the absolutist social contract thought of Hobbes. Milton even went so far as to argue that political liberalism best exemplified Christian political principles and, at least in this regard, Milton was a forerunner of John Locke who also provided numerous scriptural and theological justifications for his own version of social contract political liberalism.69

As a classical political liberal, Milton focused on issues related to freedom of speech, freedom of conscience, and freedom of religion. These matters were important to him for both literary and religious reasons. However, in contrast to Locke, Milton did not write a comprehensive or systematic defense of political liberalism, but rather wrote shorter rhetorical pieces that addressed the controversial political issues of his day. Although Milton's approach was less philosophical than Locke's, in many ways it proved

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69 Although twenty years younger, Milton was a contemporary of Filmer. Locke, however, was almost fifty years younger than Filmer and was in his early twenties in 1653, the year of Filmer's death.
to be a more popular and effective method to advance the cause of political liberalism. Indeed, Milton's political works were certainly more literary and rhetorically interesting than the often dry, abstract logic of John Locke, the philosopher.

The most systematic of Milton's unsystematic political writings was his *Areopagitica* (1644) which constituted an attack upon the Licensing Order of the sixteenth of June 1643 requiring books published in England to be reviewed and approved by government censors. Although today, the *Areopagitica* remains Milton's best known political work, in the seventeenth-century his most important political works were considered to be *The Tenure of Kings and Magistrates* (1649) and his *Defensio pro Populo Anglicano* or *A Defense of the People of England* (1651). Although less systematic and philosophical than his *Areopagitica*, these two works had a more persuasive tone as well as a more expedient political purpose. These also were the works in which Milton gave his most explicit defense of the social contract theory of government.

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70. Although the English had had some form of censorship since about 1530, Milton tried to shame Parliament into adopting his views by claiming it a recent Catholic import, a product of the King's Star Chamber, which so recently had been abolished (1641), and which had been the principal opponent of the Protestant Parliament. . . . His own experience in having to get his writings on divorce published without license, reinforced his views that a new dogmatic authority was replacing the old.” Sid Parkinson, “The Areopagita” Discourse: The Journal of the St. Lawrence Institute 14 (Fall 1995): 20.

71. Milton's *Tenure of King* (1649) was the “unsolicited work” published during the trial of Charles I that had gained him his appointment as Cromwell’s Secretary of Foreign Tongues. However, Milton's other important political works, which appeared between 1649 and 1651, “were all officially commissioned” by the Commonwealth. Dzelzainis, “Introduction” to *John Milton: Political Writings*, ix.

72. “Milton's political tracts were *ad hoc* pieces of persuasion, rather than philosophical discussions of principles. *The Tenure of Kings and Magistrates* was published . . . a fortnight after the execution of Charles I. It was clearly intended to urge the justice of tyrannicide, and to show the Presbyterians how reprehensibly they had retreated from their earlier position.” Burton, *Milton's Prose Writings*, 186.
Published less than two weeks after the execution of King Charles, Milton's *Tenure of Kings and Magistrates* was a bold work that followed in the tradition of the radical Jesuit Ultramontantist Juan de Marianna. In this work, Milton wrote approvingly of the execution of King Charles and other civil magistrates who failed to fulfill the duties of their civil offices. Although there had never been any shortage of arguments justifying resistance to tyrants from within the Presbyterian camp, especially among the followers of George Buchanan and John Knox, the Presbyterians nevertheless retained a certain degree of respect for hierarchical authority. In this regard, the Presbyterians differed greatly from the more egalitarian Puritans. Presbyterians had a special respect for the person of the king, who occupied highest political office in the land, and thus many Presbyterians had turned against Cromwell after the execution of Charles. In the *Tenure*, Milton made it clear that he stood firmly within the Puritan camp and strongly condemned the inconsistent and cowardly double-speak of the Presbyterians who boldly championed resistance to tyrants in theory, but were hesitant to put this theory into actual practice when it came down to supporting the execution of King Charles. Milton's anti-monarchical sympathies and commitment to egalitarianism were evident not only within his *Tenure of Kings and Magistrates*, but also in a number of his other political works.

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73 The full title was *The Tenure of Kings and Magistrates: proving that it is lawful, and hath been held so through all Ages, for any who have the power, to call to Account a Tyrant, or wicked King, and after due Conviction, to depose, and put him to Death, if the ordinary Magistrate have neglected or denied to do it, etc.* (February 1649).


75 “It being thus manifest, that the power of kings and magistrates is nothing else but what is only derivative, transferred, and committed to them in trust from the people to the common good of them all, in whom the power yet remains fundamentally, and cannot be taken from them, without a violation of their natural birthright.” Milton, “The Tenure of Kings and Magistrates” in *The Prose Works*, vol. 2, edited by J. A. St. John. (London: George Bell and Sons, 1901), 11. “Since the king or magistrate hold his authority of the people, both originally and naturally for their good in the first place, and not his own, then may the
Defensio pro Populo Anglicano or A Defense of the People of England (1651)

Only days after the execution of Charles I, a book appeared in England with the title *Eikon Basilike*. The book purportedly had been written by the late king and sought to defend the course of action that Charles had taken during the civil war. Despite its claim, the book was not written by King Charles, but was most likely by the Anglican bishop, John Gauden. Nevertheless, the book was persuasively written, evoking feelings of pity and indignation in the reader, and in the immediate aftermath of the royal execution, it managed to stirred up a good deal of resentment against Cromwell and the remainder of the Rump Parliament. As a consequence, it was necessary for the Cromwellian regime to compose an official reply, and it was John Milton who was chosen for this task. In response to the *Eikon Basilike*, Milton wrote *Eikonoklastes* (October 1649) which summarized the Parliamentary argument: Charles I had deserved his punishment. This was Milton's first publication as an official representative of the new government. The book was both written and published in Latin and appeared about the same time as the second edition of Milton's *Tenure of Kings* (October 1649), the work that originally had gained Milton his position in Cromwell's government as the Secretary of Foreign Tongues.

The Royalist opposition party, however, was not ready to give up their fight against Cromwell, and they soon commissioned a refutation of Milton's argument. The scholar chosen for the task was Claude de Saumaise (1588–1653), a Franco-Gallican humanist and philologist who, after the death of Grotius, remained “the foremost people, as oft as they shall judge it for the best, either choose him or reject him, retain him or depose him, though no tyrant, merely by the liberty and the right of freeborn men to be governed as seems to them best.” Milton, “The Tenure of Kings and Magistrates,” 14.

76The full title was, *Eikonoklastes: in Answer to a Book entitled “Eikon Basilike, The Portraiture of His Sacred Majesty in his Solitudes and Sufferings* (October 1649).
Protestant scholar in Europe.” Also know by the Latin name Claudius Salmasius, Saumaise was born in 1588, the same year as both Hobbes and Filmer. By far the best Latinist in Europe at the time, Salmasius was sympathetic to the plight of the exiled Stuarts and gladly wrote *Defensio Regia pro Carlo I* (November 1649) in defense of the English Royalist cause. In this work, Salmasius was “mindful of the need to appeal to a European readership without neglecting English sensibilities,” and thus avoided both Catholic and Protestant extremes by arguing in a way that “was at least minimally compatible with Anglicanism.” His defense of Charles I was a scholarly and well-reasoned response, in many ways, more so than either the original *Eikon Basilike* of John Gauden or Milton's reply to Gauden in the *Eikonoklastes*. Consequently, Milton felt obliged to respond, and a little over a year later, Milton published his *Defensio pro Populo Anglicano* or *A Defense of the People of England: in Answer to Salmasius's Defense of the King* (February 1651).

It was in the *Defensio* that Milton's social contract thought was most systematically developed. And it was upon this work that Filmer focused his critique of Milton's social contract theory. Like both Hobbes, Milton defended the social contract origins of civil government. However, as a political liberal and critic of royalist and monarchical authority, Milton distinguished himself from Hobbes by arguing that monarchy was an inherently tyrannical form of government that was proper only for pagans and totally inappropriate for people who considered themselves to be Christians.

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77Martin Dzelzainis, “Introduction” to *John Milton: Political Writings*, xix.

78Ibid.

Kings and kinship; a 'heathenish government' given to the people of God as a punishment and, according to Milton, absolutely forbidden to Christians by Christ himself, the institution of monarchy came to be for Milton what the physical was to the Gnostics—a result of evil and the invention of the Devil. To imagine God as a king was, for Milton, to imagine God as if he were the Devil.\textsuperscript{80}

Whereas Hobbes had argued that the Leviathan, or the sovereign civil ruler, wielded centralized power over all ecclesiastical and political affairs, Milton argued that neither civil or ecclesiastical rulers should possess any authority over religious belief. For Milton, the preservation of liberty was the \textit{summum bonum}, or highest purpose, of civil government, rather than the centralization of power as it had been for Hobbes. The purpose of government was to provide the conditions under which the natural liberty that every individual possessed in the state of nature could be preserved. With this argument, Milton distanced himself from other social contract theorists and foreshadowed the social contract political liberalism of John Locke.

After the collapse of the Cromwellian Commonwealth and the Restoration of Charles II to the English throne in 1660, Milton lost his official position in the English government and was no longer allowed to write political works. Milton, however, continued to defend the cause of political liberalism by veiling his political arguments in poetic language. Although changing his style of presentation, Milton always believed that individual political liberty was the highest good of human society. Whether it be in the domestic sphere of marriage or the public sphere of politics, Milton maintained that society should be

conceived as consisting of a set of rational individuals, who enter into voluntary, contractual, relationships with each other for their own rational

\textsuperscript{80}Michael Bryson, \textit{The Tyranny of Heaven: Milton's Rejection of God as King} (London: Associated University Presses, 2004), 11.
ends, and who are therefore perfectly free to dissolve those relationships in the event of their proving inadequate to the satisfaction of those ends.\textsuperscript{81}

In many ways, Milton's radically individualistic view of marriage was completely commensurate with his social contract view of the origins of political society. Although Milton's radical views on marriage were not shared by many of his contemporaries, his individualist view on the origins of political society and the intrinsic value of political liberty attracted many followers. Filmer, however, was not numbered among these.

\textit{Filmer's Response to the Political Liberalism of John Milton}

There is no question that Milton's political thought was radical for his day. In many ways Milton was an innovative progressive thinker who had little patience for tradition.\textsuperscript{82} Thus, it is more than a little ironic that today Milton is often characterized as an exemplary of conservative Christian social thought.\textsuperscript{83} Milton's theological orthodoxy has been questioned by many scholars.\textsuperscript{84} Indeed, it was Milton's unorthodox theological views that fueled his unorthodox political views. As Charles R. Geisst observed, in the thought of Milton,

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\textsuperscript{83}“Milton was not a comfortably mainstream Christian by any century's standards. Remove \textit{Paradise Lost} and all of the associations of that poem, and a John Milton transplanted into a modern Protestant church (especially of the more familiar American evangelical varieties) would likely be considered a troublemaker at best, a dangerous heretic at worst.” Bryson, \textit{The Tyranny of Heaven}, 31.

\textsuperscript{84}Milton's \textit{De Doctrina Christiana} and \textit{Paradise Lost} “propound . . . views about the nature of Christ which are expressly and emphatically those of high Arianism.” David Masson, \textit{The Life of John Milton} (Gloucester, MA: Macmillan, 1946), vol. 6, 823. “Milton's positions on the nature of God alone (as outlined in \textit{De Doctrina Christiana}) ally his ideas more closely with such 'heresies' as Arianism, subordinationism, mortalism, and materialism than they do with any recognizable definition of 'orthodoxy.'” Bryson, \textit{The Tyranny of Heaven}, 31.
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The equality of man was predicated upon the conception that freedom could not be impugned. It could be preserved in civil society regardless of the damage done by the Fall. Milton adopted an anti-Augustinian position in this manner. Rather than espousing the strict theological position that saw man's nature after the Fall as substantially different from the prelapsarian state, Milton held to the immutability doctrine of man's essence.\(^{85}\)

Milton believed that civil government was “neither natural nor divine in origin, but rather human, and as such it remains essentially a matter of convenience.”\(^{86}\) Milton understanding of institution of marriage and the institution of government were similar in that his view on both matters was extremely anti-sacramental, anti-Catholic and anti Anglican.\(^{87}\) Indeed, it would be difficult to find a seventeenth-century thinker who disagreed more with the worldview of Filmer than John Milton.

With all this in mind, it is not surprising to find that Filmer strongly objected to Milton's claim that “a father and a king are things most diverse”\(^{88}\) Fatherly and kingly authority, Filmer argued, were not so different. The king, like a father, had his authority given to him directly by God, in other words, by divine right. In his political writings, Milton repeatedly argued, that any king who possessed his power by divine right was, by definition, a tyrant. Thus, divine right kingship implied that any king who “violated all divine and human laws” was no less “a king, and guiltless jure regio [by royal right]”


\(^{87}\)The questions ignored by a strictly religious (and strictly neo-Christian) reading of Milton are as numerous as they are obvious—and troubling. Why does John Milton who in *Tenure of Kings and Magistrates* defends before all of Europe the right of subjects to depose—and execute—a king (thus defending the beheading of Charles I of England) portray God as a military king in *Paradise Lost*? Why does the man who declares in *Eikonoklastes* that monarchy was founded, not by God, by by Nimrod, “the first that hunted after faction,’ portray God as a monarch? . . . . [I]f the heavenly Kingship of the Father is a perfect standard . . . [then why] does Milton also create a Son who, in *Paradise Regained*, rejects the very model of rule that the Father embodies in *Paradise Lost*?” Bryson, *The Tyranny of Heaven*, 32.

\(^{88}\)Cited in Filmer, *Observations*, 201.
than a king who took pains to observe the commandments of God, and thus was a potential tyrant, even if not a tyrant in actual practice. Filmer, in response to Milton's association of divine-right kingship with tyranny, claimed that Milton was mistaken on this point. For it was simply not true that immoral and evil kings were guiltless by virtue of their divine-right status. For even as a divine-right king, “he is accountable to God, and therefore not guiltless if he violate divine law.” The point of divine right kingship, argued Filmer, was not to make the king immune from guilt or God's judgment, but rather to maintain the important distinction between divine law and human law. However, this distinction, Filmer was quick to point out, was nowhere close to the social contract distinction between legality and morality. Divine-right theory merely maintained that the king was accountable only to divine law, not to human law. However, in regard to divine law (e.g., the universal moral law) the king remained fully accountable and guilt was imputed to him for he stood under God's judgment whenever he disobeyed this divine moral law. However, argued Filmer, “human laws must not be shuffled in with divine, they are not of the same authority. If human laws bind a king, it is impossible for him to have supreme power among men.” In other words, political sovereignty must not be confused with impunity for wrong doing. Nevertheless, civil authority always required some type of arbitrary or sovereign power, otherwise it would be impossible to require obedience to any civil law whatsoever. Thus the king, as sovereign, must always stand above the civil law and cannot be punished or held accountable to any human court. However, according to Filmer, “the reason why a king cannot be punished is not because

89 Ibid.
90 Ibid.
91 Ibid.
he is excepted from punishment, or doth not deserve it, but because there is no superior to judge him but God only to whom he is reserved.”

This was the inescapable problem associated with political sovereignty. The buck must stop somewhere. There must be an ultimate authority. Milton was misguided if he thought transferring sovereignty from the king to the people would eliminate this unavoidable reality. Indeed, as Filmer poignantly asked, “If it be tyranny for one man to govern arbitrarily, why should it not be far greater tyranny for a multitude of men to govern without being accountable or bound by law?”

Milton also had argued that “a tyrant is he, who regarding neither law nor the common good, reigns only for himself and his faction,” but Filmer was skeptical again. By making this distinction between the good of the king and the good of the people, Milton was following Suárez and making a social contract distinction between the person of the king and the state of his kingdom. Filmer objected to this contractual and individualistic way of thinking by appealing again to Aristotle over against Milton. For to argue that the king could benefit himself at the expense of the people was “an impossibility in the judgment of Aristotle, who teacheth us that 'the despotical power cannot be preserved, except the servant, or he in subjection, be also preserved.'”

Filmer also argued that Milton in his association of monarchy with tyranny committed a logical fallacy by taking the example of a specific abuse and deriving from

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92Ibid., 201-2.

93Ibid., 201. The close association between tyranny and democracy was pointed out by Aristotle. “The ethical character [of both] is the same; both exercise despotism over the better class of citizens.” Aristotle, Politics, Book 4, Chapter 4. Concerning Aristotle's view, Edmund Burke commented, “Of this I am certain, that in a democracy, the majority of citizens is capable of exercising the most cruel oppressions upon the minority, wherever strong divisions prevail in that kind of polity, as they often must; and that oppression of the minority will extend to far greater numbers, and will be carried on with much greater fury, than can almost ever be apprehended from the dominion of a single sceptre.” Burke, Reflections on the Revolution in France (Stanford, CA: Standford University Press, 2001), 292.

94Ibid., 205.

95Ibid., 206.
this a general or universal principle. In other words, the fact that some monarchs were evil did not necessarily imply that monarchy itself was evil.\footnote{As Filmer wrote, “Kings have been and may be vicious men, and the government of one not so good as the government of another. Yet it doth not follow that the form of government is or can be in its own nature ill, because the governor is so.” Indeed, Filmer argued that it was not monarchy that had proved to be the most dangerous obstacle to the development of human society, but rather “anarchy, or want of government.”\footnote{Whereas the Scriptures were replete with passage condemning rebellion, there was not “any such government as tyranny mentioned or named in Scripture, or any word in the Hebrew tongue to express it.”\footnote{Thus, Milton's attempt to justify political rebellion on the grounds of tyranny cannot be supported from Scripture, at least according to Filmer's understanding. Furthermore, by speaking evil of the king, Filmer argued that Milton himself was violating an explicit Scriptural injunction laid out in Exodus 22:28, “Thou shalt not revile the gods, nor curse the ruler of thy people.” The purpose of this Scriptural command, Filmer argued, was not to prohibit all forms of admonishment or criticism of civil rulers, but rather to remind us that our private judgments and opinions should not be the bar by which we judge the entire world, especially those things in the world that are greater than we are and the authorities that God, in his wisdom, has placed over us. Leaders and civil rulers were appointed by God to govern over us and thus to judge the actions of a king merely by the...\footnote{Indeed, Christ himself is referred to as the “King of Kings” in Scriptures. Thus, if Milton was correct about absolute monarchy being the same as absolute tyranny, then one would have to conclude from this argument than Christ was the “Tyrant of Tyrants.” Indeed, this may have been Milton's view; see Bryson, The Tyranny of Heaven: Milton's Rejection of God as King, passim.}}}}
standards of our own private judgment was to be guilty of “judging him who hath no superior on earth” and to overstep or to transgress the boundaries of acceptable behavior. It was a rebellious and sinful act.\textsuperscript{100}

This is also another interesting thing about Milton that should be mentioned. It has to do with his relation to Hobbes. At one point in his argument for political liberty, Milton found himself in surprising agreement with Hobbes, the arch-defender of political absolutism. Milton, like Hobbes, strongly disapproved of St. Ambrose's excommunication of Emperor Theodosius. Whereas Hobbes had condemned St. Ambrose's opposition to the emperor on the grounds that it was a treasonous act worthy of death, Milton interpreted the early Church father's motivations in a different light: “It was his wish that all other men be servants of the emperor, that he might make the emperor his servant.”\textsuperscript{101} Despite the fact that Milton and Hobbes disagreed on the exact reason why St. Ambrose should be condemned, their mutual denunciation of this early church father certainly was evidence of their common rebellion and hostility against the traditions and practices of the ancient church.

In the totalitarian social contract thought of Hobbes, Saint Ambrose was considered a Rebel. In the liberal social contract thought of John Milton, Ambrose was considered a Tyrant. It was only in the patriarchal political thought of Filmer that Ambrose remained a Saint.

\textsuperscript{100}Ibid., 207.

Conclusion

The social contract theory's commitment to beginning with “free and equal” autonomous individuals, evident in Milton's rejection of marriage as being anything greater than the loved shared between two individuals, was summarized best by Hobbes in a passage wherein he described the state of nature as a place where “each association is thus formed in its own interest or for its own renown, that is, from selfish motives. . . . Then natural condition is consequently a condition of mistrust on the part of all towards all; it is a war of all against all (bellum omnium in omnes).”¹⁰² This selfish state of nature, presupposed by the methodological individualism of social contract in both Hobbesian and Miltonian varieties, stood in stark contrast to the more familial, communal, and patriarchal thought of Filmer. Opposed to Filmer's emphasis on traditional religious and familial foundations of political society, both Hobbes and Milton emphasized the autonomous individual and abstract reason as the methodological starting point for thinking about the origins and structure of political society.

As the autonomous individual, rather than the person standing within the context of a particular community, is the starting point for all social contract thought, there were two distinct views of political order that can result, either political collectivism or political liberalism.¹⁰³ In the social contract state of nature there is an absence of natural and familial social bonds, the organic bonds that link human beings to each other both affectionately and relationally. The social contract posits each individual as an originally autonomous and rational political unit with the result being either some type of political


¹⁰³It would not be an exaggeration to say that in the social contract political thought of Suárez the seeds were sown that later germinated and developed into both modern liberalism and modern socialism.
liberalism that seeks to respect this original autonomy of every individual political agent or political collectivism that seeks to overcome this inherent alienation and isolation of this autonomous and rational starting point. This liberal strain of the social contract, emphasizing reason and individualism over tradition and community, was manifested in the thought of John Milton and later John Locke. The collectivist strain of the social contract, emphasizing the need for individuals to contract together and form a sustainable political community, was manifested in the absolutist political thought of Thomas Hobbes. In the thought of Hobbes, the social contract was the foundation by which some political rights are given up in exchange for the benefits associated with the security and protection of political absolutism. Since for Hobbes, in contrast to Filmer, there was no natural, organic, or familial unity within society apart from this original contract, political community could only be established by legalized brute force or “might makes right.”

When the individualistic strain of the social contract is embraced the result often is some type of laissez-faire government or anarchical political order. When the collectivist strain of the social contract is embraced the result often is some type of political collectivism or authoritarian state. Thus, the individualist and rationalistic starting point of the social contract theory can either result in a justification for the development of political liberalism or political collectivism. Understanding this fact helps to explain why both Hobbes, one of the best examples of the collectivist strain of

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104 The essential difference between the two schools of [social contract] thought as they have evolved is not, as is often alleged, in the affirmation of liberty by one, and its denial by the other. It is in their different approach to politics. The liberal approach assumes politics to be a matter of trial and error, and regards political systems as pragmatic contrivances of human ingenuity and spontaneity. . . . The totalitarian democratic school, on the other hand, is based upon the assumption of a sole and exclusive truth in politics. The [liberal school] remains essentially individualist, atomistic and rationalist . . . [and] inclined to assume the character of a universal creed . . . [and to emphasize] the essential goodness and perfectibility of human nature. . . . [The collectivist school] declares man to be weak and corrupt . . . [and] teaches the necessity of force as a permanent way of maintaining order among poor and unruly creatures, and training them to act in a manner alien to their mediocre nature.” J. L. Talmon, The Origins of Totalitarian Democracy (New York: W. W. Norton, 1970), 1-2, 7.
the social contract theory, and Milton, one of the best examples of the individualistic strain of that theory, both respected the other's intellectual contributions despite their deep political and philosophical differences.105

The essential difference between Filmer's patriarchal political thought and the social contract theory, whether the individualist Miltonian or collectivist Hobbesian strain, was that Filmer's patriarchal political thought rejected the most basic assumption of the social contract theory, namely the premise that every person was born “free and equal” in the state of nature. For the patriarchalist, no one was never to be autonomous from familial and social obligations and neither was the community understood as a mere collection of autonomous individuals who contracted to live under the rule of a centralized political force. Rather, for Filmer, human beings were born into families and it was these natural familial bonds of affection that formed the substructure of different ethnic groups, which in turn, was the basis for all larger political communities.106 Indeed, for the patriarchalist, in contrast to the social contract theorist, the political community was not fundamentally a contractual and legal arrangement, but rather a familial and organic one.107

105 “[Milton's] widow assures me that Mr. Thomas Hobbes was not one of [Milton's] acquaintance: that her husband did not like him at all: but he would grant him to be a man of great parts, and a learned man. Their interests and tenets did run counter to each other.” John Aubrey, Brief Lives (1681), ed. John Buchanan-Brown (Harmondsworth: Penguin Books, 2000), 203.

106 The debate over whether the individual or the community is more important continues to this day within the liberal-communitarian dialog. Although the communitarian position is more communal than the liberal position, it could be argued that communitarianism and liberalism are merely different sides of the same egalitarian coin. Political egalitarianism, whether liberal or communitarian, desires to level the social and political playing field by eliminating all hierarchical (royalist) and familial (patriarchal) bonds so that certain ideological and philosophical commitments can be more effectively advanced. Understanding this fact helps to explain the otherwise rather perplexing commitment to both inclusivistic social egalitarianism and exclusivistic metaphysical and ethical standards that are often found in the writings of communitarians.

107 Following Filmer's reasoning here, Edmund Burke later would make the same argument in an essay published in 1756 under the title, A Vindication of Natural Society, Or a View of the Miseries and Evils Arising to Mankind from Every Species of Artificial Society. Edited by Frank N. Pagano. (Indianapolis, IN: Liberty Fund, 1982).
Filmer had a much different understanding of the nature and purpose of political society than did social contract political thinkers like Suárez, Grotius, Hobbes and Milton.

Although Filmer found himself in more sympathy with Hobbes's defense political absolutism than he did with Milton's defense of political liberalism, Filmer could not accept the social contract assumptions of either Milton or Hobbes. That the political absolutism of Hobbes was rooted in a philosophical theory that undermined the most cherished principles of the patriarchal tradition was most evident in Hobbes's condemnation of St. Ambrose as being guilty of a “capital sin” when he excommunicated Theodosius the Emperor since for Hobbes the only thing that mattered was legitimation and centralization of all political power within the Leviathan State. Of course, Filmer's disagreement with Hobbes on this point did not make him any more sympathetic to Milton's view of St. Ambrose as desiring that “all other men be servants of the emperor, that he might make the emperor his servant.”

In Filmer's mind, Milton was mistaken in his belief that the enforcement of any communal standard or religious orthodoxy was, in itself, a denial of the most fundamental virtue of Christianity, namely freedom of conscience and the exercise of political liberty.

Interestingly, it was this Miltonian view of Christianity that was embraced by Locke, who also grew up in a Puritan household, and thus not surprisingly shared many of Milton's Puritan political views. And, of course, it also was John Locke who wrote the most well-known and widely-read critique of Filmer's patriarchal political thought. In the next chapter, we will consider Locke's infamous critique of Filmer's patriarchal theory of government. As Locke's critique of Filmer was also rooted in social contract assumptions, this next chapter will provide us with the opportunity to examine some of

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the important differences that exist between Filmer's patriarchal theory and the social contract theory in more detail.
CHAPTER SIX

Patriarchy and Political Liberalism: On Locke's Reading of Filmer

If Locke wrote his book as a refutation of Sir Robert Filmer, then he cannot have written it as a refutation of Thomas Hobbes.¹

—Peter Laslett, “Introduction” to Locke's Two Treatises

Either Locke had failed to understand Filmer, or he misrepresented him deliberately.²


Less than two years after the Glorious Revolution of 1688, the first edition of John Locke's magisterial contribution to Western political thought was published. As the title itself indicates, the Two Treatises of Government (1690) was divided into two separate books or treatises. Locke's major purpose in this work was to provide a justification and defense of republican government in England, and a good portion of the first book as well as a part of the second was devoted to a refutation of Sir Robert Filmer's patriarchal theory of monarchical government. Locke's negative arguments against monarchy and absolutism in the First Treatise usually are considered to be less important than his positive arguments in support of liberalism and republicanism in the Second Treatise and consequently more scholarly attention has been focused on the latter treatise than on the former. As many of Locke's more interesting and significant contributions to political thought are developed within the pages of the latter book, to some degree, this neglect of the First Treatise is understandable. It is not uncommon for


an introductory political survey course to completely skip over Locke's lengthy criticism of Filmer in the *First Treatise* in order to devote more time to a consideration of the *Second Treatise*. However, as our primary concern is to develop an understanding of Locke's relationship to Filmer, in this chapter, the majority of our attention will be focused on a consideration of the neglected *First Treatise*, rather than the more popular second-half of Locke's *Two Treatises of Government*.

*Locke's Reading of Filmer in The First Treatise of Government*

There are a number of aspects of Locke's *First Treatise* that deserve careful consideration. However, when it comes to a consideration of Locke's relationship to Filmer, one of the most notable features of this first book is the demeaning and dismissive tone that Locke used toward Filmer throughout the entire work. Indeed, in the preface to the *First Treatise*, Locke began his discussion of Filmer's political thought with a simple and unceremonious statement that served no purpose other than to convey to the reader his utter disdain and contempt for the unbelievable nonsense that Filmer had written:

> For if any one will be at the pains . . . to strip Sir Robert's Discourses of the flourish of doubtful expression, and endeavor to reduce his words to direct, positive, intelligible propositions, and then compare them one with another, he will quickly be satisfied there was never so much glib nonsense put together in well sounding English.³

Indeed, so foolish were Filmer's ideas, according to Locke, that at one point Locke claimed that Filmer's patriarchal political thought was not even worthy of a response. Of course, if this was indeed the case, then it raised an interesting question. Why did Locke himself write a book-length response to a thinker who was not worthy of a response? As

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³John Locke, “Preface” to the *First Treatise*, 137-38.
if in anticipation of a question such as this, Locke said the following in the preface of his *First Treatise*.

I should have not writ[ten] against Sir Robert, or taken the pains to show his mistakes, inconsistencies, and want of (what he so much boasts of, and pretends wholly to build up on) Scripture-proofs, were there not men among us, who, by crying up his book and espousing his doctrine, save me from the reproach of writing against a dead adversary.⁴

So apparently, the reason that Locke believed that it was necessary to respond to Filmer was not due to the intellectual merit or philosophical sophistication of Filmer's political theory, but simply because Filmer's patriarchal arguments had struck a resonate chord within the heart of many who were living in late-seventeenth century English society.⁵ It is certainly true that Filmer, who had died almost a half-century before the *Two Treatises* was published, continued to have a popular following. It was because of this popular following, rather than Filmer's merit as a political thinker *per se*, that Locke realized that some sort of response to Filmer was necessary. According to Locke, Filmer's theory continued to exercise a power and influence among contemporary thinkers. However, interestingly enough, Locke never specifically mentions any of these thinkers by name. However, even in the absence of other thinkers, the sheer strength of the patriarchal social prejudice of the seventeenth-century, in and of it itself, may have been enough to convince Locke that a response to Filmer was necessary.⁶

⁴Locke, *First Treatise*, 138.

⁵“‘It was because of patriarchalism that Locke and Sidney had to answer [Filmer], for in appealing to the power of the father and the relevance of the family to the state he touched the assumption of all his own readers and of most of Locke’s.’” Peter Laslett, “Introduction” to *Patriarcha and Other Writings* (Oxford: Basil Blackwell, 1949), 22.

⁶“But [Hobbes] was politically the least important of the absolutist writers. Filmer, on the other hand, was the man of the moment, a formidable and growing force with those whose political opinions mattered, and representing in himself the *ipsissima verba* [the very words] of the established order.” Laslett, “Introduction” to *Two Treatises*, 67.
In order to help demonstrate the problems with Filmer's patriarchal theory, throughout the *First Treatise* Locke focused his attention on the contradictions inherent within Filmer's argument and attempted to show how most of these contradictions were simply a result of Filmer's inability to think through the implication of his own theoretical assumptions. Indeed, at another point, Locke expressed his utter dismay over the fact that so many people had been duped by Filmer's outrageous reasoning, even to the point of public applause:

> Slavery is so vile and miserable an Estate of Man, and so directly opposite to the generous Temper and Courage of our Nation; that it is hardly to be conceived, that an Englishman, much less a Gentleman, should plead for it. And truly, I should have taken Sir Robert Filmer's *Patriarcha* as any other Treatise which would persuade all men that they are slave, and ought to be so . . . had not the gravity of the title and epistle, the picture in the front of the book, and the applause that followed, required me to believe that the author and the publisher were both in earnest.  

By virtue of these incessant *ad hominem* attacks on Filmer's intellectual merit, Locke slowly eroded the reader's confidence in Filmer's ability to formulate a consistent sentence, much less a logically coherent philosophical argument. From the point of view of historical influence, this rhetorically strategy was completely successful. For Locke's treatment of Filmer was so demeaning and dismissive that even down to the present day Filmer's name continues to be associated with only the most implausible and outrageous of ideas. The interpretation of Filmer as a confused, second-rate political thinker, propagated and pasted down from Locke, remains so entrenched that Filmer's name is commonly invoked as an appropriate example of something deserving of both ridicule and scorn.  

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7Locke, *First Treatise*, 141.

8"Filmer and patriarchalism lost all their battles and, except for a brief period under Charles II, were always associated with an unpopular and even persecuted minority. So the man himself has been forgotten: his thinking has been misunderstood and misinterpreted: his name has been a laughing stock for a
as a form of comic relief. This extremely uncharitable reading of Filmer remains entrenched within the vast majority of contemporary academic circles and is strengthened and further exacerbated by the fact that few scholars, if any, actually bother to read Filmer anymore. Whereas Locke's critique of Filmer, on the other hand, continues to be read by each and every successive generation of political scholars and, therefore, not surprisingly, if Filmer's name is recognized at all, it is only in the context of serving as Locke's whipping boy.

*The Challenge to Locke's Reading of Filmer*

Locke's interpretation of Filmer in the *Two Treatises* went completely unchallenged, for the most part, throughout the greater part of the eighteenth and nineteenth centuries. Indeed, it was not until the mid-twentieth century that a handful of British scholars began to seriously challenge the traditional dismissive Lockean reading of Filmer. One of the first scholars to raise the question of the accuracy of Locke's understanding of Filmer was a history professor at the University of London by the name of John W. Allen (1865-1944). In a brief essay on Filmer, first published in 1926, Allen wrote this castigating comment about Locke's treatment of Filmer:

That first of Locke's essays on Civil Government was, in truth, a shameful piece of party journalism. Either Locke had failed to understand Filmer, or he misrepresented him deliberately. One may prefer for him either horn of that dilemma; but there is really no alternative. I doubt whether Locke had even dozen generations.” Peter Laslett, “Sir Robert Filmer: The Man versus the Whig Myth” *William and Mary Quarterly* 5 (1948): 523-24.

9 The number of scholarly articles and books written on Filmer during the twentieth century can be listed in a three or four page bibliography. As far as I can tell, there were only two or three doctoral dissertations written on Sir Robert Filmer within the last one-hundred years.

10 The most important of these British scholars was Peter Laslett (1915-2001), editor of the 1960 Cambridge edition of John Locke's *Two Treatises* and the 1949 Oxford edition of Sir Robert Filmer's *Patriarcha.*
read Filmer's writings. He had read the *Patriarcha* and, I suspect, nothing else.\(^\text{11}\)

Assuming that Allen was correct in his assessment of Locke's treatment of Filmer, it needs to be noted that this fact, *in and of itself*, is of little significance. As often happens during an intellectual debate, one thinker will fail to completely understand the viewpoint of another thinker and inevitably some type of misunderstanding or misrepresentation will result. Therefore, the significant aspect of Allen's claim is not the fact of Locke's misrepresentation of Filmer *per se*, but rather the fact that Allen charged Locke with making a *deliberate* misrepresentation.

Interestingly enough, twenty-five years after Allen's criticism of Locke was first published, the editor of the modern Cambridge edition of Locke's *Two Treatises*, Peter Laslett, also came to a conclusion similar to Allen's. In his introduction to the text of the *Two Treatises*, Laslett noted that Locke often focused his criticism on tangential aspects of Filmer's arguments while ignoring the larger thrust of Filmer's main point.\(^\text{12}\) Laslett pointed out the implausibility of maintaining that Locke simply failed to understand Filmer's patriarchal theory only at the points where Filmer's arguments were the strongest.\(^\text{13}\) So thus, apparently, Locke did recognize that Filmer's political thought was


\(^{12}\) In particular, Laslett noted Locke's persistent failure to address Filmer's critique of the social contract theory. “We must not deny the truth of the history of creation,” urged Filmer against Hobbes. Locke would not admit he was doing this, when in reality he was making use of rationalist arguments which simply could not be contained in Filmer's world of Biblical politics.” Laslett, “Introduction” to *Two Treatises of Government*, 69.

\(^{13}\) Not only did Locke refuse to meet Filmer on his own ground, and fail to recognize the full strength, antiquity and importance of the patriarchal tradition, he persistently ignored the searching counter-criticisms which are the strength of Filmer's case. How could Locke's bland assertion of the historicity of a state of nature, of an agreement or compact behind all established government, of the justifiability of assuming the universal concept to political institutions, be defended against Filmer's sceptical commentary.” Ibid.
more sophisticated than he was willing to admit in print, at least sophisticated enough to necessitate the use of some type of misrepresentation, rather than a simple straightforward refutation.

Nevertheless, Locke had little worry that Filmer, who died almost a half-century before the publication of the *Two Treatises*, would be able to offer a reply. Even if his misrepresentations of Filmer were discovered and pointed out by a contemporary advocate of Filmer's theory, Locke had little to fear. This is simply because Locke confessed to being the author of the *Two Treatises* only a week before his own death in 1704. Thus, for almost fifteen years, from the time of its publication in 1690 until 1704, Locke's critique of Sir Robert Filmer remained an anonymous work.\(^\text{14}\)

*The Question of Locke's Purpose and Intention*

Even scholars who will not concede that Locke deliberately misrepresented Filmer will admit that within the pages of the *Two Treatises* Locke's stated purpose often was different that his true intention. The unstable political situation in England during the late-seventeenth century necessitated that Locke exercise a certain amount of caution in his political writings. As Richard H. Cox observed, “Locke lived during a period of great political upheaval, and although he was often closely associated with men in high station, those of his own letters which are preserved contain remarkably few comments which would reveal his exact position on or involvement in contemporary political events.” \(^\text{15}\)

\(^{14}\)At the end of the original Preface, John Locke, as the anonymous author, boldly wrote: “If anyone, concerned really for truth, undertake the confutation of my hypothesis, I promise him either to recant my mistake, upon fair conviction, or to answer his difficulties. But he must remember two things: First, that caviling here and there, at some expression, or little incident of my discourse, is not an answer to my book. Secondly, that I shall not take railing for arguments, nor think either of these worth my notice.” Locke, *Two Treatises*, 138-39.

\(^{15}\)Richard H. Cox, *Locke on War and Peace* (New York: Oxford University Press, 1960), 7-8. “Another instance of Locke's great reserve is found in his treatment of theological doctrines. He never explicitly denies the dogma of the Trinity in his published writings. On the contrary, he is always at great
Consequently, it is often difficult to tell what Locke's true thoughts were on any given subject.

That exercising caution was an overriding concern for Locke is clearly evidenced by the fact that within the more than three-hundred pages of the Two Treatises there were only two vague and indirect references to Thomas Hobbes.\(^\text{16}\) Often considered a dangerous and atheistic thinker who championed the idea of an absolutist political regime, Hobbes had many powerful enemies in seventeenth-century England. Consequently, the absence of any direct mention or criticism of Hobbes within the Two Treatises worried some of Locke's contemporaries. Indeed, Locke's failure to offer any criticism of Hobbes was considered by some to be enough evidence to establish that Locke was, to some degree, in sympathy with Hobbes.\(^\text{17}\)

Hobbes, after all, was certainly no less important of political thinker than Filmer.\(^\text{18}\) So why did Locke take the time to reply to Filmer, who Locke claimed was only a second-rate thinker, but did not bother to offer any response to the more rigorous and pains to give the impression of adherence to that doctrine of orthodox Christianity, without ever explicitly and unqualifiedly declaring his belief in it. This evasive attitude led the Bishop of Worcester and others to accuse him of being a Unitarian, or of following the Socinian heresy.” Cox, Locke on War and Peace, 9.

\(^{16}\)The first reference appeared in the Preface where Locke listed Filmer's major works, including his “Observations on Hobbes, Milton, etc.” The second reference appeared in the Second Treatise, but was extremely vague mentioning only the word Leviathan, but not the name of Hobbes. “His one overt mention of the word Leviathan, in paragraph 98 of the Second Treatise, is very far from specific: indeed if it were taken literally it would seem to imply a serious misunderstanding, or misremembrance, of Hobbes's doctrine.” Laslett, “Introduction” to Two Treatises of Government, 71.

\(^{17}\)Richard West, a Fellow of Magdalen College, Oxford, brought out a pamphlet in which he elaborately showed how Locke proves the thesis of the Reasonableness of Christianity in exactly the same way and with the same biblical quotations used by Hobbes. . . . That Locke followed Hobbes without admitting it is also argued by the Bishop of Worcester. In this case, the issue was a theoretical point of whether there is, in nature, a real 'essence' of things in general; or whether, as Locke argues, that the common nature of things lies only in an abstract idea about them. The Bishop of Worcester states the issues, and then implicitly charges Locke with having taken his nominalism from Hobbes.” Cox, Locke on War and Peace, 23-24.

\(^{18}\)In the case of Filmer, whom no one I suppose would care to rank with Hobbes as a thinker, Locke seems to have felt that it was necessary to proceed to a systematic and explicit refutation.” Ibid., 3.
unquestionably sophisticated political thought of Hobbes? There must have been a reason for Locke's decision to respond to the patriarchal absolutism of Filmer while at the same time completely ignoring the more totalitarian absolutism of Hobbes.

Interestingly, when asked about the absence of any explicit reference to Hobbes in the *Two Treatises*, Locke stated that the reason he did not mention Hobbes was simply because he had never read anything written by Hobbes and thus was not competent to offer an informed response. Of course, even if Locke was being honest here, it does not help his credibility much. For what this would mean is that Locke, one of the most noteworthy thinkers in the history of Western political thought, wrote an entire treatise refuting a second-rate absolutist thinker like Filmer while never bothering to read the more rigorous and sophisticated absolutist thought of Thomas Hobbes. Locke's claim of ignorance in respect to Hobbes does not help him get off the hook and, in fact, his assertion of ignorance seems more than a little implausible. Even if Locke's claim was true, then this also makes J. W. Allen's doubt concerning whether "Locke had even read Filmer's writing" seem more plausible. And if that is the case, then a particularly strange implication follows: Locke, one of the greatest political thinker of the seventeenth century, never bothered to carefully read the works of either Hobbes or Filmer. A rather spurious conclusion, so much so, that an alternative explanation almost seems necessary.

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19 An even greater difficulty is posed by the fact that not only does Locke fail to mention Hobbes in the *Second Treatise*, but he flatly says, in certain of his later polemical writings that he has barely looked into Hobbes, let alone read him with any care. . . . In the first place, there is convincing evidence that Locke knew much more about Hobbes's doctrines than he was willing to admit publicly. At least by 1681, and possibly earlier, he owned a first edition of Hobbes's *Leviathan*, and his Journals contain a number of references to that work. . . ." Ibid., 2-4.

20 These are curious statements to come from a man of Locke's deserved reputation for learning, for it is hard to imagine that he could be so ill-formed." Cox, 3. “Evidence such as this does not, of course, prove anything in and of itself about the mature Locke's published doctrine and its relation to that of Hobbes. But it does suggest the necessity of looking more carefully at Locke's character . . . for a possible explanation of [Locke's] curious reticence to admit a knowledge of, let alone an indebtedness to, a man such as Hobbes.” Ibid., 7
Interestingly, a more plausible explanation was hinted at by Laslett, who in the introduction to the Cambridge edition of Locke's *Two Treatises* observed that, “if Locke wrote his book as a refutation of Sir Robert Filmer, then he cannot have written it as a refutation of Thomas Hobbes.”²¹ What Laslett may have been subtly suggesting here was that, at certain points in his argument against Filmer, Locke may have purposely confused Filmer's patriarchal defense of monarchy with Hobbes's social-contract defense of political absolutism. But why would Locke do such a thing? What advantage was there for Locke in intentionally confusing the patriarchal political thought of Filmer with social-contract thought of Hobbes?

In order to see why the confusion of Filmer with Hobbes might be advantageous for Locke, it is important to remember that Locke's rejection of Filmer's patriarchal theory of political absolutism in the *First Treatise* was the basis for Locke's development of his own social contract theory of political liberalism in the *Second Treatise*. By rejecting Filmer's patriarchal absolutism in the first book, Locke was laying the foundation for the development of the arguments contained within the second book. It is important to remember that the social contract theory was also the theory that Hobbes had used in the development of his argument for political absolutism and it was this very aspect of Hobbes's thought that Filmer had critiqued in his *Observations Concerning the Original of Government* (discussed in the last chapter).²² Once these two facts are considered, then Locke's decision to focus his attention on Filmer's patriarchal version of absolutism while

²¹Peter Laslett, “Introduction” to *Two Treatises of Government*, 67.

²²“Locke himself quite clearly adopted a Hobbesian conception of the state of nature in an early formulation of his thought on the proper scope of political power, a formulation contained in the manuscript of a polemical pamphlet on toleration, which Locke wrote in 1660 but never published.” Cox, *Locke on War and Peace*, 5-6.
at the same time completely ignoring Hobbes and avoiding any direct mention of Hobbesian social-contract absolutism begins to make sense.

As Locke subscribed to the same social-contract assumptions as did Hobbes, a direct refutation of Hobbes's social-contract absolutism could potentially threaten the foundations of Locke's own social-contract defense of political liberalism. Therefore, when deciding what absolutist thinker he should critique, Locke believed that a safer tactic would be to focus his attention on Filmer rather than Hobbes. For by focusing his attention on Filmer, he would be able to offer a critique of political absolutism and a defense of political liberalism without endangering the social-contract foundation of his own theory, as would be the risk if he targeted his attack on Hobbes's theory. Once Locke's strategy is recognized, then the reason why Locke only made two veiled allusions to Hobbes in the *Two Treatises* and claimed to have little, if any, knowledge of Hobbes's theory becomes more understandable.

### The Inconsistency of Locke's Social-Contract Liberalism

Despite the advantages for Locke in focusing his criticism on Filmer's patriarchal absolutism rather than Hobbes's social-contract absolutism, there were also some risks involved with choosing this rhetorical strategy. Beside the obvious risk that people might actually figure out his clever bait-and-switch confusion of Filmerian and Hobbsian

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23 The suggestion that Locke may deliberately have concealed a debt to Hobbes is by no means a new one. A number of Locke’s contemporary critics—more alive perhaps than we are today to the great possibilities inherent in deliberately vague, ambiguous, and complicated writing because more immediate aware of conditions which may produce it—flatly and openly charged him with being a ‘Hobbist’. Of these, the most outspoken and relentless in his attacks was a clergyman, John Edwards of Cambridge. Edwards published three pamphlets attacking Locke’s theories of religion, education, and morals, and was especially critical of the *Reasonableness of Christianity*. He states the heart of his criticisms in a pamphlet published in 1697. He begins by stating that Locke’s criticisms of the university system in England are exactly the same as those contained in Hobbes’s *Leviathan*. He then argues that Locke has also taken the central thesis of his *Reasonableness of Christianity* from Hobbes, who is elsewhere described by Edwards as ‘the great master and lawgiver of the profess’d atheists.’” Ibid., 21-2.
absolutism, there was also another risk, a risk associated with a direct attack upon Filmer's patriarchalism. As was discussed in chapter four, seventeenth-century English society was deeply committed to a patriarchal understanding of the world and Filmer's thought was extremely commensurate with this patriarchal worldview. Indeed, the primary reason that Filmer's absolutism had a much larger popular following than did Hobbes's social-contract absolutism was due to the patriarchal foundations of Filmer's theory. Most English citizens living during this period were deeply sympathetic to Filmer's patriarchal perspective, even if they did not all agree with Filmer's close association of patriarchal rule with the institution of a divine-right monarchy. The social-contract political absolutism of Hobbes, on the other hand, had few followers and many enemies. Thus, by choosing to focus his criticism on the absolutism of Filmer rather than of Hobbes, Locke ran the risk of alienating the sensibilities of the common seventeenth-century Englishman, the very person he needed to persuade. Realizing that he needed to find a way to preserve some of the more popular features of Filmer's patriarchal thought while also undermining Filmer's commitment to political absolutism, Locke needed to find a way to appropriate some aspects of Filmer's patriarchal theory into his own social-contract defense of political liberalism while at the same time placing the blame on Filmer for many of the distasteful aspects of Hobbesian absolutism. If he could do this, then Locke could kill two absolutist birds with one liberal stone. But this was certainly no easy task. Nevertheless, that Locke actually was able to accomplish such a difficult feat is evidenced by the fact that many scholars, even to this very day, simply assume that Locke's arguments were based on a careful and systematic refutation of Filmer, rather than a subtle misrepresentation and confusion of Filmer with Hobbes.

24 It may well be that some of Locke's arguments would never have been developed at all if it had not been for Filmer. . . . Patriarchalism influenced [Locke] in a more straight-forward way, and in his concessions to it we may see in his thinking some signs that he recognized the limitations of his own intellectualistic rationalism.” Ibid., 68.
One of the consequences of misrepresentation, whether careless and accidental or careful and deliberate, is that certain inconsistencies inevitably will arise upon the examination and analysis of specific details. Thus, if Locke did misrepresent Filmer, it should come as no surprise that certain inconsistencies exist within Locke's arguments. Nevertheless, Locke managed to downplay most of these inconsistencies so well that it took many years, sometimes even centuries, for later scholars to bring some of them to light. As a matter of fact, Locke was so careful in the construction of his argument against Filmer that only a handful of scholars who study seventeenth-century political thought have managed to trace the source of some of these inconsistencies back to Locke's confusion of Filmer's patriarchal absolutism with the social-contract absolutism of Hobbes. But even if the ultimate cause of the confusion of Filmer with Hobbes remains obscure, the increased awareness of these inconsistencies has opened the door for scholars from a variety of academic disciplines to examine Locke's misappropriation of certain illegitimate assumptions into his own theory of social-contract liberalism.25

At the heart of the social contract theory of government rests an assumption about the condition of people in the pre-political state of nature, a theoretical state of existence prior to the forming of any type of political obligation or social subordination. According to the assumptions of the social contract, at one time in the distant past within the context of the state of nature, all people were “free and equal” in relation to each other. As was discussed in the last chapter, this fundamental “free and equal” assumption of the social contract theory served as the basis of both Hobbes's social-contract absolutism as well as

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25For instance, historians also have picked up on Locke's patriarchal bias, notably the feminist historian, Mary Beth Norton, who has pointed out a number of Locke's inconsistencies in her Pulitzer Prize-winning book, *Founding Mothers and Fathers: Gendered Power and the Forming of American Society* (New York: Alfred A. Knopf, 1996).
the social-contract liberalism of John Milton and there were certain implications that resulted from assuming this egalitarian starting point for socio-political order. Milton recognized some of these implications and argued for a radically egalitarian restructuring of the social order and the dissolution of all organic, familial and non-consensual social bonds between individuals. For Milton, the dissolution of these social bonds was associated with the advancement of individual liberty and the escape from political oppression. Thomas Hobbes, on the other hand, viewed the atomistic and individualistic implications of the social contract as undesirable and corrosive to social order and argued for the necessity of a centralized absolute political sovereign in order to keep human society from falling into chaos and disorder. But Milton and Hobbes were both viewed as radical extremists during their own day and consequently their views never attracted a large following among the general populous.

Locke, in contrast to both Milton and Hobbes, was a moderate thinker who wanted to avoid some of these more extreme implications of the social contract theory. In contrast to the radical political theories of Milton and Hobbes, Locke's political philosophy, in large measure, was simply a distillation and reconceptualization of some of the popular political sentiments of the day. Although Locke embraced the idea of social contract, as did Milton and Hobbes, he did not attempt to force the egalitarian state-of-nature assumption of social contract to its logical conclusion. Rather, Locke sought to find a way to make the social contract theory palatable to the sensibilities of the majority of seventeenth-century Englishmen, the majority of whom found themselves in more agreement with Filmer's patriarchalism than they did Milton's egalitarian individualism or Hobbes's totalitarian collectivism. Locke realized that if he wanted to

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26Filmer's attempt to connect the institution of monarchy with the idea of patriarchy was not popular among Puritans. However, the Puritan opposition to monarchy did not automatically imply that all
be able to effectively market his own version of social-contract liberalism to the average seventeenth-century Englishman, he needed to cast his theory of political liberalism in a certain light—a light that on the surface looked similar to Filmer's patriarchalism, minus Filmer's association of patriarchy with monarchical absolutism.

By adopting this strategy, Locke realized that he had to abandon Milton's and Hobbes's quest for a perfect or completely consistent political theory, opting rather for a more practical theory, but one that had a good chance to win the minds and hearts of his readers. Because Milton and Hobbes had aimed for theoretical perfection, rather than practical usefulness, if put into practice, they both would require a radical restructuring of the socio-political order. Consequently, Milton and Hobbes never developed much of a popular following. Locke, on the other hand, went to great efforts to make his social contract theory of liberalism compatible with the political institutions as well as the patriarchal social assumptions of the seventeenth century. As a consequence, despite the fact that, in some ways, the social-contract thought of Locke was not as logically consistent as the social-contract thought of either Milton or Hobbes, Locke was much more successful in gaining a popular following due his willingness to adapt this theory in order to make allowances for the patriarchal prejudices of the day. For our purposes, the patriarchal assumptions of Locke are of particular interest, especially in regard to the imperfections and logical inconsistencies they introduce within the overall context of Locke's theory of social-contract liberalism.

Two inconsistencies, in particular, become immediately apparent upon a close examination of Locke's arguments, namely Locke's argument for the subordination of women in political society and his defense of private property. In both of these Puritans were opposed to patriarchal rule. Most Puritans favored some type of patriarchal rule, but wanted this patriarchal rule grounded in congregational rather than hierarchical institutions.
arguments, Locke departed from the more egalitarian social-contract views of Milton and Hobbes and cast his lot with the more popular, patriarchal views of Filmer. However, as these two theoretically inconsistencies did not pose a problem for most people living in the seventeenth-century, no one bothered to challenge Locke's deference to Filmer on these two points. Indeed, Locke's inconsistencies here probably even helped to strengthen his popular appeal. However, in later centuries, when the patriarchal prejudices of the seventeenth-century English society concerning the status of women and property no longer held such a powerful sway, Locke's inconsistencies on these two specific points began to be recognized and challenged. As an examination of these two inconsistencies will help us to better understand the exact nature and root of the conflict between the social-contract thought Locke and patriarchal thought of Filmer, both of these inconsistencies now will be considered in detail.

**Locke's First Inconsistency: The Status of Women within the Social Contract**

In direct contradiction to Filmer's comparison of kingship with fatherhood, Locke argued that, “the power of the Magistrate over a Subject may be distinguished from that of a father over his children, a master over his servant, a husband over his wife, and a Lord over his slave.”²⁷ This distinction between the power of the father within the familial realm and the power of the civil magistrate within in political realm was a foundational assumption of Locke's political thought; for without this assumption, the entire theoretical basis of Locke's argument would collapse. Locke made no attempt to hide this fact from his readers. Indeed, this strict separation between paternal and political power, as Locke freely admitted, was necessitated by the social contract theory's

²⁷Locke, Two Treatises of Government, 268.
“state of nature” assumptions. For unless this distinction between paternal and political power was maintained, given the assumption of the social theory, any association of political and paternal power would ultimately function to destroy the basis of paternal power in society altogether. In the Two Treatises, Locke explains exactly why this would be the case. For if it was true that political power was the same as paternal power, and if political power had its origins in the social contract, then this would imply that paternal power also was derived from the social contract. However, if the latter was the case, this would mean that parents had no legitimate claim of authority over their children in the absence of the children's consent to be governed by their parents. In Locke's mind this would be a disaster for it would undermine and call into question the legitimacy of all paternal and familial authority. In other words, Locke's argument for the separation of political and paternal grew out of his desire to hold on to the cherished principle that children were obligated to obey their parents, whether they wanted to or not, for the duty of a child to obey the parent was not contingent upon the child's consent and thus paternal power was at root a non-consensual form of authority.

By arguing for an analogous relation between paternal and political power, Filmer had used non-consensual nature of paternal authority to make his argument for the non-consensual basis of political authority. As Locke, however, wanted to maintain that political power was rooted in a form of consensual authority, he opposed Filmer's non-consensual view of political authority. Furthermore, Locke realized that if he embraced Filmer's argument for the analogous relationship that existed between paternal and political power, the assumptions of the social contract theory would not only undermine the non-consensual basis of political authority, but also the non-consensual basis of paternal authority as well. As a consequence, it would no longer be possible for parents
to exercise authority over their own children without the consent of their children. As Locke argued,

Parents in societies, where they themselves are subjects, retain a power over their children, and have as much right to their subjection, as those who are in the state of nature, which could not possibly be, if all political power were only paternal, and that in truth they were one and the same thing. For then, all paternal power being in the prince, the subject could naturally have none of it. But these two powers, political and paternal, are so perfectly distinct and separate; are built upon so different foundations, and given to so different ends, that every subject that is a Father, has a much paternal power over his children, as the Prince had over his; and every prince that has parents owes them as much filial duty and obedience as the meanest of his subjects do to theirs; and can therefore contain not any part or degree of that kind of dominion, which a prince, or magistrate has over his subjects.\textsuperscript{28}

This was the primary reason that Locke wanted to maintain that a strict separation of the paternal and the political. It was not because Locke was opposed to Filmer's understanding of the non-consensual nature of paternal authority, but rather because he agreed with Filmer on this point, and thus the reason that a distinction must be made between these two types of authority. For unless this distinction is made, both paternal and political authority must be either consensual or non-consensual. As Filmer wanted to argue that both of these authorities were non-consensual, he did not have to make a strict distinction between them. However, since Locke wanted to argue that only paternal authority was non-consensual, whereas political authority was consensual, it was necessary that he make a strict distinction between these two powers. Thus Locke declared that, “these two powers, political and paternal are so perfectly distinct and separate” as they are rooted in “different Foundations and given to so different Ends.”\textsuperscript{29}

Once he established the necessity of making a distinction between paternal and political authority, Locke examined some of the inconsistent aspects of Filmer's

\textsuperscript{28}Ibid., 314.

\textsuperscript{29}Ibid.
patriarchal theory that were exposed in the light of this new paternal-political distinction. Foremost among Filmer's inconsistencies, at least according to Locke, was Filmer's failure to understand the important role that women played within the familial realm. As Filmer had centered his comparative analogy between paternal and political power around a comparison between the familial figure of the father and the political figure of the king, Locke attempted to undermine Filmer's analogy by focusing on the important role of mothers and wives in the familial realm. For if he could simply demonstrate that Filmer had failed to understand the nature of paternal or familial authority, Locke realized it would be much easier to weaken Filmer's comparative analogy as a whole. Indeed, as Norton observed, throughout his critique of Filmer's patriarchal political thought, Locke often,

used women to score debating points on Sir Robert Filmer. To demonstrate the absurdity of Filmer’s arguments, Locke frequently inserted into his polemics references to women’s familial roles. . . . By referring to a mother’s power rather than a father’s and drawing implicitly on his reader’s assumptions about familial authority, Locke created a clear distinction between parental and political dominion.  

Although this rhetorically strategy was certainly effective, appealing to the power of women in order to undermine Filmer's patriarchal arguments introduced another problem for Locke, at least from the standpoint of status quo seventeenth-century status social prejudices. For if consistently applied, many of the arguments that Locke used against Filmer, coupled with his strict distinction between political and paternal authority, might be taken to imply that women were entitled to full political equality with men within the civil realm. However, as the thought of women's suffrage was completely unacceptable to the seventeenth-century mind, Locke wanted to avoid any hint of this logical implication.

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30Norton, Founding Mothers and Fathers, 297.
As Locke realized any direct assault on the patriarchal social prejudices of the day was not likely to produce favorable response to his argument, he wanted to avoid any potential confrontation on this point. Therefore, as if anticipating this potential problem, Locke simply asserted, in a very matter of fact way, that women were included in the political realm via the representation of their husbands. While rejecting Filmer's assertion of the husband's “monarchical rule” over his wife as a illegitimate importation of political terminology into the context of the familial realm, Locke nevertheless maintained that a wife,

should be subject to her husband, as we see that generally the laws of mankind and customs of nations have ordered it so; and there is, I grant, a foundation in nature for it.31

Nevertheless, by making this concession to the patriarchal social prejudices of his own day, Locke was introducing a fundamental inconsistency to the basic thrust of his arguments against Filmer. For if there really was a clear distinction between political authority and the familial authority as Locke claimed, then it was completely inconsistent for Locke to deny political equality to women on the basis of their subordinate position of women within the familial realm.

Of course, this inconsistency was necessary if Locke wanted his arguments to have any chance to win the hearts and minds of seventeenth-century Englishmen and it was, undoubtedly, one reason that Locke's political thought was more well received than the theories of more radical social-contract thinkers such as Hobbes and Milton. Hobbes, in the twentieth chapter of *Leviathan* entitled, “Of Dominion Paternal and Despotical,” had made a similar distinction between paternal and political power:

31Locke, *Two Treatises of Government*, 174.
Dominion is acquired two ways, by generation and by conquest. The right of
dominion by generation, is that, which the parent hath over children, and is
called paternal. . . . Dominion, acquired by conquest, or victory in war, is that
which some writers call Despotical, from despotes, which signifieth a lord or
master.\footnote{32Thomas Hobbes, \textit{Leviathan} (New York: Cambridge University Press, 1991), 139-41.}

In contrast to the equivocating Locke, Hobbes was more forceful and logically consistent
in that he admitted that this distinction between the paternal and political realm also
implied the acceptance of a more egalitarian understanding of the relationship between
men and women:

Whereas some have attributed the Dominion to Man only, as being of the
more excellent Sex, they misreckon in it. For there is not always that
difference of strength or prudence between the man and the woman, as that
right [of dominion] can be determined without War. . . . But the question lies
now in the state of nature. . . . We find in History that the Amazons
contracted with men of the neighboring countries, to whom they had recourse
for issue, that the issue Male should be sent back, but the Female remain with
themselves, so that the dominion of the Females was in the Mother. If there
be no Contract, the dominion is in the mother. For in the condition of mere
Nature, where there are no matrimonial laws, it cannot be known who is the
father, unless it be declared by the mother; and therefore the right of
Dominion over the child dependeth on her will, and is consequently hers.\footnote{33Ibid., 139-40.}

As is evident from this passage, Hobbes maintained that in the state of nature where the
social laws that favor and support the rule of men over women are absent, women tend to
have a more basic biological authority than men, at least in regard to their right of
exercising dominion within the familial realm. Although Hobbes was more consistent on
this point than Locke, the more radical nature of Hobbes's arguments was one of the
reasons that Hobbes was considered a dangerous political thinker. Locke, on the other
hand, never would have penned such a revolutionary statement for he wanted to find a
happy middle ground between the radical extremes. Consequently, Locke committed
himself to a moderate position that avoided, “both Filmer's analogy between polity and
family and Hobbes's willingness to admit that husbands might be subject to their wives in some circumstances."

In order to help distance himself from the social egalitarianism of Hobbes, Locke was careful to avoid making any statement within the *Two Treatises* that might imply that the distinction between political and paternal authority, if followed to its logical conclusion, necessitated a larger measure of social and political equality for women. Although Locke probably recognized that many of his arguments pointed in this direction, he wanted to avoid acknowledgment of this fact, as evident in the way he carefully eschews any mention of the political status of *unmarried* women of majority age, who were not under the authority of either a husband or a father. For if Locke had raised this sticky issue, it would have been extremely difficult for him to avoid admitting that unmarried, adult women should be considered political equals to men; that is, if he wanted to remain consistent in his strict distinction between political and paternal authority. For if an unmarried adult woman, who was no longer under the authority of her father and yet had no husband, could not represent herself in the political realm, then she would by default be left without any type of representation whatsoever. But admitting the fully political equality of women would create a huge problem for the popular acceptance of Locke's theory. Therefore Locke fudged on this point and excluded unmarried women from participation in the political realm, even though it was a contradiction of his most basic principles. This particular inconsistency within Locke's argument is precisely the reason that the feminist historian, Norton argued that, “Locke’s intellectual construct effectively requires that women be married.”

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34 Norton, *Founding Mothers and Fathers*, 60.

35 Ibid., 298. Whereas Filmer had no problem with non-consensual authority, whether paternal or political, Locke's entire argument rested on an argument against non-consensual political authority. In
Locke's Second Inconsistency: The Status of Property within the Social Contract

The theoretical justification of the laws protecting private-property rights was a common theme throughout much of seventeenth-century English political literature. Indeed, a cogent defense of private property was often considered to be one of the most important features of a sound political theory. There is little doubt that Locke’s detailed and exhaustive analysis of the origins of private property and theoretical defense thereof was one of the main reasons that Locke's political thought was absorbed by Anglo-American culture to a much larger degree than the more collectivist and centralist social-contract political thought of Suárez and Hobbes, whose respective philosophies both remained confined to the realm of the theory. Although the success of Locke's defense of private-property rights is almost universally acknowledged, the debt that Locke's views on this subject owed to the cultural and social assumptions of seventeenth-century English society is often ignored. It is almost as if private property did not exist, or at least existed without justification, until the glorious advent of classical economics and the theoretical justification of private property that was offered by John Locke.

section 61 of the Second Treatise, Locke wrote: “The freedom of a man at years of discretion, and the subjection of a child to his parents, while yet short of that age, are so consistent, and so distinguishable, that the most blinded contenders for monarchy, by right of fatherhood, cannot miss this difference, the most obstinate cannot but allow their consistency.” Locke, Two Treatises, 308. In this passage Locke argued, contra Filmer, that the non-consensual subjection of children to parental authority was not analogous to the subjection of citizens to political authority. According to Locke, Filmer's obstinate commitment to non-consensual authority blinded him to the fact that the subjugation of children to parents was only a temporary subjection and only due to the fact that young children of minority age were not competent to make rational decisions for themselves. Whereas Filmer had claimed that every child was born a slave, Locke argued, “we are born Free, as we are born rational; not that we have actually the exercise of either: age that brings one, bring with it the other too.” Ibid. The problem here was that Locke's argument provided no grounds for making a distinction between men and women upon reaching the age of reason. Thus, Locke either had to tacitly concede to Filmer's patriarchal prejudices or explicitly argue that women, even after reaching the age of majority, were to be treated as irrational children, perpetually placed under the non-consensual authority of men. Locke chose the former.
Of course, there is no doubt that Locke's social contract defense of private property was unique, if only because Locke had departed significantly from the other social-contract theorists who placed almost no importance on private property rights. Most social-contract theorists, prior to Locke, placed little or no emphasis on private property and some of them had even attacked it. For instance, Suárez asserted that, "'God has not given immediately . . . to any man the proper and peculiar ownership of any matter, but has made all things immediately common.' . . . The status of ownership is thus similar to that of civil power: God has given it immediately to society and not to any private individual."\(^{36}\) Since for Suárez, it was not the king, but rather the people who had the original claim to political sovereignty, it was also the people who possessed an original claim to all the property within a kingdom. In other words, England did not belong to the King of England as an individual, but rather to the People of England as a collective whole. The Jesuits, as a whole, even to this day have never departed from Suárez's collectivist understanding of property rights.\(^{37}\) However, due the the unpopularity of Jesuit social thought in England, the Jesuitical theory of collective property ownership was first actualized, not in England, but within the context of Jesuit missions to South America, in particular the country of Paraguay.\(^{38}\) As Reijo Wilenius observed, "in realizing the ‘recommendation of nature’ of collective ownership in


\(^{37}\)The connection between collectivist, especially Marxist, economic theory and Jesuit social theory is clearly evidenced in the development of South American liberation theology.

\(^{38}\)R. B. Cunninghame-Graham, *A Vanished Arcadia: An Account of the Jesuits in Paraguay, 1607 to 1767* (New York: Haskell House, 1968). "Several features of the ‘Jesuit State’ [of Paraguay] are in consonance with the Suárezian conception of the state—for example, the special attention paid by the leaders of the state to the organization of property relations, of production and, in general, of the satisfaction of the material needs of the subjects." Wilenius, *The Social and Political Thought of Francisco Suárez*, 69.
Paraguay the Jesuits wished to prove that the communistic organization of economic life is (still) possible. Familiarity of the social theory of Suárez—the leading philosopher of the Jesuit Order—adds to the credibility of the assertion.\(^{39}\)

When it came to the subject of private property, Locke had much more in common with the patriarchal economic assumptions of Filmer than he did with the collectivist economic assumptions of the Jesuits. Indeed, it was probably Suárez's collectivist view of property rights, possibly even more than his Ultramontanism, that placed him in greatest opposition to \textit{status quo} prejudices of seventeenth-century English society. As a matter of fact, in his critique of the social contract, Filmer had devoted a good portion of his time attempting to demonstrate how exactly the social contract theory undermined private property rights.\(^{40}\) Laslett has even suggested that the heavy emphasis on property rights within Locke’s political thought may have been an attempt by Locke to strengthen this fundamental weakness of the social contract theory, a weakness that had been pointed out by Filmer. As Laslett observed, Locke's arguments in defense of private property,

\begin{quote}
would have never been developed at all if it had not been for Filmer. We have seen that he showed no sign of an interest in the theory of property before he sat down to this polemic, and found himself faced with an argument in favour of primitive communism which was very difficult to refute unless a new justification of ownership was devised.\(^{41}\)
\end{quote}

With his heroic defense of private property in the \textit{Two Treatises}, Locke was attempting to avoid the \textit{prima facia} consequences of the social contract theory in that its very

\(^{39}\)Wilenius, \textit{The Social and Political Thought of Francisco Suárez}, 94.

\(^{40}\)On a number of subjects, including the issue of private property, “Filmer influenced Locke, in the way all men influence those who choose to refute them. It was [Filmer], and not Locke himself, and decidedly not Hobbes, who set the terms of the argument.” Laslett, “Introduction” to \textit{Two Treatises}, 68.

\(^{41}\)Ibid.
assumptions gravitated toward the communal ownership of property. For if political authority was collectively held by the community, then property rights (as the right to property was ultimately based on the permissive consent of this communal authority) must also be collectively held.

In respect to their views on political economy, both Locke and Filmer were committed to the defense of private property rights. Although rejecting Filmer's patriarchal arguments for monarchy, Locke nevertheless embraced many of Filmer's patriarchal economics assumptions. Although their arguments in defense of private property differed, neither Filmer nor Locke attempted to challenge the most basic patriarchal economic assumptions of their own day.

But it is in the economic field that the evidence for the survival of patriarchal institutions into present day European society is most marked. It is astonishing to realize that in this respect the Europe of today is almost exactly the same as the Europe of Sir Robert Filmer's generation. In all parts of the world where European law and culture prevail, with the exception of the areas which have adopted communism, there is a general presumption which favours the inheritance of a father's property by his eldest son. There is also a tendency to subordinate the interests of women to men in the possession of property and above all there is an assumption that a man has a right before all other men to the possession of his dead father. All these assumptions about the transference of property are the assumptions of patriarchalism. . . . It is

42In his defense of private property in fifth chapter of the Second Treatise, Locke appealed to the “labor theory” of economic value. That Locke’s “labor theory” argument for private property ultimately was unsuccessful is evidenced by the fact that Karl Marx used the same “labor theory” argument to justify collective ownership of property. The only economists who were successful in defeating Marx’s arguments were those of the Austrian School (e.g., Ludwig von Mises, Eugen von Böhm-Bawerk) who embraced a “subjective theory” of economic value and rejected the “labor theory” of Locke and Marx. In this regard, it is interesting to note that Austria also had a monarchical form of government until the early twentieth century. See also, Mary Murray, The Law of the Father? Patriarchy in the Transformation from Feudalism to Capitalism (New York: Routledge, 1995).

43A good illustration of a growing epistemological self-consciousness and outworking of the collectivist assumptions of the social contract theory was given recently by the U. S. Supreme Court in Kelo v. City of New London, 125 S. Ct. 2655 (2005), where the court decided that the greater interests of the aggregate political community override the specific interests of individual property holders. This decision evidences the inability of social contract thought to secure private property rights for individuals because the concept of private property itself is at fundamental odds with the foundational assumptions of the social contract theory. Once this fact is understood, the reason why the classical liberalism of Locke, with its heavy emphasis on private-property rights, so quickly morphed into modern social liberalism, with its statist and collectivist view of property, is much easier to understand.
clear, for example, that patriarchalism has always been an essential, perhaps the essential, presupposition of capitalism.44

Interesting enough, Laslett’s above comment, “with the exception of the areas which have adopted communism,” might easily include such places as Paraguay, founded by the Suárez-influenced Jesuits, an observation that is worthy of serious consideration.

In the economic realm, the contrast between the economic socialism of Suárez and the patriarchal economic assumptions of Filmer could not have been more distinct. Again according to Laslett, “An important feature of [Filmer’s] position was that property was private property and always had been such: to suppose a stage of primitive communism was plain blasphemy to Filmer.”45 But why exactly was this the case? In order to answer this question, we must return, again, to a consideration of Filmer's critique of the social contract. Whereas Suárez was a defender of the Papist hierarchy in his ecclesiology, in his political theory he was an egalitarian—all men were born free and equal in relation to each other. Filmer on the other hand, maintained that “all men were born, and always remained, unfree and unequal; they were subject to their fathers and inferior to their elders. No theory of political association which started with free and equal individuals made any sense at all.”46 For Suárez, political egalitarianism was advantageous because a lack of hierarchical authority in the political realm eliminated any competition with the hierarchical Papal authority of the ecclesiastical realm. However, political egalitarianism, as Suárez realized, also naturally tends toward communism and the erosion of private property rights. Thus, in the absence of ecclesiastical authority, this

44Laslett, “Introduction” to *Patriarcha* (Oxford: Basil Blackwell, 1949), 23. The accuracy of Laslett's observation here is not as certain now as it was when he wrote these words in 1949, although there still may be some truth to it.


46Laslett, “Introduction” to *Patriarcha*, 12.
means that the political realm will be without any inherent form of authority and thus will tend toward anarchy, or as Thomas Hobbes later put it, “a war of all against all.” As Filmer, the faithful Anglican, rejected the Ultramontanist theory of Suárez, his “main concern was to show that if you did not assume a natural bond between individuals as the basis for society you could never hope to reach any stage higher than primitive anarchy and communism.” Filmer at least agreed with Suárez in that both saw that anarchy and communism, when rooted in political egalitarianism, were inseparable. To solve the problem of anarchy Suárez posited the authority of the pope. Filmer, on the other hand, not wanting to allow the pope such a privileged political position and certainly not in favor of Suárez’s economic collectivism, had to find another solution. On this point, Filmer’s solution was again a simple one. If you want to avoid communism and collectivism, then all you need to do is simply reject political egalitarianism. “In the same way as it was impossible for a people to escape from political anarchy once it was assumed that all individuals were independent and equal, so it was impossible for them to escape from communism if once it were granted that everyone had a moral right to an equal share of the gifts of nature.” The problem with the social contract was that it introduced too many unnecessary complications which, if taken to their logical conclusion, resulted in numerous absurdities:

I have briefly presented here the desperate inconveniences which attend upon the doctrine of the natural freedom and community of all things. These and many more absurdities are easily removed if on the contrary we maintain the natural and private dominion of Adam to be the foundation of all government and property.

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47 Ibid., 16.

48 Ibid., 17.

Whereas Locke's social-contract liberalism assumed that liberty was the *summun bonum* of political society, Filmer argued that it was impossible to find a valid justification for political subjection if you began by assuming that everyone was free and equal in relation to each other. It was the assumption of universal freedom and equality, more than any other, that Filmer believed was most problematic aspect of the social contract. Indeed, for Filmer, the assumption of an original state of freedom and equality could only result in a misguided and unrestrained pursuit of “political liberty” at any cost. This pursuit of liberty, in fact, was the fundamental error of the entire social contract theory. Although a political error, it was also rooted in a theological error,

first hatched in the schools [Scholastic Catholicism] and hath been fostered by all succeeding Papists for good divinity. The divines also of the Reformed churches have entertained it, and the common people everywhere tenderly embrace it . . . never remembering that the desire of liberty was the cause of the fall of Adam.  

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*The Simplicity of Filmer's Patriarchal Absolutism*

Considering the difficulties that Locke faced in trying to make the egalitarian assumptions of the social contract theory compatible with the patriarchal prejudices of the seventeenth century, it is remarkable that Locke did, in fact, find a way to make the social contract theory amicable to so many people and on such a grand scale. Of course, as was noted above, in order to accomplish this impressive feat, Locke had to sacrifice a certain degree of philosophical simplicity on the altar of theoretical abstraction in order to ensure that all of his illogical inconsistencies were well-hidden. This is precisely the reason that Locke's social contract theory appears to be much more sophisticated and complex than the patriarchal theory of Filmer. Locke had to be more sophisticated than Filmer because

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50Filmer, *Patriarcha*, 2
Locke faced a much more difficult challenge than did Filmer. As the existence of private property and the non-consensual authority of men over women were simply taken for granted and assumed in patriarchal theory, Filmer faced little difficulty in trying to make his views compatible with the socio-political prejudices of seventeenth-century English society. Locke, however, had to find a way to make the egalitarian assumptions of the social contract, assumptions that gravitated toward both collectivism in the economic realm and equality for women in the socio-political realm, compatible with the patriarchal prejudices of the seventeenth century that favored private property rights and the political subordination of women.

The difficulty of Locke's task necessitated that Locke construct his theory in a more careful and complex manner than Filmer. Indeed, on first reading, the difference in style in the writing of Filmer and Locke is one of the most striking points of contrast between them. The transparent and straightforward prose of Filmer stands in sharp contradistinction to the more convoluted and abstract reasoning of Locke. Stepping across a small creek only requires the place of a few strategic rocks, whereas transversing the Mississippi River requires much more forethought and planning. The gap that existed between Filmer's patriarchal theory and the institutions and practices of seventeenth-century English society was of the nature of a small creek, whereas the gap between Locke's social contract theory and seventeenth-century England was that of the Mississippi, or if not quite that wide, at least the Thames River. Filmer did not need a complete theory because he did not need to find a way to justify conclusions that were counter-intuitive to his foundational assumptions. Locke, on the other hand, had to test the limits of logical gymnastics in order to make his social-contract arguments compatible with his desired conclusions, and even then, as was noted above, there remained certain
inconsistencies within Locke's theory when it came to the subject of the social status of women and private property.

The genius of Filmer's theory, if there was any, was not a by-produce of Filmer's ability to construct systematic or sophisticated theoretical abstractions. Rather the attraction of Filmer was rooted in the simplicity of his thought. In contrast to Locke, Filmer did not have to explain how the status quo hierarchical political order of the seventeenth century could be reconciled with conditions that existed within a pre-political egalitarian state of nature. The social contract theory of Locke, on the other hand, began by assuming that all people were originally free and equal, the question of non-consensual authority created an enormous conceptual problems. Because Filmer denied the existence of a pre-political state of nature, he simply rejected the notion of universal freedom and political equality as a non-historical, and therefore mythological, conception, and thus he had no problem with the existence non-consensual political authority. Indeed, Filmer even argued that there was no such thing as consensual authority because if authority was consensual, then it was not really an authority at all—as was evident in the anarchical situation of a limited or mixed monarchy that was established on the necessity of Parliamentary consent to the King's commands. Because of his unapologetic commitment to non-consensual authority, Filmer had no difficulty justifying the existence of private property or social inequality. Both private property and social inequality had existed since the beginning of human society when God had bequeathed to Adam non-consensual authority over Eve and her children as well as dominion over the entire

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51“Even when fitted together, the corpus of Filmer’s political writings does not present anything like a coherent theory of politics. It is impossible therefore to write a systematic survey of Filmer’s doctrines and call it his argument. All that can be attempted is a summary of the propositions attacked by Locke and his companions when they worked out the theory of Liberalism.” Laslett, 11.
earth. All private property and social subordination was thus rooted in an original historical right given to Adam by God, rather than being derived from a consensual contractual arrangement that was derived from some type of mythological social contract. Consequently, unlike Locke, Filmer did not need to justify or apologize for the existence of a hierarchical political order or of private property, but rather just assumed them.

The simplicity of Filmer in contrast to the complexity of Locke is no where more evident in their respective hermeneutical approach to Scripture. Although both Locke and Filmer frequently appealed to Scripture, they did so using extremely different interpretative methods. Filmer approached Scripture in a very direct and simple way, whereas Locke approached Scripture in a much more sophisticated manner. For instance, throughout his *Patriarcha*, Filmer cited numerous examples from both Scripture and history to support his patriarchal arguments. This was not a difficult task because Filmer considered patriarchy and hierarchical rule to be not only the status quo norm, but also one of the most obvious and *prima facia* assumption of Scripture itself. Most biblical scholars affirm that Filmer was correct on this point, even if they disagree with the implications of this fact. Even some biblical scholars who are the strongest opponents of patriarchal and hierarchical modes of thought will concede that the biblical foundation for this way of thinking is deeply entrenched within Scripture itself and is one of the biggest obstacles to the advancement of a more preferable egalitarian and communal understanding of Christianity.

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52 Filmer, *Patriarcha*, passim.

53 “[T]he representation in Genesis 2 of the origins of the male-female relationship is exactly what one would expect from a patriarchal society. There are no speculations about an original ‘state of nature’ in which man and woman were equal, in contrast to which the reality of patriarchal marriage represents a fallen state. The woman’s subordination is indeed reinforced by the fall (Gen. 3.16), but it did not begin there. The fall marked an advance for patriarchal marriage, but not its point of origin.” Francis Watson, “Strategies of Recovery and Resistance: Hermeneutical Reflections on Genesis 1-3 and its Pauline Reception,” The Journal for the Study of the New Testament 45 (1992): 99.
The difference between Filmer's and Locke's approach to Scripture is undoubtedly a product to their different ecclesiastical heritages. As was pointed out in chapter three, Filmer's political thought is deeply indebted to Anglicanism and bears a close resemblance to Richard Hooker's multi-faceted and conciliar understanding of authority. Locke, influenced as he was by a more Puritanical and Jesuitical strain of Christianity, placed much more emphasis on reason while almost ignoring the authority of tradition. Locke’s contempt for traditional forms of authority also explains why his political philosophy was revolutionary, innovative, and modern in a way that Filmer’s more conservative and traditional political thought was not.\textsuperscript{54}

*Synopsis of Major Themes in the First Six Chapters*

At this point, it might be helpful to pause for a moment in our discussion to recapitulate some of the major themes of the first six chapters and to provide a clear and succinct synopsis of all the material that has been covered thus far in this dissertation. The social-contract was a revolutionary theory of political order that was conceived during the era of the Counter-Reformation. As it was rooted in Jesuitical political theory, the social contract was designed to overthrow the established political authority of any king or country that did not acknowledge the papacy as the supreme head of all earthly political authority. This overthrow was justified by appealing to the social contract theory's understanding of the people's right to reclaim original political sovereignty when faced with an unjust or heretical ruler. The Puritans later borrowed a number of arguments from this Jesuitical political theory, in order to help justify their own political

\textsuperscript{54}In light of Filmer's commitment to more traditional political views, Jaroslav Pelikan once made a statement that might be appropriate to reflect upon here: “Tradition is the living faith of the dead, traditionalism is the dead faith of the living. And, I suppose I should add, it is traditionalism that gives tradition such a bad name.” *The Vindication of Tradition* (New Haven: Yale University Press, 1984), 65.
rebellion against the English Crown. Both Milton and Locke, who came from Puritan backgrounds, as well as Algernon Sidney, the author of another book-length critique of Filmer's *Patriarcha*, used the social contract theory to justify rebellion against established political authorities of their day. However, rather than invoking the name of the pope, as did the Jesuits, or the cause of religious liberty as did the Puritans, these liberal social-contract thinkers invoked the name of the people themselves, using the social contract theory as justification for liberating the people from the oppression of political absolutism. As John Neville Figgis observed,

Locke and Sidney, if they did not take their political faith bodily from Suárez or Bellarmine, managed to a remarkable degree to conceal the difference between the two. With the Revolution Whigs the connection of Jesuit doctrines is direct and obvious. Their theory of natural rights, of an original compact, and of a utilitarian basis to the State, differs but little from Jesuit doctrines.

The social-contract thought of Lockean liberalism and Jesuit ultramontanism were similar, not only in the assumption that all people are born “free and equal” in relation to each other, but also in their mutual opposition and outright contempt for a patriarchal grounding of political order. As Figgis observed, the social contract theory is anti-patriarchal to the core:

> [The Jesuits] already recognize—in the manner of Locke, Sydney and other opponents of patriarchalism a century later—the need to counter this [patriarchal] view of political authority. . . . Suárez supplies the fullest

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55 Algernon Sidney was executed in 1683 for plotting against the English monarchy. In 1688, the year of the Glorious Revolution he was exonerated and his *Discourses concerning Government* was first published in 1698. The *Discourses* constitute a lengthy critique of the patriarchal political thought of Filmer. Although Sidney followed in the footsteps of many of Locke's earlier criticisms, the tone of the work was more polemical than Locke's critique. Sidney was not as careful as Locke, either political or intellectually, thus probably the reason why Sidney was executed whereas Locke was able to keep his identity as author of the *Two Treatises* anonymous until the last weeks of his life. Sidney did have a number of poignant and powerful criticisms of Filmer that he did not borrow from Locke; however, Sidney's political thought is not directly considered in this dissertation due to the fact that his thought is more polemical than philosophical and, generally, is not as sophisticated as Locke's political thought.

description of the point. The thesis he considers—which he associates with Chrysostom—is that 'since all men have been formed and procreated from Adam, alone, the case for an original subordination to a single ruler seems to be established.'

The fact that Suárez himself traced the roots of patriarchal political thought to John Chrysostom, the “St. Augustine” of the Byzantine Church, is not unimportant. In an earlier chapter, the socio-political and theological connections that existed between Anglo-Gallican Catholicism and the Orthodox Churches of the East were considered. The mutual sympathy of these religious groups was evident not only in their commitment to caeseropapism, but also in their more patriarchal understanding of politics. Nevertheless, the connection between fatherhood and political authority did not begin with either the English or the French, but extended back much further in history, to the times of the ancient Celts, the early Roman Empire, and especially the patriarchal culture of Old Testament Judaism.

It is not surprising that the Divine Right of Kings, especially when formulated in patriarchal categories, shared much in common with the Davidic monarchy of Israel and the caeseropapism of the Byzantine Empire. The doctrine of caeseropapism as well as the more conciliar view of authority within the Eastern Church had always provided an alternative theory and been a powerful historical check upon the centralizing, ultramontanist political theory of the Roman Papacy. Indeed, during the sixteenth-century

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58 “Monarchy in the ancient Near East and in Israel is most often represented as a world of ‘men only’. Legitimacy, loyalty, authority and narrative subjectivity are attributed to male members of the royal house and to male pretenders to the throne. The patriarchal structure of ancient society is interpreted as categorically resistant to and suspicious of female leadership and power.” Elna K. Solvang, *A Woman’s Place is in the House: Royal Women of Judah and their Involvement in the House of David.* (New York: Sheffield Academic Press, 2003), 1. The negative view of female leadership is no where more evident than in the book of Isaiah where it is enumerated among the curses that had fallen on the nation of Israel because of their sin and disobedience: “As for my people, their oppressors have stripped them, and women have ruled over them.” Isaiah 3:12 Dounay-Rheims version.
English Reformation, the caeseropapism model of church-state relations was adopted by
the Anglican Church and it was this Caesaropapist perspective coupled with the historical
Gallican-Celtic resistance to Roman rule that provided much of the ammunition and fuel
for the development of the divine right of kings doctrine in France and England,
especially the patriarchal version of the theory that was latent in the writings of William
Barclay and King James I and explicitly developed within the thought of Filmer. It was
patriarchalism, with its caeseropapist tendencies, that was recognized as the most
powerful antidote to ultramontanist political doctrines of the Jesuits and the recognition
of this fact helped to contribute to the recovery of patriarchal political thought during the
sixteenth and seventeenth centuries. As Figgis observed, “That the King is the father of
his people was a metaphor frequently employed by writers in favor of monarchy. Filmer
expands the metaphor into an argument, and founds upon it the only rational system of
absolutist politics. The patriarchal conception of society is far from being the essence of
the theory of the Divine Right of Kings; it is merely the best argument by which it is
supported.”

The patriarchal understanding of political order was not original to Filmer.
Indeed, as we observed in the second chapter, long before Filmer had even conceived of
writing a book on this subject, King James, in a speech before Parliament on the twenty-
first of March 1610, had argued:

There be three principle similitudes that illustrate the state of monarchy. . . .
In the Scriptures kings are called gods, and so their powers after a certain

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59 Interestingly, in his Apology, King James defended his own position by appealing to the political
thought of Chrysostom and Constantine.

Kierkegaard once wrote, “The king is not an incarnation, not a being whom we should adore, he is a weak,
frail man like others, but he is king by the grace of God, and that is the religious boundary which limits and
encloses the state, and therefore all the abstract nonsense about the wisest of men is annihilated, because all
difference in human wisdom is relative, and vanishes before the divine (providence’s) wisdom which calls
and disposes of the individual.” Kierkegaard, Journals, no. 307 (Aug 8, 1839).
relation compared to the divine power. Kings are also compared to the divine power. Kings are also compared to fathers of families, for the King is truly *pares patriae* [father of the fatherland], the politic father of his people. And lastly, kings are compared to the head of this microcosm of the body of man.61

This statement by King James easily could serve as a summary of the entire patriarchal political tradition. The patriarchal tradition went much further back than the seventeenth-century English society, having roots in the Eastern Roman Empire as evidenced in the writings of Chrysostom, as well as the the ancient kingdoms of the Near East during the time of Abraham and the Old Testament patriarchs. If Filmer's argument was to be believed, this patriarchal tradition even extended back to the very beginning of human society at the creation of Adam and Eve.62

**Conclusion**

In this chapter, we considered some of the differences between Locke's social-contract political liberalism and Filmer's patriarchal political thought. The conflict between Locke and Filmer took place in the seventeenth century, but the conflict between the social contract theory of political order and the patriarchal theory of political order was to continue for many years after Filmer and Locke had left the main stage. This conflict that had begun in Europe during the Counter-Reformation and erupted in England during the English Civil War continued to be fought in the New World and on the new soil of America. It was particularly evident in America during the colonial period and the early years of the American Republic; however, it lasted, in one form or

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62"It was said [by Filmer] that God has given sovereignty of the whole world to Adam and his heirs (or heirs males) for ever; that the heir of Adam, of failing him, the heir of the last person who filled the place of Adam's heir, is rightfully king. . . . With this was combined the theory that civil power is in its origin paternal or patriarchal power." F. W. Maitland, *A Historical Sketch of Liberty and Equality* (Indianapolis, IN: Liberty Fund, 2000), 40.
another, in America almost to the end of the nineteenth century. The history of the
development of the conflict between the social contract theory and patriarchal theory of
politics in America is the subject of the next two chapters of this dissertation.
CHAPTER SEVEN
Patriarchy in Early America:
The Puritan North and the Anglican South

Most striking is the use made of [Filmer's] works during the American Revolution, for it indicates that even at that time and in that society a conservative cast of mind found patriarchalism satisfactory.1

—Peter Laslett, “Introduction” to Patriarcha

In the beginning, all the world was America.2

—John Locke, Two Treatises of Government

In chapter five, the debate between John Milton and Claudius Salmasius was briefly addressed. If he had lived long enough to witness this debate, Sir Robert Filmer undoubtedly would have sided with Salmasius's defense of King Charles over against Milton's apology for regicide and the Puritan Revolution. Scholars occasionally have compared Salmasius's critique of the seventeenth-century English Revolution with the critique of the French Revolution that was later written by the eighteenth-century British statesman Edmund Burke (1729-1797).3 Although born over a century later than Filmer, Burke was an Anglican who shared a number of the same religious and social opinions as Filmer.4 For instance, like Filmer, Burke viewed both Catholicism and Puritanism with a

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2John Locke, Two Treatises of Government (New York: Cambridge University Press, 1960), 301.
3In regard to Burke's Reflections on the Revolution in France (1791), “Dr. Symmonds . . . suggests a comparison between Salmasius and Burke, and observes that the angry declamations of the later against the French Republic strongly resembles in spirit, if not in form, the outpourings of the former against the Commonwealth of England. But France produced no Milton to refute Burke; and The Reflections on the French Revolution, have therefore descended to us with the reputation of being unanswerable, because they happen to have been left unanswered.” J. A. St. John, “Preface” to The Prose Works of John Milton Volume II (New York: George Bell & Sons, 1893), 2.
4As Burke's father was an Anglican and his mother was a Catholic, his parents reached a religious compromise by the father raising his son as an Anglican and the mother rearing Burke's sister as a Catholic.

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certain degree of suspicion and also strongly opposed a purely contractual and rationalistic understanding of the origins of political society. Although sometimes making reference to the “social contract” in his writings, Burke was always careful to use language that expressed his concern about using abstract, ahistorical philosophical terms within the realm of political discourse. As Charles Parkin observes, “Burke's treatment of the idea of Contract makes it clear that it retains its religious significance for him, as the acknowledgment of a superhuman law which is the source of human life and the basis of all human relations.” Both Filmer and Burke sought to establish their political thought in a divine foundation and, as one might expect from devout Anglicans, they both tended to favor arguments from history and tradition rather than arguments using abstract reason or speculative philosophical principles. For Burke, in contrast to Locke, the idea of a government based on contract did not give someone the “right to tear society apart merely at their pleasure, to dissolve it into 'an unsocial, uncivil, unconnected chaos of elementary principles.'” For invoking the social contract for this type of purpose was “an act of

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According to Clark, “it is clearly inadequate to suppose that patriarchalism aptly applied in the late seventeenth century and deference in the early nineteenth century, but that bourgeois individualism is the only acceptable category in the intervening period. If 1688 was momentous in this respect; it was by demonstrating in the aftermath of the [Glorious] Revolution that the totality of patriarchalism did not depend on the intellectual viability or political usefulness of doctrines of indefeasible kingship, and long outlasted them. . . . Many of the central themes of the seventeenth-century ideology of order can, of course, be found in Burke, including the crucial one, that the social hierarchy was a divine institution.” J. C. D. Clark, English Society, 1688-1832 (New York: Cambridge University Press, 1985), 78, 80.


In his Considerations on France (1797), the French royalist philosopher, Joseph de Maistre, also set forth a number of arguments against French social-contract thinkers, in particular Jean-Jacques Rousseau (1712-1778). Although Maistre's arguments closely resembled the arguments of Filmer, Burke, and Hume he cannot be easily classified in the same camp as the later due to the fact that Maistre's critique was more abstract and philosophical, whereas the arguments of Filmer, Burke and Hume were more social and historical.

Parkin, The Moral Basis of Burke's Political Thought, 28.
rebellion against the order of things.”

By this common appeal to history and tradition, the conservative Anglican-leaning political thought of Filmer and Burke can be distinguished from the more revolutionary and rationalistic social-contract thought of Milton, Hobbes and Locke.

Although a member of the British Parliament, Burke strongly supported the idea of granting independence to the American colonies from the unnecessary yoke of British rule. Consequently, Burke had a favorable standing in the eyes of many eighteenth-century American colonists, including those colonial regions that had strong historical ties to the Royalist or Tory party. Although it might seem perplexing that colonists who once had strong sympathies with royalist political thought would favor American independence from the English monarchy, a consideration of the different histories and immigration patterns of the various colonial settlements in America will help throw some light on this apparent inconsistency.

It is important to remember that during the early colonial period prior to the American Revolution, there remained a large basis of political support for the English monarchy within the American colonies. Many of these monarchical sympathizers found themselves in agreement with Sir Robert Filmer's patriarchal defense of monarchical

8Ibid.

9Although a leader of the Whig party, in regard to his rejection of the rationalistic and ahistorical approach of the social-contract theorists, Burke's views were similar to many royalist and Tory thinkers, thus the reason that J. C. D. Clark has argued that Burke might be best thought of as “Country Tory” rather than a “True Whig.” One of the most astute summaries of the anti-contractual royalist position ever written can be found in a short essay written by the Scottish philosopher David Hume, “Of the Original Contract” in Eugene E. Miller, ed. Essays: Moral, Political and Literary (Indianapolis, IN: Liberty Fund, 1985), 465-87. Hume wrote, “Almost all governments, which exist at present, or of which there remains any record in story, have been founded originally, either on usurpation or conquest, or both, without any pretense of a fair consent, or voluntary subjection of the people. . . . And nothing is a clearer proof, that a theory of this kind is erroneous, than to find, that it leads to paradoxes, repugnant to the common sentiments of mankind, and to the practice and opinion of all nations and ages. The doctrine, which founds all lawful government on an original contract, or consent of the people, is plainly of this kind.” Ibid., 417, 486. Interestingly, Hume also favored American independence from Britain.
government, especially those living in the predominately Anglican colony of Virginia.\textsuperscript{10} The Anglican religious establishment in Virginia helps to explain why many colonists living in that colony had more sympathies with the political thought of Filmer than with the more progressive political theories of Milton and Locke, who tended to be more popular in the Puritan-dominated regions of New England.\textsuperscript{11} Whereas more conservative modes of political and theological thought tended to be more dominant in Virginia and South Carolina, the influence of Puritanism and more progressive modes of thought tended to be concentrated in Massachusetts and New England. Indeed, the New England region contributed significantly to the development of the theological liberalism that later arose in many American theological schools during the eighteenth century, especially the Unitarian movement which was centered in Boston, that old Puritan city on a hill.\textsuperscript{12}

The numerous theological, political and cultural differences that separated the Northern and Southern colonies had existed from the earliest days of the colonial settlements; however, these differences did not come to a head until the mid-nineteenth century during the American Civil War. In this chapter, we will examine the roots of one particular aspect of this cultural divide between North and the South, specifically the pro-royalist and Filmerian sympathies of Virginia and the South in contrast to the more pro-puritan and Lockean political perspective of Massachusetts and New England. This

\textsuperscript{10}The latent patriarchalism of the early American colonies is discussed in Jay Fliegelman, \textit{Prodigals and Pilgrims: The American Revolution against Patriarchal Authority, 1750-1800} (New York: Cambridge University Press, 1982).

\textsuperscript{11}Even though, “Milton's avowed aim in \textit{Paradise Lost} was 'to justify the ways of God to man,' Americans during the Age of Reason understood that his deeper purpose had been to create a mythic justification for moderate Puritanism and its hegemonic claims.” Kevin P. Van Anglen, \textit{The New England Milton: Literary Reception and Cultural Authority in the Early Republic} (University Park, PA: Penn State University Press, 1993), 42.

\textsuperscript{12}Milton's \textit{De Doctrina Christina}, a progressive theological treatise that supposedly defended orthodox Christian doctrine but, in fact, leaned strongly toward Arianism, “had a profound impact upon Unitarian Boston” as Milton's discussion of “free inquiry” within its pages was used by “the Unitarian elite . . . in a self-consciously ideological manner.” Ibid., 81.
conflict between Anglican and Puritan did not begin in the American colonies, but rather in Europe. The political and theological conflict between these two rival groups eventually resulted in a civil war in England during the seventeenth-century, but the conflict did not come to a head in the New World until almost two-hundred years later during the American Civil War.\footnote{Lewis P. Simpson, \textit{Mind and the American Civil War: A Mediation on Lost Causes} (Baton Rouge, LA: Louisiana State University Press, 1989), passim.}

This chapter provides a brief overview and survey of some of the pro-Filmerian, patriarchal modes of thought in America from the early colonial days up to the Antebellum period. As this time period stretches over two-hundred years, it is not possible to provide a definitive analysis of all the material contained within this chapter. However, this is not our purpose. The purpose of this chapter is merely to provide the historical and philosophical background that is necessary for a more detailed analysis of the patriarchal political thought of one specific nineteenth-century American thinker, Robert Lewis Dabney, the subject of our next chapter. As the scope of our investigation will be narrowed significantly in the next chapter, more analysis will take place there. It is first necessary to provide a general background and overview of the development of patriarchal political thought in America, extending from the early colonial period to the early-nineteenth century, during the time of Dabney's life. Although covering so much ground in a single chapter is admittedly a rather ambitious project, if the reader keeps in mind that our ultimate purpose here is simply to provide the necessary background for a more thorough examination of Dabney's thought, then it will be a little easier to keep from losing sight of the tree of truth that is growing somewhere amidst this chapter's forest of footnotes.
The Political and Religious Origins of the North-South Division

The first permanent English settlement in the New World was located in Jamestown, Virginia and was named after King James I because it was he, who, in the spring of 1606, granted a royal charter to a group of English adventurers that permitted the establishment of the Virginia Company. By the following year, in May of 1607, this Virginia Company led by Captain John Smith landed on Jamestown Island, sixty miles from the mouth of the Chesapeake Bay. As the oldest settled colony in the New World, Virginia retained a strong sense of historical connectedness to the patronage of King James I that lasted for many years after its initial founding.

In chapter three, the mass exodus of English Royalists to the colony of Virginia during the period immediately after the English Civil War was mentioned. One of the consequences of this royalist diaspora was that the “great majority of Virginia’s upper elite came from families in the upper ranks of English society.”

According to David Fischer, “Of 152 Virginians who held top offices in the late-seventeenth and early-eighteenth centuries, at least sixteen were connected to aristocratic families, and 101 were the sons of baronets, knights, and the rural gentry of England. . . [and] only eighteen were the sons of yeomen, traders, mariners, artisans, or ‘plebs.’” Many early Virginians had latent sympathies with the royalist politics of Filmer and, not surprisingly, these Filmerian sympathies had been further strengthened when Filmer's younger brother, Henry, relocated to Virginia in 1642. The fact that the vast majority of colonists who held Filmerian sympathies lived within boundaries of the Virginia colony, rather than in New England, is a fact that is important.

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15Ibid.
In 1620, the Pilgrims, who sailed to America with the hopes of landing in Virginia, were blow off course by a storm, eventually hitting ground at Plymouth Rock far north of their intended destination. A decade later, in 1630, just as the Pilgrims had started to make good progress in settling the wilderness, the Puritans of the Massachusetts Bay Company arrived.\textsuperscript{16} Given the vast distance that separated the Massachusetts colony from the Virginia colony, the religious and cultural differences between these two colonies did not initially result in any serious problems, at least not during the first decades of their co-existence in the New World. However, after the mass exodus of Puritans from England during the years leading up to the English Civil War, followed by the mass exodus of Royalists in the interregnum period, the political and religious tensions began to become more noticeable, eventually contributing to the development of the North-South division in America. However, due to the initial geopolitical isolation of the original colonies, an outright conflict between North and South was postponed until the mid-nineteenth century during the American Civil War. Although, by this time, the different religious and political histories of the original colonial settlements was largely forgotten, numerous cultural differences remained. And

\textsuperscript{16}On the 10\textsuperscript{th} day of April 1606, King James I granted a royal charter thereby establishing two companies, the Virginia company and the Plymouth company, for purpose of settling the Atlantic coast of North America. The entire region governed by the charter was called Virginia in honor of the virgin Queen Elizabeth I. The Virginia Company was granted rights over the southern portion of this region and arrived at Jamestown on May 24, 1607. The Plymouth company was given rights over the northern region of Virginia and set sail in 1620, but landed off course, far north of boundaries of the royal charter. As they had no “legal right” to settle outside Virginia, on board ship, the Pilgrims signed the “Mayflower Compact” thus making a provisional government, with the following words: “In the name of God, Amen. . . . We whose names are underwritten, loyal subjects of our dread Sovereign Lord James, by the grace of God of Great Britain, France, Ireland King, Defender of the Faith, etc., having undertaken for the glory of God and the advancement of the Christian Faith and the honour of our King and country to plant the first colony in the northern parts of Virginia. . . .” William Waller Hening \textit{Statutes at Large: A Collection of the Laws of Virginia from the First Session of the Legislature, in the Year 1619}. Volume 1 (New York: R. W. & G Bartow, 1823; reprint, University Press of Virginia, 1969), 15-16, 57-66. The provisional nature of this “Mayflower Compact” and the fact that it was only necessary due to the fact that Pilgrims recognized that they were outside the geographical boundaries of the royal charter, excludes it from being interpreted as intentional triumph of the “social contract” model. Indeed, the legal problem that created the necessity of the “Mayflower Compact” was eventually corrected by the grant of another ex post facto royal charter covering the settled land.
it was these cultural difference, more than anything else, which fueled the fire of the conflict that erupted in the mid-nineteenth century. Many of these cultural differences can be traced back to the initial religious and political conflict that arose between the more Anglican and Filmerian understanding of political order that had developed in the South and the more Puritan and Lockean conception of political order that developed in New England.\(^{17}\)

Although he never visited America himself, through his political writings and his familial connection with the colony via his brother, Filmer's named was well-known throughout the Virginia colony.\(^{18}\) Filmer’s writings were extremely popular among the early Virginians, and not just his political writings, but also those addressing other topics.\(^{19}\) Filmer's works were valued not only for their political opinions, but also for their literary merit and moral sensibilities for it was Filmer, more than anyone else, who succeeded in expressing the commonly accepted, but too often unarticulated, patriarchal sentiments of traditional English society—the very patriarchal values that the early-

\(^{17}\) Virginia had been settled at a time when the religious differences of the seventeenth century had not as yet brought into question the allegiance of the vast majority of Englishmen to the Church of England. There were, of course, small groups of Separatists; but Puritanism, the real forerunner of English nonconformity, still represented an attempt to accomplish reforms within the Established Church itself. Only the Separatists, who included the Pilgrim Fathers, had felt sufficient repression to make persecution a major factor in the decision to emigrate. The settlement of the Pilgrim Fathers in New England rather than in Virginia saved the latter colony from the disturbances normally arising from religious controversy. When religion later became a major factor in the Great Migration, Massachusetts naturally proved more attractive than Virginia to those who left England in protest of the apparent triumph of Archbishop William Laud's party over the Puritans. The rituals and doctrines of the Church of England, therefore, were accepted as a matter of course in early Virginia.” Wesley Frank Craven, *The Southern Colonies in the Seventeenth Century 1607-1689*, vol. 1., *A History of The South Series*, eds. W. H. Stephenson and E. Merton Coulter. (Baton Rouge: Louisiana State University Press, 1949), 177-8.

\(^{18}\) The connection that the Filmer family had with the Virginia colony is surprisingly deep. Robert Filmer had a son named Samuel Filmer “who married his cousin Mary Horsmanden and moved to Virginia where he died in dreaded ‘seasoning.’ The young widow quickly remarried the prosperous planter William Byrd. . . . Within three generations most of Virginia’s first families were related to Mary Horsemaden Filmer Byrd, whose genealogy might be titled Matriarcha.” Fischer, *Albion’s Seed*, 220.

\(^{19}\) Richard Beale Davis, in his three-volume work, *Intellectual Life in the Colonial South 1585-1763* (Knoxville, TN: University Press, 1978) notes a number of early colonial libraries in the South that contained copies of Sir Robert Filmer's works.
Virginian settlers admired, especially those of the Anglican establishment who wanted seventeenth-century English culture to be transplanted and deeply rooted within colonial American society.

That the royalist and Anglican sentiments of the Virginia colony remained strong throughout the seventeenth century was evidenced by the fact that many in the “upper crust” of English society were actively recruited and encouraged to relocate to America by colonial leaders of Virginia. As Laslett noted, during the time of the Civil War in England, “Sir William Berkeley, the Governor there, industriously invited many gentlemen and others thither as a place of security.”\(^{20}\) Even more interesting, perhaps, is the little known fact that after Charles I was beheaded in 1649, Governor Berkeley, who like most Virginians remained loyal to the Crown, acknowledged that Charles II, the son of the recently executed king, should be recognized as the new sovereign over both England and the colony of Virginia.\(^{21}\) Needless to say, this idea of Charles II succeeding his father was extremely distasteful to the anti-royalists who ruled England at the time. Consequently, in order to assure that Charles II son never became King of Virginia, the

\(^{20}\)Laslett, “Introduction” to Patriarcha, 8.

\(^{21}\)Sir William Berkeley denounced the murder of King Charles I, and the General Assembly [of Virginia] adopted an act making it treason to defend the late proceedings or to doubt the right of his son, Charles II, to succeed to the crown. Parliament was not long in accepting the challenge which Berkeley tendered. In October, 1650, they adopted an ordinance prohibiting trade with the rebellious colonies.” Lyon Gardiner Tyler, England in America, 1580-1652. Series: The American Nation: A History from Original Sources by Associated Scholars. Edited by Albert Bushnell Hart (New York, NY: Greenwood Press, 1969), 111. See also, William Waller Hening Statutes at Large: A Collection of all the Laws of Virginia from the First Session of the Legislature, in the Year 1619. Volume 1 (New York: R. W. & G Bartow, 1823; reprint, University Press of Virginia, 1969), 359-61 and W. N. Sainsbury, ed., Calendar of State Papers, Colonial Series, America and West Indies, 1572-1660 (London, 1860), 343. Nevertheless, the night before his execution, Charles I warned his son not to accept the kingship of England. “He must refuse [the kingship], for they had no mercy and would kill his brother and him too, ‘therefore I charge you, do not be made King by them!’” And the King’s last moment of pleasure on earth was when the little boy answered, “I will be torn to pieces first.”” Hilaire Belloc, Charles I (Norfolk, VA: Gates of Vienna Books, 2003), 284. Charles II eventually became King of England in 1660 and after his death was succeeded briefly by his brother, James II, until the Glorious Revolution of 1688 when William and Mary became joint sovereigns of England. As William was approaching the end of his life, he argued that kingship should be restored to the son of James II, who was living in France at the time, but Parliament refused.
English Parliament sent a fleet of English warships over to the colony to make sure they remained loyal subjects of England, rather than shifting their political allegiance to the son of a king whom they had recently executed, thereby gaining independence from England by means of clever subterfuge. 22 Although Virginia's attempt to recognize Charles II as the rightful ruler of England and Virginia was ultimately unsuccessful against the triumph of Cromwell and the Puritans, there was a noticeable increase in the number of royalists living in America during the interregnum period, in the same way that the number of Puritans and other religious dissenters living in America had increased during the previous decades of Anglican and Royalist rule. 23

The Social and Familial Origins of the North-South Division

The importance of social inequality as well as the hierarchical structure of economic and political life were two of the main pillars that helped to support patriarchal thought in America. 24 Once this is understood, then the connection between Robert

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22 The fleet left England in October, 1651, carrying six hundred men. . . . In January, 1652, they reached Virginia. . . [and] Berkeley, full of fight, called out the militia, twelve hundred strong. . . . The result was that in March, 1652, when they appeared before the little capital, the council and burgesses overruled Berkeley. . . . The Virginians recognized the authority of the commonwealth of England, and promised to pass no statute contrary to the laws of Parliament.” Tyler, England in America, 112-3; see also Calender of State Papers, Colonial Series, America and West Indies, 1572-1660 (1860), 393.

23 Of all Sir William Berkeley's many projects as governor, the most important was his recruitment of a Royalist elite for Virginia. . . . When [the cavaliers] arrived, he promoted them to high office, granted them large estates and created the ruling oligarchy that ran the colony for many generations. The cavalier migration continued throughout Berkeley's tenure as governor (1642-76). Most of it occurred during the decade of the 1650s, when a Puritan oligarchy gained the upper hand in England and tired to impose its beliefs by force upon an unwilling people. Virginia's Royalist immigrants were refugees from oppression, just as New England's Puritans themselves had been. Many had fought for Charles I in England's Civil War. Some continued to serve him until his armies were broken by Parliament and the King himself was killed in 1649. . . . Most of these emigres took refuge in Europe. But many were recruited by Sir William Berkeley. . . . They shared his Royalists politics, his Anglican faith, and his vision for the future of the colony. These 'distressed cavaliers' founded what would later be called the first families of Virginia. But they were not chronologically the first to settle in the colony. . . . Their great migration came later, and was nearly as concentrated in time as the exodus of the English Puritans had been. If most Yankee genealogies commenced within six years of 1635, the American beginnings of Virginia's ruling families occurred within a decade of the year 1655.” Fischer, Albion's Seed, 212-3.

24 Although the connection between patriarchalism and the divine right of kings weakened over time, the patriarchal theory was essential to the political and social theory of many Southern thinkers,
Filmer’s patriarchal political views, the colony of Virginia, and to a large degree, the entire antebellum American South begins to make more sense. In America, the antebellum southern states attempted to defend a more hierarchical system of economic arrangements.\(^{25}\) The inherent social inequality within the civilization of the “Old South” often has been a target for Marxist scholars who view this social inequality as rooted primarily in economic inequality, the master-slave economic arrangement.\(^{26}\) Although there is some truth in this Marxist interpretation, the attempt to understand the Southern culture solely in terms of economic inequality is ultimately inadequate for the Marxist perspective fails to take into consideration the patriarchal nature of Southern social inequality. According to the way that patriarchal societies understand themselves, the most basic form of social inequality is not economic inequality, but rather another form of inequality that is even more basic. Patriarchal institutions and societies rest upon a fundamental inequality that exists within the fabric of human life itself—the inequality that arises due to the inherent difference between male and female and the distinctions that exist due to the order of birth. The central institution in patriarchal societies is the family. To the degree that a society is more or less patriarchal is to the same degree which the well-being of the family is considered to be essential to the proper functioning of that society. In patriarchal societies a premium value is placed upon events that affect familial life, foremost among these events being marriage and the bearing of children, and


thus in order under the nature of a patriarchal society, it is important to examine how that society understands marriage and children.

In previous chapters, the Puritan reforms on marriage brought about during the English Revolution were briefly considered. Milton's social-contract view of marriage was contrasted with the more sacramental-Anglican understanding of marriage. This difference between the Puritan and Anglican understanding of marriage also crossed the Atlantic and influenced the social and cultural attitudes of the early American colonies. The development of social customs governing marriage and family within Puritan New England was different from the developments of those in Anglican Virginia.

In Virginia, matrimony was regarded as an indissoluble union—a sacred knot that could never be united by mortal hands. Divorce in the modern sense did not exist. Only permanent separation and maintenance could be obtained, and even that release was rarely granted.\(^{27}\)

On the other hand, the Puritan idea of marriage, especially as developed in the writings of Milton, was much less stringent than the understanding of marriage that prevailed in Virginia. In contrast, the Puritans believed that marriage was a civil contract, rather than a religious sacrament. As Fischer observed,

> The Puritans of New England rejected all of these Anglican ideas. They believed that marriage was not a religious ceremony but a civil contract. They required that this covenant must be “agreed” or “executed” (not “performed” or “solemnized”) before a magistrate, and not a minister. They also insisted that if the terms of the marriage covenant were broken, then the union could be ended by divorce. These attitudes became the basis of regional marriage customs throughout New England. But they were not invented in America. . . . They were also briefly introduced in England by Oliver Cromwell's Civil Marriage Act of 1653.\(^{28}\)

This different theoretical understanding of marriage also had different implications for the practice of marriage in New England and Virginia. The more contractual understanding of marriage

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\(^{27}\)Fischer, *Albion's Seed*, 281.

\(^{28}\)Ibid., 77-8.
marriage in New England resulted in a more egalitarian understanding of the relationship between the husband and wife. Consequently, in New England, “men and women found guilty of adultery in most cases received similar punishments.”

However, in Virginia where a more patriarchal and sacramental understanding of marriage prevailed, “adulterous women were punished more harshly than adulterous men.” From this fact it might seem appropriate to infer that women in Virginia were mistreated and oppressed to a much greater extent than women in New England. However, this was not necessarily the case, for the difference in punishment for men and women in Virginia was not rooted in misogyny, but rather from the Southern emphasis on the importance of preserving accurate knowledge of family lines. In Virginia, where the family name and bloodline was more important than in New England, the more severe punishment for adulterous women rested on the “assumption that the bloodline within a family was threatened by a wife's adultery, but not by the husband's.” Consequently, in marriage as well as in almost every other areas of society, the aristocratic Virginians, in contrast to more egalitarian New Englanders, “held themselves to different standards of behavior according to their rank, gender, and standing in society.”

This hierarchical understanding of the relationship between husband and wife within the context of marriage resulted in the entire social fabric of Virginian society having a more hierarchical form than New England.

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29Ibid., 300.

30Ibid.

31Ibid.

32Ibid.
Virginia families tended to be more hierarchical than those of New England. Fathers and fathers-in-law were addressed not merely as “Sir” but “Worthy Sir.” The head of the family thought himself as a patriarch, a word that often occurred in their self-descriptions, but was not much used in Massachusetts.\footnote{Ibid., 279.}

But this was not the only difference that resulted. As men were given more responsibility in the Virginian culture, they were expected to shoulder many more family and social burdens than the men of New England. Consequently, it often took longer for a man growing up in Virginia to prepare himself for the state of marriage and this in turn often resulted in a more radical difference of age between wives and husbands in Virginia than in New England.

The hierarchical mode of the family also had another consequence. The average age of marriage for men in New England and Virginia were the same 25 or 26, but the average age of marriage for women was seventeen in Virginia (before 1700). . . . In Virginia's Middlesex County before 1670, grooms tended to be nearly ten years older than brides: 28.4 against 18.7.\footnote{Ibid., 284-5.}

In egalitarian Massachusetts, on the other hand, normally “only a year or two separated the average ages of men and women at first marriage.”\footnote{Ibid., 286.} Whereas Milton's view of marriage as a simple bond of love between two individuals had some appeal within the Puritan culture of New England, in Virginia the idea of marriage as a merely a bond of love between two individuals and having no purpose or justification in the absence of this bond of love, was firmly rejected:

Love was not thought to be a necessary precondition for these unions. Moralists insisted that love should follow marriage, but they did not believe that it would normally precede it. And English gentleman recommended that one should “take a wife thou canst love.” He did not think in terms of marrying a woman whom one loved already. Love was not thought to be a

\footnote{Ibid., 279.}
special or exclusive bond between two unique personalities—a romantic idea that did not develop until a later era.\textsuperscript{36}

This fundamental differences of opinion concerning the institution of marriage and the family was a major point of distinction between the social customs and practices of Virginia and New England and, not surprisingly, resulted in a fundamentally different organization of their respective societies. Furthermore, these differences were, too a large degree, antithetical rather than complementary to each other, and thus helped to contribute to the development of the North-South cultural division within American society as a whole.

\textit{Two Rival Versions of America: Anglican versus Puritan}

Another difference that separated the Puritan culture of New England from the Anglican culture of Virginia was a disagreement concerning the nature of America itself, resulting in a fundamental difference of opinion in their own respective self-understanding of what the American colonial experience actually was. For the Puritans, America was a new country, free from the corrupt traditions and social prejudices of Old Europe—an original, pristine paradise free from the influence of the sinful and depraved habits of European civilization. America was a new unformed land without any heritage or history of its own. This idea of America was best summarized by Locke, who grew up in a Puritan household, when he wrote, “In the beginning, all the world was America.”\textsuperscript{37} Consequently, for the Puritan-mind, the existence of Native American

\textsuperscript{36}Ibid., 283. If the sacramental nature of marriage is symbolized by a stove and the bond of love within marriage is symbolized by heat, then the modern romantic understanding of marriage would be analogous to putting “hot water” on a cold stove, whereas the older Virginian understanding of marriage would be analogous to putting “cold water” on a hot stove. Although in Virginia, the bond of love may have been weaker at the beginning of marriage, the strengthen of the institution of marriage itself was sufficient to keep most marriages intact.

\textsuperscript{37}John Locke, \textit{Two Treatises}, 301.
Indians was a major thorn that stood in the way of the fulfillment of their pristine ideological understanding of America.\textsuperscript{38} This commitment to the idea of a “pure America” also made it difficult for Puritans to make peace with the natural existence of the Native American tribes. Whereas, the existence of Indians defiled the purity and innocence of the American wilderness for the Puritan-mind, the existence of Native Americans was only a practical problem for Virginians when the tribes became a threat to their safety. Consequently, the Virginians were more willing to make peace with the Native Americans as their primary concern was about increasing their own physical well-being, rather than the preservation of a purist ideology. Furthermore, the Anglican religious culture of Virginia also made it easier for the Virginia colonists to understand the hierarchical and sacramental nature of Native American religious and tribal customs. Although they still considered the Indians to be pagans, their religious practices were not as offensive to Anglicans as they were to Puritans. The Puritans, of course, viewed the Anglican willingness to make peace with the Native American tribes as further evidence of the Anglican tendency to compromise religious truth for the sake of physical and economic well-being. Consequently, the Puritans tended to think of Anglicans with only slightly less disdain than they did of Native Americans, viewing the religious practices of both groups as ultimately rooted in superstitious human traditions as well as an ignorance of the clear truth of Scripture's teachings.

\textsuperscript{38}There were many other explorers and settlers in North America before the mass immigration of English colonizers in the seventeenth century, some arriving as early as 800 BC. Most notably among these were the Egyptians, Libyans, and Celtic-Iberians settlers who probably were distant ancestors of some Native American tribes. Archaeological and linguistic evidence for these early settlers is found in Barry Fell, \textit{America B.C.: Ancient Settlers in the New World} (New York: Simon & Schuster, 1976), William B. Goodwin and Malcolm D. Pearson, \textit{Ruins of Great Ireland In New England} (Boston, MA: Meador, 1946) and Warren Dexter and Donna Martin, \textit{America's Stone Relics: Vermont's Link to Bronze Age Mariners} (Rutland, VT: Academy Books, 1995). Despite the propaganda found in certain American history textbooks, seventeenth-century Europeans were not the first non-natives to arrive and settle in North America.
In addition to this basic difference in religious outlook, there also were many other cultural differences between Virginia and Massachusetts. Although elders were respected in both colonies, the Puritans tended to place more emphasis on holiness of life as being the primary qualification for leadership and thus were more open to taking direction from saintly women, whereas the Virginians tended to give deference to age and male authority regardless of the holiness of a person's life. As Fischer notes, “attitudes toward age, and actual experiences of aging, were not the same in Virginia and Massachusetts. Respect for age was very strong in both cultures, but not in the same way. In place of the Puritan ideal of the venerated elder-saint, Virginians organized a system of age deference around the paternal figure of the elder-patriarch.”

The differences between the two colonies were also related to other ethnic and regional differences within England herself. The Massachusetts colonists were from East Anglia, the area most often invaded by Angles, Danes, and Jutes and the most urbanized region of seventeenth-century England. This East Anglia region of England “became a major center of resistance to Charles I after 1625. When the Civil War began in 1642, Parliamentary forces found their greatest strength in the counties called the Eastern Association—the same area from which Massachusetts was settled. . . . The Protestant Reformation of the sixteenth century also flourished in East Anglia, more than elsewhere in England.” In contrast, the Virginians came from the Southwestern regions of England, a region that “supported the Stuarts during the Civil War. . . [and] leaned toward the orthodox side of the Anglican spectrum. Its churches and monasteries had nourished a tradition of liturgical Christianity for many centuries. In 1549, this region

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40Ibid., 45-6.
supported the Western Rebellion, a violent protest against Protestant innovations. . . . In 1655, it was also the place of Penruddock’s Rebellion, the largest armed rising against Puritan rule in England.”

The political differences that separated Massachusetts from Virginia are often downplayed in discussions focusing on the colonial struggle for independence from English rule. However, it is important to remember that the difficulties the American colonies later experienced with the English monarchy did not exist during the early colonial period. In fact, most of these difficulties did not even begin until much later. Recognizing this fact helps explain another interesting phenomenon that is rarely given much attention in the standard history textbooks, but a fact that even a cursory glance at any map of the United States reveals. Many of the original American colonies and cities in the South were named after important English monarchs. Georgia was named after King George II, the city of Charleston, South Carolina was named after King Charles II, the state of Virginia after the Virgin Queen Elizabeth, and Maryland after the English Queen Henrietta Maria. Given the obvious pro-monarchical sympathies of the Southern colonies, clearly something important must have happened to sour their relationship with England. Most of the time this souring is contributed to the greater desire for independence and political self-determination arising in the colonies. However, there is also another contributing factor that is rarely given much, if any, attention.

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41Ibid., 243-4.

42Maryland was a grant to the Calvert family by King Charles I of England. In return, Charles asked only two things from Calvert: Rent, payable in the form of 2 Native American arrowheads, and that the colony be named after his wife, Queen Henrietta, who went by her middle name, Maria.
The Origin of the Conflict between America and England

The major struggles between England and the colonies leading up to the American War for Independence were not disagreements with the absolutist Stuart Monarchy of the Jacobean era, but rather a conflict with a limited or mixed monarchy that governed England after the Glorious Revolution of 1688. During this period, the king’s actions were to a large degree subservient to the approval of Parliament and this was especially the case during the time of the American Revolution, under the ineffectual reign of George III when it was the parliament, rather than the king, that made most of England's important political decisions. In some sense, the colonial resistance to English rule was a resistance to the rule of the English Parliament, rather than the “tyranny” of King George, who spent the majority of his time fighting with Parliament himself and had little de facto authority over what was taking place in either England or America at the time. Nevertheless, as the de jure protocol for diplomatic correspondence required that the king be addressed, King George was mentioned at the beginning of Declaration of Independence wherein the colonists formally addressed their complaints against the rule of the English parliament. The importance of this fact cannot be overstated because it helps explain the rapid transformation of Virginia from a predominately pro-monarchical colony to a region that supplied some of the most able and capable leaders of the American fight for independence. By the time of the American Revolution, England was no longer ruled by the English Monarchy. The English Civil War, as discussed in previous chapters, marked the end of monarchical rule in England. It was for this reason that many Royalists had left England for Virginia. Prior to the American Revolution, England had increased the taxes on American colonies. Although increased taxes are never welcomed by anyone, these vanquished Royalists were particularly resentful of
taxes imposed by the rule of an English Parliament whom they had fled to America in hopes of escaping. Many American Patriots were in favor of American Independence precisely because of the rise of Parliamentary forces in England and the decline of the power of the English monarchy. Even George Washington himself, a Virginian by birth and a descendant from a cavalier family, had Royalist sympathies—a fact that is almost never mentioned in standard American history textbooks because without some knowledge of English political history, it is difficult to make sense of. Indeed, the reason that the northern colonies were more reluctant to cut their political ties with England was due to the strong Puritan sympathy with the English Parliament and the important financial connections in commerce and banking that existed between Boston and England. However, once these financial and commercial interests became increasingly threatened by oppressive tariffs and other forms of taxation, a strong revolutionary culture quickly developed in New England, as evidenced by that memorial “no taxation without representation” battle cry of the “Boston Tea Party” in 1773.

By the late eighteenth century, just prior to the American Revolution, England was not ruled by the king, but by Parliament—de facto after the beheading of Charles I and de jure after ascension of William and Mary. For this reason, among certain colonial populations, especially that of Virginia, the beginning of the desire for political independence from England, eventually leading to American Revolution, might be better

43George Washington himself also had a genealogical connection to Sir Robert Filmer. “[The Washingtons] intermarried in Northamptonshire during the sixteenth and seventeenth centuries. They were closely linked to the Filmer connection. . . the [Northamptonshire] Washingtons (from whom George Washington was descended), had at least three ties to the Filmers. One branch of the Washingtons settled in Kent near Sir Robert Filmer. . . . Another cadet branch resided briefly in Essex when the Reverend Lawrence Washington of Sulgrave obtained a place there through the patronage of the Horsmanden family. The sons of this Royalist clergyman migrated to America after his living was taken away by the Puritans. Other Washingtons intermarried with the Fairfax and Culpeper families who lived at Leeds Castle in Kent, only a few miles from the Filmers’ estate in East Sutton.” Fischer, Albion's Seed, 221.
understood as a continuation of the resistance to Parliamentary usurpation of royal authority, rather than as rebellion against the authority of the British Crown itself.\textsuperscript{44}

\textit{The Diversity of Political Thought in the Early American Republic}

Besides the American Revolution itself, the eighteenth century was also the century of the French Revolution. Although some thinkers, especially those who were more skeptical toward traditional religious belief such as Thomas Paine and Thomas Jefferson, viewed the American and French Revolutions as similar events, others argued that the motives behind these two revolutions should not to be confused.\textsuperscript{45} Those who rejected the association of the American Revolution with the French Revolution tended do so on the basis of more conservative religious and political principles, following Edmund Burke's interpretation of French rebellion as a godless and immoral event. Edmund Burke had great respect for the thought of Richard Hooker and, in many ways, Hooker's “truest successor in political thinking was Burke.”\textsuperscript{46} That Filmer was also influenced by Hooker, as discussed in chapter three, may do more to explain the connection between the royalist thought of Filmer and the republican thought of Burke.

\textsuperscript{44}Take for example, the Scotsman James Wilson, one of the signers of the Declaration of Independence and the Constitution. In 1774, Wilson wrote an essay with the title: “Considerations on the Nature and Extent of the Legislative Authority of the British Government” and presented it to the First Continental Congress. In this essay, Wilson argues that the English parliament had no power at all over the American colonies. He accepted the authority of the English monarchy, in so far as the king has any real power, but not that of parliament. After all, the colonies had been established by Royal Charter, long before the time when parliament ruled over England. More on the royalist arguments for American independence from parliamentary control can be found in John Remington Grahman, \textit{A Constitutional History of Secession} (Gretna, Louisiana: Pelican Publishing, 2002).

\textsuperscript{45}See Edmund Burke, \textit{Reflections on the Revolution in France} (London, 1790) and also the speech Burke gave before the English Parliament arguing for a peaceful granting of American independence. “Speech on Conciliation with America” (March 22, 1775).

\textsuperscript{46}“We must not commit the error of making Hooker a mere medievalist. . . . His truest successor in political thought was Burke, and Burke believed in meeting the new political situations with the wisdom of the past, but he also believed that a new situation should be interpreted in terms of its own needs and characteristics.” John S. Marshall, \textit{Hooker and the Anglican Tradition} (Sewanee, TN: University Press, 1963), vi.
than anything else. The deep respect for tradition in Burke's political thought made him a “follower of Hooker rather than Locke.” 47 According to Kirk, “Burke rejected with contempt the arbitrary and abstract 'natural right' of the metaphysicians, whether of Locke's school or Rousseau's.” 48 Whereas, “Locke's main preoccupation was with the limitations on political authority. . . . Burke's emphasis [was] on the existence of a 'supreme ruler . . . wise to form, and potent to enforce, the moral law' as a condition of any form of human society.” 49 Burke's thought was attractive to Americans because Burke favored republican government and political liberty, two cherished pillars of American political thought, while also holding conservative religious views and rejecting the atheistic egalitarianism and political leveling of the French Revolution. 50 Thomas Paine's *Rights of Man* (1792) was written in response to Burke. In this work, Paine rejected Burke's distinction between the American and French Revolution and sought to demonstrate a closer affiliation between the two revolutions, arguing that both represented a throwing off of outdated religious and political traditions. However, Paine's argument was not universally accepted. Due to Burke's more traditional religious sympathies as well as his support of the political agenda of the American colonies, those


50The work, *Reflections on the Revolution in France*, was Burke's “attempt to prevent Whig opinion running after democracy . . . as Burke understood it, the prime cause [of the revolution] had been the conspiracies mounted by French men-of-letters against 'the Christian religion' and, on this view, Jacobinism was 'dedicated' and 'shameful', and displayed a 'cold malignity of . . . spirit' like that of the 'principal of evil himself'. . . . [Burke] insisted that those who were borrowing majesty were incapable of wearing it. . . . What was prophetic was [Burke's] claim that the French Revolution was the first occasion since the conversion of Constantine on which Christianity had been dethroned, and had shown what would happened if 'impiety and barbarism' were to effect as fundamental a transvaluation as that effected by Christianity and barbarism in the Roman Empire. In 1790 they were prophecies. By 1796 they had become 'facts'.” Maurice Cowling, *Religion and Public Doctrine in Modern England*, vol. 3 (New York: Cambridge University Press, 2001), 27.
living in the early-days of the American Republic found Burke's conservative republican thought more appealing than either the radical republicanism of Paine or than the older monarchical politics of Filmer. The fact that Burke's religious views were also more conservative than the more skeptical religious opinions of Thomas Jefferson and Benjamin Franklin, who also subscribed to a more optimistic interpretation of the French Revolution, also contributed to Burke's popularity.51

Nevertheless, due to the fact that he was a British rather than an American thinker, Burke's importance in providing a conservative intellectual justification for the American Revolution is often overlooked and obscured by historical studies that focus solely on American political thinkers such as John Adams and Thomas Jefferson. The problem with focusing on Adams and Jefferson is that these two thinkers did not represent the entire spectrum of early-American political thought. Although it is true that the politics of Adams and Jefferson were often directly opposed to each other, we should not erroneously infer from this fact that they occupied two polar positions between which all other early-American political thinkers fall somewhere between.

Adams was a Federalist who pursued an agenda that sought to centralize economic and political power at the national level. The political thought of Adams and the Federalists was more defined by the conservation of money and power than by the conservation of morals and social traditions and “tended to be the party of the towns, the commercial and manufacturing interests, and the creditor.”52 The Jeffersonians, on the other hand, sought a more decentralized and agrarian political order and tend to be “the

51“Burke was a pious man. 'The most important questions about the human race Burke answered from the Church of England's catechism.' He believed in a Christian universe, to which a just God has given moral order to permit of man's salvation.” Kirk, The Conservative Mind, 49.

52Ibid., 73.
party of the country, the agricultural interests, and the debtors.”\textsuperscript{53} However, both those who followed Adams as well as those who followed Jefferson were not terribly interested in the conservation of traditional religion and social mores that had been transplanted into American society during the seventeenth century.\textsuperscript{54} Although Jefferson was in some sense more conservative than Adams, at least in regard to his desire to preserve a more agrarian and decentralized political order, Jeffersonians as a whole were “zealous to abolish entail, primogeniture, church establishments, and all vestiges of aristocracy, and to oppose centralization, strong government, public debt, and the military.”\textsuperscript{55} And in this regard, the Jeffersonians were a new breed of Virginians who differed greatly from the early royalist who settled the Virginia colony. So what happened to all the Filmerians and Cavaliers? Did they all disappear into a bottomless canyon that opened up in the face of the earth?

The overemphasis on the Jeffersonian opposition to the Federalism of John Adams in American history books, overlooks the fact that these two camps were not the only political perspectives that existed within the early American republic. Thomas Jefferson's religious and political views certainly did not express the views of most Virginians. Nevertheless, it is not uncommon for histories of post-revolutionary American politics to emphasize the differences that existed between the Jeffersonian camp and the Federalist camp of Adams at the expense of other political perspectives.

\textsuperscript{53}Ibid.

\textsuperscript{54}“As William Taylor indicated, by 1860, ‘most Americans had come to look upon their society and culture as divided between a North and a South, a democratic, commercial civilization and an aristocratic, agrarian one.’” Susan-Mary Grant, \textit{North Over South: Northern Nationalism and American Identity in the Antebellum Era} (Lawrence, KS: University of Kansas Press, 2000), 33

This simplification ignores the fact that political life in the early American republic was not a merely a contest between Jeffersonians on one side and Federalists on the other.\textsuperscript{56} There also were other political perspectives, in particular a number of lesser-known political thinkers who represented a more Filmerian understanding of the world. Indeed, in this early period of post-Revolutionary America, one of the most strikingly examples of a powerful and influential Virginia statesman who differed with Jefferson on a number of significant matters is John Randolph of Roanoke. And it is in Randolph's thought, rather than Jefferson's, that the continual influence of patriarchal political thought in America can be most clearly observed.

\textit{John Randolph of Roanoke}

Born three years before the signing of the Declaration of Independence, John Randolph (1773-1833) found the political views of Thomas Jefferson more agreeable than those of John Adams.\textsuperscript{57} Nevertheless, Randolph was much less infatuated with the French Revolution than was Jefferson, and his sympathies were with Edmund Burke rather than with Locke. Randolph was a committed republican and thus it was not Jefferson's republicanism he viewed as being a problem, but rather it was Jefferson's egalitarianism and rationalism that bothered Randolph. Following in the footsteps of Filmer and Burke, Randolph was a republican of an extremely aristocratic and patriarchal

\textsuperscript{56}From the beginning, American political parties were regional in nature with each party dominating a certain area of the country. By the mid-nineteenth century, these regional divisions had resulted in the formation of four regional parties or political camps; thus, the reason there were four presidential candidates in 1860. Due to this four-party system, Abraham Lincoln was elected with less than 40 percent of the popular vote. Southerners were divided among the Constitutional Union party of Bell that won the electoral votes of Kentucky, Virginia, and Tennessee and the Southern Democrat party of Breckinridge that won the remainder of the South as well as Maryland and Delaware. Indeed, most Virginians were Unionists prior to the election of Lincoln, at which point they began to favor secession.

\textsuperscript{57}A genealogical connection between the Filmer family and the Randolph family is documented in Fischer, \textit{Albion's Seed}, 220-21.
sort. Anything that smelled even remotely of egalitarianism or democracy was repulsive to Randolph and, at least in his mind, republicanism was fundamentally a theory of government that cherished liberty above all other things and the preservation of liberty had always been something opposed to the leveling process of egalitarian democracy.

Randolph served in the House of Representatives continuously from 1799 to 1813 and then again from 1819 until resigning in December of 1826 in order to fill a vacancy in the U.S. Senate. After serving in the Senate for a brief period, he was reelected for two more terms in the House where he remained until his appointment as the U.S. Minister to Russia by President Andrew Jackson in 1830. After returning from Russia, Randolph was again elected to the House, where he served until his death in 1833. During his tenure in Congress, Randolph represented a political perspective that stood against many of the dominant trends of his day:

In both House and Senate, John Randolph led an embittered group—chiefly Virginians and North Carolinians—of members devoted to state rights, the agricultural interest, economy in government, and freedom from foreign entanglements. He fought the drift toward war in 1811, the Bank of the United States in 1816, the Missouri Compromise in 1820, internal improvements at federal expense in 1824, increases of the tariff at all times, the Panama Mission proposal in 1826—and almost every other principal measure recommended by Jefferson, Madison, Monroe, and Adams.  

Although an important figure in early American politics, Randolph is usually not given much space in the history books for a number of reasons. For one thing, the political thought of Randolph has no contemporary instantiation and thus it is often difficult to understand. The contemporary Republican party, to a large degree, represents a development of the centralizing Federalist political thought of Adams and the imperialistic economic and political agenda of Lincoln. The contemporary Democratic

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party, likewise, is in some way a continuation of the political thought of Jefferson's egalitarian politics and his critical Enlightenment view of religion. The political thought of Randolph, on the other hand, is represented by no contemporary political party and, for the most part, did not survive the Civil War.

Jefferson's political thought, at least in some way, might be understood as an extension of the secularized Puritanism that was rooted in the social-contract thought of Locke. The political thought of Adams, likewise, can be viewed an extension of the centralizing political thought of Thomas Hobbes. Randolph's political thought, however, was more of an extension of the political thought of Burke and Filmer. Like Burke and Filmer, Randolph did not associate political liberty with democratic egalitarianism. The only difference being that whereas Filmer argued that liberty was found in obedience to a righteous king, Randolph argued that liberty was to be found in a healthy respect for aristocratic virtue. In other words, Randolph took Filmer's invocation of Claudius and republicanized it: There is no more welcome liberty that can be found than that of living within the realm of a virtuous and aristocratic Republic.

As virtue itself was an aristocratic quality, not possessed by all men, it followed logically, for Randolph that not all men should be allowed to govern. By virtue, Randolph, following Aristotle, meant both moral virtue and practical virtue. Thus, suffrage could be extended to all those men who possessed practical virtues, and thus farmers and craftsmen were not to be excluded from governance merely due to their

59"[In 1822, Randolph] commenced his prolonged assault upon Jeffersonian natural-rights thought, Jeffersonian democratic polity, and Jeffersonian optimism. . . . Franker, perhaps, than Burke, who to the last preserved an outward show of respect for Locke's concepts while undermining them, Randolph here defied the authority of the master Rousseau and Jefferson, and presently carried that dissent to greater lengths." Kirk, *Randolph*, 54, 56. “Burke and Randolph denied the validity of the rights of man as erected into abstract absolutes by Paine and his fellows; they affirmed natural laws of a very different sort—natural laws in the Christian tradition, the moral view of politics which we may trace back to Hooker and Aquinas and the Stoics.” Ibid., 62.
lower estates. However, if suffrage was extended to those without any practical virtue, to vicious men, this extension would threaten to undermine the American republic. For if those without moral virtue, those without any practical virtue, those who did not own any property were allowed to vote, they would simply vote to plunder the possessions of those who did possess virtue and property. Or as Randolph himself put it, “A government of numbers in opposition to property was Jacobinism, rank Jacobinism.” If numbers or a simple majority of votes was the final arbitrator of political life, then the moral vices of theft and rapaciousness as well as the practical vices of sloth and laziness, the very antitheses of the moral and practical virtues that were necessary to govern a republic, quickly would be the political forces that controlled American politics. Randolph believed that the ideological commitment to the abstract principle that all men were created free and equal blinded people to the realities of political life and provided a dangerous formula for political disaster. The belief that all people living in a republic were capable of governing the republic was nothing other than “rank Jacobinism,” an imprudent form of political sophistry that rejected the necessity of grounding political life in religion and virtue—“the moment a man leaves the path of religion and virtue—the moment he takes Paley and the Jesuits to ascertain how far he may go on the borderline of villainy without overstepping it—that man, or women is lost.”

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60 Proceedings and Debates of the Virginia State Convention (Richmond, VA: 1830), 556; cited in Kirk, Randolph, 77.

61 As in Fenimore Cooper, the characteristics of aristocrat and democrat mingled in Randolph. This was no inconsistency. For [the contemporary mind], democracy has come to mean universal suffrage; but the people (a term susceptible of various definitions) may rule without “one man, one vote.” For Randolph, the real people of a country were its substantial citizenry, its men of some property, its farmers and merchants and men of skill and learning; upon their shoulders rested a country's duties, and in their hands should repose its government.” Kirk, Randolph, 53.

62 Randolph, Speech on Executive Power (March 30, 1826); reprinted in Kirk, Randolph, 472.
same moral principles that held true for the character of individual men and women, also held true for Republics.

For this reason, Randolph opposed all movements toward egalitarianism and democracy. “I am an aristocrat,” Randolph proclaimed, “I love liberty; I hate equality.”

There was a strong distinction in Randolph's mind between a republic and a democracy and America fell into the former camp, rather than the latter. There was nothing that incited his wrath more than the invocation of the idea that all men were created or born free and equal in relation to each other. During a debate on the floor of the U. S. Congress, Randolph once went to great lengths to explain in detail the reason for his opposition to this idea of universal equality, which as we have seen in earlier chapters, was a foundational assumption of the social-contract theory of government:

Sir, my only objection is, that these principles, pushed to their extreme consequence—that all men are born free and equal—I can never assent to, for the best of all reasons, because it is not true. . . . I can never . . . agree to a falsehood, and a most pernicious falsehood, even though I find it in the Declaration of Independence, which has been set up, on the Missouri and other questions, as paramount to the Constitution. I say pernicious falsehood—it must be, if true, self-evident; for it is incapable of demonstration. . . . There is another, which, taken from a different source, I shall speak of as I trust I shall always feel, with reverence—I mean faith without works, are in a certain sense, in which they are hardly ever received by the multitude, true; but in another sense, in which they are almost invariably received by nineteen out of twenty, they are false and pernicious. . . . In regard to this principle, that all are born free and equal, if there is an animal on earth to which it does not apply—that is not born free, it is man—he is born in a state of the most abject want, and a state of perfect helplessness and ignorance. . . . [Furthermore], who should maintain the absolute equality of man in virtue of his birth. The rickety and scrofulous little wretch who first sees the light in a workhouse, or in a brothel, and who feels the effects of alcohol before the effects of vital air, is not equal in any respect to the ruddy offspring of the honest yeoman; nay, I will go further, and say that a prince, provided he is no better born than royal blood will make him, is not equal to the healthy son of a peasant.

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In many ways, there is no better summary of the continued opposition to the social-contract theory of government in America than in the above passage by Randolph. And it was in this sense, more than any other, that Randolph represented an American continuation of the patriarchal political thought of Filmer.\textsuperscript{65}

After his death, the political views of Randolph were taken up by other Southern thinkers and continued to exercise some influence, in one form or another, up until the end of the nineteenth century. One of the greatest, or at least one of the most controversial of these thinkers who followed in the footsteps of Randolph was George Fitzhugh, the iconoclastic Southern social philosopher, who was born in Virginia in 1806.

\textit{George Fitzhugh}

Born in Prince William County, George Fitzhugh (1806-1881) was a descendant of “a numerous family that included men of large landed property and prominence in the history of Virginia.”\textsuperscript{66} Numbered among his ancestors was William Fitzhugh, “a fair classical scholar, a learned, able, and industrious lawyer, a high tory, high Churchman” who settled in Virginia in 1671.\textsuperscript{67} This particular ancestor of Fitzhugh had been “a follower of Governor Berkeley in Bacon's Rebellion” and this ancestor “remained an

\textsuperscript{64}\textit{Register of Debates in Congress, 1824-37. 19th Congress, 2nd Session (Washington, DC: 1825-37), 125-26; cited in Kirk, \textit{Randolph}, 64-5.}

\textsuperscript{65}“Randolph joined Burke in denying the social compact as described by Rousseau and Paine. Like his preceptor, Randolph believe not that society is a contract in the ordinary sense of that word—no deliberate agreement of free individuals outside society, a historical and moral impossibility—but rather that society is a “contract” in the sense of a divinely ordained link between the dead, the living, and those yet unborn. As F. J. C. Hearnshaw observes, when 'contract' is used in this sense, 'language has obviously lost its ordinary meaning'; Rousseau and Paine are repudiated, and so is Locke's individualism.” Kirk, \textit{Randolph}, 62.


ideal in George Fitzhugh's mind.”⁶⁸ (Remembering that Governor Berkeley was the one who had acknowledge Charles II to be the rightful ruler of Virginia after the Puritans had executed his father, King Charles I). Whereas John Randolph's prominent role in the U.S. Congress required some degree of separation between his republican views and the royalist politics of Filmer, the scholarly, iconoclastic Fitzhugh faced fewer restrictions.

As C. Vann Woodward observed,

Fitzhugh frankly preferred Sir Robert Filmer and most of his works to John Locke and all his. He saw retrogression in what others hailed as progress, embraced moral pessimism in place of optimism, trusted intuition in preference to reason, always preferred in equality to equality, aristocracy to democracy, and almost anything—including slavery and socialism—to laissez faire capitalism.⁶⁹

The most well-known of Fitzhugh's works, Cannibals All!, or Slaves without Masters, was published in 1857 in Richmond, Virginia. The phrase “cannibals all” was an allusion to an essay that was written by the prominent Victorian historian, Thomas Carlyle, entitled “The Present Time.”⁷⁰ According to Vann Woodward, it was Thomas Carlyle who seemed, “to have made the most profound impression upon Fitzhugh.”⁷¹ It was

⁶⁸Ibid.

⁶⁹Vann Woodward, “Introduction” to Cannibals All!, ix. As Louis Hartz also noted, “Fitzhugh's acceptance of Filmer was qualified, but he did accept the notion of divinely appointed governors, which he held was the 'doctrine of the South, and conservatives the world over.’” Southern Literary Messenger 37 (1863): 720; cited in Louis Hartz, The Liberal Tradition in America: An Interpretation of American Political Thought Since the Revolution (New York: Harcourt Brace & Company, 1955), 145.


⁷¹Vann Woodward, “Introduction” to Cannibals All!, xiv. Carlyle's success as a historian was inaugurated by the publication of his two-volume historical account of the French Revolution in 1837. Unfortunately, the completed manuscript was burned by John Stuart Mill, supposedly accidentally, thus forcing Carlyle to write the book again from scratch. In another work, Past and Present, Carlyle protested against the dehumanization of society that was resulting from the modern world's deification of impersonal economic forces and abstract theories of human “rights” and natural “laws.” Civilization was being eroded by these philosophical abstractions and impersonal economic forces and society was collapsing into isolated individualism and a war-of-all-against-all that was encouraged by laissez-faire capitalism. Fitzhugh embraced Carlyle's social and economic analysis almost on every point, including Carlyle's critique of both the abolitionist movement and laissez-faire capitalism. Interestingly, Carlyle contributed many of the errors
during the mid-nineteenth century, at the time when Fitzhugh was writing in America, that Carlyle was “at the height of his popularity, and his Virginia admirer quoted him often and with relish, especially his diatribes against the cant of philanthropists.”

In *Cannibals All!* with an argument that paralleled Carlyle's argument against the British abolitionists, Fitzhugh argued that those “philanthropists” who championed “liberty and equality” for all mankind were merely cannibals in disguise, wolves vested in sheep's clothing, who preyed on the weakness and poorest members of society. Like wolves attacking a herd of cattle, these egalitarian “philanthropists” preyed on the slowest members at the rear of the herd. Their philosophy could be summarized as “Every man for himself, and the devil take the hindmost.” For if the social playing field was leveled as the egalitarians and abolitionists desired, Fitzhugh argued, then ultimately this would mean that the weakest members of society would be left without any protection against the strongest members. The rich would prey on the poor. The clever would prey on the naïve. The powerful would prey on the powerless. In a society of pure egalitarianism all forms of social protection would be eliminated. It would be a Hobbesian political order, a world in which there was nothing but a war-of-all-against all.

In an earlier work, *Sociology for the South, or Failure of Free Society*, published in Richmond in 1854, Fitzhugh had argued that the philosophy of egalitarianism when of the modern world to the influence of Jesuit political thought: “Of Ignatius, then, I must take leave to say, there can this be recorded, that probably he has done more mischief in the Earth than any man born since. . . . There had been liars in the world; alas, never since the Old Serpent tempted Eve, had the world been free of liars, neither will it be: but there was in this of Jesuit Ignatius an apotheosis of falsity, a kind of subtle quintessence and deadly virtue of lying, the like of which had never been seen before. . . . Men had served the Devil, and men had very imperfectly served God; but to think that God could be served more perfectly by taking the Devil into partnership—this was a novelty of St. Ignatius.” Thomas Carlyle, “Jesuitism” in *Latter-Day Pamphlets*, 254, 262.

Vann Woodward, “Introduction” to *Cannibals All!* xiv.

coupled with the economic philosophy of “laissez-faire, free competition” was in essence nothing other than pure and unalloyed Social Darwinism, a view of the world that encouraged “simple and unadulterated selfishness” and a way of life that was directly opposed to biblical morality that admonished people to care for their neighbors and “teaches self-denial, not self-indulgence and self-aggrandizement.”

Interestingly, in Fitzhugh’s mind, most of the trouble that plagued American politics started with Locke and Hobbes, who both drank deeply from the Enlightenment thought of the seventeenth century. Fitzhugh argued that during the era of enlightenment,

> The human mind became extremely presumptuous . . . and undertook to form governments on exact philosophical principles, just as men make clocks, watches or mills. They confounded the moral with the physical world, and this was not strange, because they had begun to doubt whether there was any other than a physical world.

These distasteful Enlightenment principles had gotten a foothold in America because of the Lockean language that was used by Jefferson in the Declaration of Independence, in particular the passage, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” For Fitzhugh this type of language was extremely problematic because it introduced a false premise into the foundations of American political life.

Fitzhugh argued that both the Declaration of Independence and the Virginia Bill of Rights were grounded in dangerous philosophical abstraction divorced from tradition. “Men's minds were heated and blinded when [these documents] were written, as well by patriotic zeal, as by false philosophy, which beginning with Locke, in a refined

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74 Fitzhugh, *Sociology for the South*, 20-3.

75 Ibid., 175-7.
materialism, had ripened on the Continent into open infidelity.”\textsuperscript{76} The danger that was inherent within these abstractions, which had laid dormant for many decades as the political institutions and social life that America inherited from England had continued without significant change. However, during the mid-nineteenth century these traditional institutions were coming under attack from the abolitionists and other social revolutionaries. Consequently, Fitzhugh believed that it was imperative that “Locke and Jefferson should be firmly refuted and repudiated.”\textsuperscript{77}

Fitzhugh targeted most his critical intellectual firepower on the notion of “self-evident truths” and “inalienable rights” denying the existence of both these abstractions with great vehemency. For Fitzhugh,

What was really self-evident was that “men are not born physically, morally, or intellectually equal,” and that “their natural inequalities beget inequalities of rights.” “It would be far nearer the truth to say, “that some were born with saddles on their backs, and others booted and spurred to ride them,”—and the riding does them good.”\textsuperscript{78}

Furthermore, Fitzhugh even went so far as to argue that the constitutional checks that had been placed upon the Federal government, as they were rooted in philosophical abstractions rather than a living political tradition, were significantly weak enough that they provided no real legal protection to the States against Federal usurpation.

But the abstract doctrines of nullification and secession, the general principles laid down in the Declaration of Independence, the Bill of Rights, and Constitution of the United States, afford no protection of rights, no valid limitations of power, no security to States Rights. The power to construe them, is the power to nullify them.\textsuperscript{79}

\textsuperscript{76}Ibid., 175.
\textsuperscript{77}Vann Woodward, “Introduction” to Cannibals All!, xix.
\textsuperscript{78}Ibid., xix-xx.
\textsuperscript{79}Fitzhugh, Sociology, 188-9.
In contrast to philosophical abstractions, living institutions were “what men can see, feel, venerate and understand,” and were rooted in the experience and authority of wise sages and leaders rather than “closet philosophers.” Men like Moses and Alfred the Great, who “laid down no abstract propositions, founded their institutions on no general principles, adopted what history and experience had tested and never trusted to a priori speculations, [as did] a More, a Locke, a Jefferson.”\(^\text{80}\) When it came to questions of political order, the accumulated experiences of history and tradition were better guides than philosophy and abstract reason.\(^\text{81}\) In his attack upon the optimistic and progressive Enlightenment vision of founding fathers such as Jefferson, Fitzhugh

set out to perform a sort of Nietzschean transvaluation of American values, a subversion of the national faith in progress and the goodness of human nature, as well as the characteristic addiction to liberalism, optimism, and respectability. . . . In the Virginians' inverted hierarchy of values, freedom was slavery and slavery freedom, respectability was criminal and crime respectable. . . . In Fitzhugh's philosophy the idea of progress was a modern delusion. Modern history, in fact, was a record not of progress but of retrogression.\(^\text{82}\)

By this means of this “transvaluation” of values, Fitzhugh attempted to turn the Enlightenment commitment to political “liberty and equality” upon its head, actually going as far as to argue the pursuit of “liberty and equality” resulted in the oppression of the weakest and poorest members of society. That pursing an agenda of equality resulted in the oppression of the weak was particularly evident, according to Fitzhugh, when one considered the social consequences of emancipating women from the authority of their husbands and fathers.

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\(^\text{82}\)Vann Woodward, “Introduction” to Cannibals All!, xxi.
He who would emancipate woman, unless he could make her as coarse and strong in mind and body as man, would be her worst enemy; her subservience to and dependence on man, is necessary to her very existence. She is not a soldier fitted to enlist in the war of free competition. We do not set children and women free because they are not capable of taking care of themselves, not equal to the constant struggle of society. To set them free could be to give the lamb to the wolf to take care of. Society would quickly devour them. If the children of ten years of age were remitted to all the rights of person and property which men enjoy, all can perceive how soon ruin and penury would overtake them.\textsuperscript{83}

Consequently, the love of unrestrained personal liberty and freedom from subjugation to any type of hierarchical social authority, for Fitzhugh, was a symptom of a degenerate nature and reprobate moral character. “The love of personal liberty and freedom from all restraint, are distinguishing traits of wild men and wild beasts,” wrote Fitzhugh; whereas, “the need of law and government is just in proportion to man's wealth and enlightenment.”\textsuperscript{84} There was an inverse relationship between civilization and liberty; thus the reason that “wealthy, virtuous and religious citizens of large towns enjoy less of liberty than any other persons whatever, and yet they are the most useful and rationally happy of all mankind.”\textsuperscript{85} Furthermore,

Good men obey superior authority, the laws of God, of morality, and of their country; bad men love liberty and violate them . . . for virtue consists in the performance of duty, and the obedience to that law or power that imposes duty, whilst sin is but the violate of duty and disobedience to such law and power. It is remarkable, in this connection, that sin began by the desire for liberty and the attempt to attain it in the person of Satan and his fallen angels.\textsuperscript{86}

In this passage, the similarity between the thought of Fitzhugh and Filmer is most evident. Filmer had argued that “anarchy, or want of government” was the greatest threat

\textsuperscript{83}Fitzhugh, “Slavery Justified” reprinted in Sociology, 230-1.

\textsuperscript{84}Fitzhugh, Sociology, 29.

\textsuperscript{85}Ibid., 30.

\textsuperscript{86}Ibid.
to human society. Consequently, the greatest political asset was not liberty, but rather good government. On this point, Fitzhugh whole-heartedly agreed with Filmer, even openly acknowledged his deep respect for Filmer's *Patriarcha* and proclaiming, to all who would listen, that Filmer was everything that Locke was not. As Vann Woodward observed, “Filmer's stress upon the patriarchal family, rather than his defense of the divine right of monarchs, was what struck the deep responsive chord in Fitzhugh.”

Fitzhugh, like Filmer, believed that “the family was everything, and society, government were but the family writ large—the authoritarian, patriarchal family.”

Fitzhugh often appealed to the arguments of Aristotle in order to support his patriarchal political views, as did Filmer. For it was Aristotle who taught that slaves were “part of the family. . . and that social life is as natural to man as to bees and herds; and that the family, including husband wife, children, and slaves, is the first and most natural development of that social nature.” The family was the basic paradigm for all other governmental institutions for it was “a historical fact that this family association, this patriarchal government, for purposes of defence against enemies from without, gradually merges into larger associations of men under a common government or ruler.”

This obvious truth concerning the familial origins of government stood as a refutation to the social-contract theory of Locke. For it was self-evident, at least to Fitzhugh, that “Fathers do not derive their authority, as heads of families, from the consent of wife and children,

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88 Vann Woodward, “Introduction” to *Cannibals All!*, xxxiv.

89 Ibid.

90 Ibid.

91 Ibid., 193.

92 Ibid., 72.
nor do they govern their families by their consent." And it was within this “government by force” context of familial government that the weaker members of society, those who needed social protection more than they needed liberty, were cared for and provided with the support that their weaker natures needed in order to flourish. The institution of slavery, in this regard, was nothing other than a domestic form of patriarchal government than was beneficial to all parties involved. Indeed, Fitzhugh argued that the domestic servants and slaves, as weaker members of society, were cared for better as slaves in the South than most free laborers in the industrial centers located in the cities of the North. It was not slavery, but rather the doctrine of “free society” promoted by the abolitionists that “is especially injurious to the poorer class.”

Whereas,

> Slavery protects the infants, the aged and the sick; nay, takes far better care of them than of the healthy, the middle-aged and the strong. They are part of the family, and self-interest and domestic affection combine to shelter, shield and foster them. A man loves not only his horses and his cattle, which are useful to him, but he loves his dog, which is of no use. He loves them because they are his. What a wise and beneficent provision of Heaven, that makes the selfishness of man's nature a protecting aegis to shield and defend wife and children, slaves and even dumb animals.

In the laissez-faire free society of the North, the free labor suffered more and was typically in much a worse condition that the typical slave of the South.

> The free laborer rarely has a house and home of his own; he is insecure of employment; sickness may overtake him at any time and deprive him of the means of support; old age is certain to overtake him, if he lives, and generally finds him without the means of subsistence; his family is probably increasing in numbers, and is helpless and burdensome to him. In all this there is little to incite to virtue, much to tempt to crime, nothing to afford happiness, but quite enough to inflict misery.

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92 Ibid., 243.

93 Ibid.

94 Fitzhugh, *Sociology*, 46.

95 Fitzhugh, *Sociology*, 38.
Indeed, Fitzhugh argued that the social protections that slavery provided functioned as a form of social subsidy. This social protection encouraged black slaves to procreate indiscriminately without worry of ever falling into poverty or want. If the institution of slavery was abolished the black race, left without any form of social protection, would be forced to compete with whites in the labor market, but at a significant disadvantage, thus ensuring their quick demise. This extinction of the black race was, in fact, the ultimate goal of these “social-darwinist” thinkers, at least, according to Fitzhugh. For within the sick worldview of the abolitionists, a world in which strong devoured the weak, putting an end to slavery and forcing blacks to compete with whites was the best way to ensure the survival and continual social dominance of the white race.  

Indeed, Fitzhugh observed that slavery was nothing for the South to be ashamed of; indeed, it should be considered as a badge of honor and a sign of the moral virtue of the South's concern for her weaker members despite the pharisaical pride of the Northern abolitionist who “tied heavy bonds, but refused to lift a finger to relieve.” Indeed, most of the best and greatest civilizations in human history all had a large population of slaves. “The Greek, the Roman, the Judaistic, Egyptian, and all ancient polities, were founded on our theory,” wrote Fitzhugh. But what was the ultimate source of the false and pharisaical socio-economic views of the Northern abolitionists? Not surprisingly, Fitzhugh again placed the blame on Locke:

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96 We have heard a distinguished member of this school object to negro slavery, because the protection it afforded to an inferior race would perpetuate that race, which if left free to compete with whites, must be starved out in a few generations. Members of Congress, of the Young American party, boast that the Anglo-Saxon race is manifestly destined to eat out all other races, as the wire-grass destroys and takes the place of other grasses. Nay, they allege this competitive process is going on throughout all nature; the weak are everywhere devouring the strong; the harder plants and animals destroy the weaker, and the superior races of man exterminating the inferior.” Ibid., 31-2.

97 Fitzhugh, Sociology, 26.

98 Ibid.
[T]his error of the economists proceeded from their adopting of Locke's theory of the social contract. We believe no heresy in moral science has been more pregnant of mischief than this theory of Locke. It lies at the bottom of all moral speculations, and if false, must infect with falsehood all theories built upon it.\(^9\)

The problem with Locke's social-contract theory was evident upon an examination of the “white slavery” of Northern industrialism. On this point, Charles A. Beard provided a good summary of of Fitzhugh's argument against the entire socio-economic framework of Northern industrialism:

The socialists, Fitzhugh declared, were absolutely right in their denunciation of laissez-faire capitalism, as reducing workers on the land and in industry to the position of what he called “slaves without masters.” In his opinion the liberty vaunted by apologists for capitalism was a delusion and a sham, representing actually a system's or workers' slavery in which employers robbed mercilessly, without taking on the burdens of care assumed by the masters of the Negro slaves. Leading abolitionists, he said, admitted the existence of this slavery in the North while they denounced slavery in the South.\(^10\)

In regard to his defense of Southern slavery as both a moral and economic good, there were many similarities between the thought of Fitzhugh and of John C. Calhoun (1782-1850), a Representative and Senator from South Carolina, who served in the capacity of Vice President of the United States during both the presidencies of John Quincy Adams and Andrew Jackson. Although from South Carolina rather than Virginia, Calhoun, in some ways, also can be considered a follower of Sir Robert Filmer. The colony of South Carolina also contained a large Anglican establishment and thus many royalist connections. Evidence of these two facts are no where more evident than in the city of Charleston, South Carolina where numerous buildings are named after Calhoun and

\(^9\)Ibid., 25.

imposing statues of him adorn the city, which itself is named after King Charles II of England.

Although Calhoun adamantly denied any association of his republican political views with those of Filmer, his opponents often charged him with holding Filmerian views. By the mid-nineteenth century, the American Republic had firmly and forever cast aside any association of its own political principles with that of monarchy. Consequently, any association with Filmer was a huge political liability for Calhoun. Nevertheless, there was a certain degree of truth Calhoun's opponent charging him with holding Filmerian political principles, even if not true in exactly the way that the critic had meant to imply. Certainly, Calhoun's resistance to the more egalitarian political thought of Jefferson was a continuation of the same resistance to Jefferson that had been a prominent feature of Randolph's political thought. Calhoun noted the influence of Jefferson's *Declaration* in this regard, as such:

> We now begin to experience danger of admitting so great an error to have a place in the declaration of independence. For a long time it lay dormant; but in the process of time it began to germinate, and produce its poisonous fruits. . . . Instead, then, of all men having the same right to liberty and equality, as it claimed by those who hold that they are all born free and equal, liberty is the noble and highest reward bestowed on mental and moral development, combined with favorable circumstances.

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101 In February 1837, in a debate in the U. S. Congress, Calhoun was once accused of being a Filmerian after he argued against the acceptance of abolition petitions on constitutional grounds. “Mr. Rives said that he had no desire to get into a family quarrel with Mr. Calhoun on this matter. He, for one, however, did not believe slavery was a good—morally, politically, or economically. And while he would defend the constitutional rights of the South to the end, that commitment would not cause him to return to the explored dogma of Sir Robert Filmer in order to vindicate the institution of slavery in the abstract. . . . Mr. C. again adverted to the successful results of the experiment thus far, and insisted that the slaveholders of the South had nothing in the case to lament or to lay to their conscience. He utterly denied that his doctrines had anything to do with the tenets of Sir Robert Filmer, which he abhorred. So far from holding the dogma of that writer, he had been the know and open advocate of freedom from the beginning. Nor was there anything in the doctrines he held in the slightest degree inconsistent with the highest and purest principles of freedom.” John C. Calhoun, “Speech on the Reception of Abolition Petitions” in Ross M. Lence, ed. *Union and Liberty: The Political Philosophy of John C. Calhoun* (Indianapolis, IN: Liberty Fund, 1992), 468-9.
In the next chapter, we will devote more attention to a consideration of Calhoun's political thought as Robert Lewis Dabney, the subject of the next chapter, publicly acknowledged his own agreement with the political opinions of Calhoun.

Conclusion

Given the fact that so much material was covered in this chapter, before moving on it might be best to stop and reflect upon what has been considered thus far. Or more specifically, what exactly was the nature of patriarchal thought in early America? In the early colonial period of American history, patriarchal thought still maintained a close connection to the English monarchy and thus, to some degree, was still explicitly associated with the name of Filmer. However, after the war for independence from England, patriarchal thought in America took a more republican form. Nevertheless, despite the evolution of the political aspects of patriarchal thought, the larger social aspect of the patriarchal tradition remained firmly rooted in the early American republic, especially in the social and cultural institutions of the Southern States, thus having an indirect impact upon the political culture. Furthermore, some notable political and social thinkers in the South went to great efforts to incorporate a patriarchal understanding of the world into republican political theory. Borrowing heavily from the hierarchical Anglican thought of Burke, while rejecting the egalitarian Puritan thought of Locke, thinkers such as Randolph and Fitzhugh explicitly argued for a patriarchal and aristocratic vision of the American republic.103 By the mid-nineteenth century, during the time of

102Calhoun, Discourse on the Constitution, printed in Calhoun, Works, vol. 1, 511-2; cited in Kirk, Randolph, 84.

103Although not considered in this dissertation, another important Virginian who opposed the politics of both Adams and Jefferson was John Taylor of Caroline (1753-1824). “Taylor criticized John Adams for ignoring what was innovative and an improvement upon European precedent in American politics. . . . Taylor had no doubt of what a republic should be. He had seen the answer—in Virginia.” M. E. Bradford, The Reactionary Imperative: Essays Literary and Political (Peru, IL: Sherwood, Sudgen &
Calhoun, it was no longer politically correct to invoke the name of Filmer, but the fact that the patriarchal thought of Filmer continued to influence Southern thinking was evidenced by the fact that Calhoun felt it necessary to defend himself from the charge of being a Filmerian.

It is important to keep in mind that patriarchalism was not so much a procedural theory of political organization, but rather a metaphysical conception of the universe. Thus, patriarchal political thought was not necessarily confined to the narrow categories of either monarchy or republicanism, but rather was essentially concerned with making certain types of hierarchical distinction between members of society. As there are many types of hierarchical political orders, including both monarchy and republicanism, patriarchal thought could exist in any of these environments, although the more hierarchical the political order the easier it was for patriarchal institutions to flourish. The most important thing to recognize is that patriarchalism could not exist at all within the context of a democratic or egalitarian political order. The reason for this being that patriarchalism was rooted in a fundamental distinction between human beings, the most basic of these being the distinction between male and female. From this most basic distinction between the sexes, all other social and political distinctions were derived and justified. As this distinction between the sexes is eliminated within the context of more democratic and egalitarian political orders, it became increasingly difficult for patriarchal modes of thought to survive in America. Thus, patriarchal thought did not survive for long after the American Civil War and was virtually extinct in America by the time of the

Company, 1990), 162. Furthermore, Taylor, unlike Jefferson, “saw a potentially positive moral consequence that might follow from slaveholding, as from all other stewardship of property. Hence, he denies Jefferson's argument in Notes on the State of Virginia that slaveholding is automatically harmful to republican virtue.” For Taylor slaves were “among the possessions which in turn possess and measure the moral stature of their owners. Or, more properly, the ultimate test of the ethics of ownership... Talking here about society, and not about the sphere of political law, he shows the 'patriarchal side' of his mind.” Bradford, The Reactionary Imperative, 172.
women's suffrage movement in the early-twentieth century. However, it did survive until the end of the nineteenth century. The fact that patriarchal thought was still alive and well in the nineteenth century can be established by an examination of the thought of Robert Lewis Dabney, to whom we will now turn our attention.
CHAPTER EIGHT

Robert Lewis Dabney:
Patriarchal, Non Monarchical

It is worth pointing out, however, that the descendants of the Virginian planters, who became the slaveowners of the Southern States, were the heads of a classic type of patriarchal household, so that [patriarchalism] survived until the middle of the nineteenth century even in such a rationalistic and egalitarian society as the U.S.A.¹

—Peter Laslett, “Introduction” to Patriarcha

Notwithstanding Locke’s amiable and pious spirit, the history of philosophic opinion has shown that he is but a disguised follower of the philosopher of Malmesbury.²

—Robert Lewis Dabney, Defense of Virginia

At the end of the second decade of the nineteenth-century, Robert Lewis Dabney (1820-1898) was born in Louisa County, Virginia. Eventually to become one of the most prolific theologians of nineteenth-century America, Dabney was a descendant of a French Huguenot family that left France and settled in England when the Edict of Nantes was revoked by King Louis XIV in 1685.³ After residing in England for a few decades, three Dabney brothers crossed the Atlantic and settled in colonial America.⁴ In France, the

¹Peter Laslett, “Introduction” to Patriarcha, 26.

²Robert Lewis Dabney, A Defense of Virginia (New York: E. J. Hale & Son, 1867), 242. Thomas Hobbes, the philosopher, was born in Malmesbury.

³The Edict of Nantes was issued in 1598 by Henry IV and guaranteed certain political rights to all Huguenots, or French Protestants. The Edict was instrumental in bringing to an end the war of religion between Catholics and Protestants in France. Louis XIV was the grandson of Henry IV. After the revocation of the Edict of Nantes there was mass exodus of Protestants from France, most of whom relocated to England, Germany, and the Netherlands.

⁴“The Dabneys are numerous in Massachusetts, in Virginia, and in the Mississippi Valley. It is commonly believed amongst them that they are all related, and it is prevalently held amongst them that their origin, on this side of the Atlantic, was in three brothers—Robert Dabney, or d’Aubigne, who came to Boston a short time previous to 1717, and John and Cornelius Dabney, or d’Aubigne, who came to Virginia between 1715, perhaps, and 1720 . . . [and] that these brothers came to [America] from England . . . [having] fled thither from France on occasion of the revocation of the Edict of Nantes.” Thomas Cary Johnson, The Life and Letters of Robert Lewis Dabney (Edinburgh: Banner of Truth, [1903] 1977), 2.
Dabney surname was spelled d'Aubignie, but it was originally Scottish in origin as the French “Stuart Dukes d’Aubignie were from a branch of the Royal House of Stewart.”

Although probably impossible to establish with absolute certainty, it is likely that Robert Lewis Dabney was a descendant of an ancient Celto-Gallican family with connections to the Scottish nobility, probably a Catholic family that had converted to Huguenot Protestantism while living in France. Interestingly, the Dabney surname is also similar to that of an influential eighteenth-century Anglican clergyman, the Archdeacon of Salisbury, Charles Daubeny (1745-1827), who was best known for writing *A Guide to the Church* (1798).

Throughout his life, Dabney continuously preached and wrote on a wide variety of theological, political and social issues. Gifted with a rigorous mind and a wide-range of intellectual interests, he sought to work out the implications of his theological and philosophical commitments in order to help resolve the most pressing social and political questions of his day. In his socio-political views, Dabney was an aristocratic republican, or Old Republican, and was committed to the preservation of a decentralized, agrarian social order. Theologically and ecclesiastically, Dabney was a scholastic Calvinist who subscribed to an explicitly Presbyterian view of church government. Consequently,

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5Michael Stewart, *The Forgotten Monarchy of Scotland* (Boston, MA: Element, 1998), 389. Stewart Seigneurs d’Aubignie was the responsible for the changing of the spelling of the “Stewart” surname to “Stuart” in France. “This alternative spelling was a French corruption, first used by the 15th-century Stewart Seigneurs d’Aubignie, who were Darnley descendants of Alexander, 4th Lord High Stewart.” Ibid., 106.

6Daubeney wrote, “To say therefore that man has a right to worship God in the way he thinks proper, in other words, to make a religion for himself; is to place all religions upon the same level as to the divine favour, and to render an appeal to revelation wholly unnecessary; by leading him to conclude that he is at liberty to set up a standard of right and wrong for himself in this case, instead of accepting with humility that divine standard which has in wisdom been set up for him.” Cited in J. C. D. Clark, *English Society 1688-1832* (New York: Cambridge University Press, 1985), 271.

Dabney tended to be critical of the attempt to consolidate power in either the institution of the church or the state and was staunchly opposed to all forms of religious (Papists) or political (Unionists) centralization. Dabney’s *A Defense of Virginia and the South* (1867), for instance, offered both a theological and political critique of the centralizing Northern Unionist worldview. A principled defender of State’s rights, of a decentralized agrarian social order, and a strong advocate of the separation of church and state, Dabney had a sophisticated and well-developed political theology. Even his more strictly theological works, such as his 900-page *Systematic Theology* (1871), included trenchant critiques of the social-contract theory of government as well as the “natural rights” philosophy of political liberalism. In another work entitled *The Sensualistic Philosophy of the Nineteenth Century* (1875), Dabney also offered interesting critiques of the epistemology of John Locke as well as the ethical theory of the New England Puritan theologian, Jonathan Edwards. On the whole, Dabney’s thought was thoroughly anti-liberal and he stood self-consciously in the political tradition of Burke, Randolph and Calhoun, rather than the liberal tradition of Milton, Locke and Rousseau.  

Although Dabney never specifically mentioned Filmer’s name in his published writings, he does make a number of indirect references to Filmer. These veiled

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8“[Milton's] theory of human rights was formed rather upon the philosophic speculations of the academy and the scholastics, than upon the practical lessons of British history. [Milton's] politics were rather those of a Christianized Plato or Plutarch, rather than of a Somers or Halifax; instead of striving for the inherited franchises of the Briton, which had been proved by the actual history of the people to be practical and valuable, he was ever dreaming of an Utopian republic, in which absolute human right should be fully realized. His reverence for inspiration and authority of the holy Scriptures ever remained a broad mark of distinction between himself and the French Revolutionists of the next, and of our centuries; and he was, to that extent, a safer and wiser statesman; but the pursuit of classic models had produced in him the same unpractical and dangerous principles, which afterwards were fully expanded by them.” Robert Lewis Dabney, “John Milton” *The Land We Love* (April 1867): 455.

9For instance, Dabney's above characterization of Milton as a follower of the “philosophical speculations of the academy and the scholastics” is exactly the same characterization as that used by Filmer in the opening paragraph of *Patriarcha* to describe the Puritan-Papist.
references to Filmer are most evident in Dabney's republican critique of patriarchal divine right theory, a point that will be considered later. Dabney certainly would have been familiar with Filmer as his name was still well-known in the nineteenth-century American South, a fact that was evidenced in the previous chapter's discussion of the numerous reference to Filmer in the works of Fitzhugh, a contemporary of Dabney. Furthermore, in his three-volume work, *Intellectual Life in the Colonial South 1585-1763*, Richard Beale Davis noted a number of important colonial libraries in the South that contained copies of Filmer's works. Nevertheless, if any doubt remains about Dabney's knowledge or awareness of Filmer, this chapter's analysis and evaluation of Dabney's religious, political and social thought should help establish the similarity and clear link that exists between the patriarchal views of both thinkers.

*The Life and Education of Robert Lewis Dabney*

Robert Lewis Dabney was born on the fifth day of March 1820. The sixth of eight children, he was reared within a family that came from an “English, Huguenot, and Scotch” background. His mother's maiden name was Elizabeth Price, whose grandmother, interestingly enough, was Betsy Randolph, a daughter of the prestigious and widely-renowned Randolph family of Virginia. Dabney's great-uncle, George Dabney, also had married a Randolph descendant. As a result, through both his great-aunt and maternal great-grandmother, Dabney had a connection to the same aristocratic Virginia

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12 Due to the fact that George was a carpenter, this marriage “inflicted a deep wound on the pride of the Randolphs, who claimed to rank among the aristocracy. . . [but] reflected no discredit on Miss Randolph's tastes and judgment, and proved more fruitful of happiness in the end than a more ambitious connection.” Johnson, *Life and Letters*, 11.
family that produced the infamous and iconoclastic U. S. Senator and Representative who was discussed in the previous chapter, John Randolph of Roanoke (1773–1833). This family connection between the Dabneys and Randolphs was important as the fiercely Republican and anti-democratic principles of Randolph were clearly manifest in Dabney's own political thought.

Dabney's father, Charles, was a farmer who sometimes served on the Louisa county court. Charles was determined that all his sons should receive a classical education and when young Robert Lewis reached the age of seven, “he began the study of Latin in a school-house built of logs near his father's house.” Five years later, upon reaching the age of twelve, “the study of Greek was begun in another log building.” Unfortunately, a little over a year after he began studying Greek, when Dabney was around thirteen or fourteen years of age, his father died. Although the death of the Dabney patriarch made finances difficult, it did not stop Dabney from matriculating at Hampden-Sidney College a few years later, at the age of sixteen. However, due to the

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13In the last few years of his life, Robert Lewis Dabney wrote an essay for the *Union Seminary Review* wherein he retold a number of stories about John Randolph that he had heard from those who had known Randolph first-hand. “When John Hampden Pleasants, in the *Richmond Whig*, forsook the Republican faith, of which his father, Governor James Pleasants, had been an ornament, John Randolph said of him publicly that he was 'the degenerate son of a noble father.' This made [Pleasants] excessively angry. Mr. Randolph being in Richmond, Pleasants saw [Randolph] advancing alone the side walk, and took the middle of it in a hostile attitude and said, 'I never give the sidewalk to a d---d rascal.' Randolph instantly stepped to one side with much politeness saying, 'I always do, Sir.'” Robert Lewis Dabney, *Reminiscences of John Randolph* in *Union Seminary Review* (September/October 1894); reprinted in Dabney, *Discussions*, vol. 4 (1897), 492.

14Through this connection with the Randolph family, the Dabneys also were connected to the Filmer family, “merely one of the many alliances among Virginia's ruling families. Another was a Northampton cousinage which formed mainly around the Isham family, and included the Randolphs, Washingtons, and Spencers. . . . All of these houses intermarried. . . . They were closely linked to the Filmer connection. . . . Many of these ties were cemented by cousin marriages, which were carefully planned to create a web of kinship as dense as that of the Roman patriciate.” David Hackett Fischer, *Albion's Seed: Four British Folkways in America* (New York: Oxford University Press, 1989), 220-2.


16Ibid.
family's precarious economic situation, Dabney decided to cut short his studies at Hampden-Sidney less than a year after he entered the college, and returned home to help his mother manage the family farm and to rebuild “the old mill that made flour and meal for the people of the community, forming a part of his mother's property.” It was only after rebuilding the mill “with his own hands” and making sure the family farm was far removed from the threat of bankruptcy that Dabney again returned to school. This time he attended the University of Virginia where he studied “French and Italian as well as Latin and Greek.” Although enjoying language studies, Dabney admitted that he found the “most pleasure” in studying mathematics, philosophy and political economy and had taken courses in Italian only “because it was esteemed the easiest of the modern European languages to learn.” In 1842, Dabney graduated with a Master of Arts degree from the University of Virginia.

After finishing his graduate studies, Dabney returned home where he became occupied with “managing his mother's farm, teaching school and writing articles for the Richmond papers.” His literary abilities were exceptional and his potential as a writer was almost immediately recognized. Indeed, “so high an estimate was placed upon his capacity as a writer” that it was not long before “an editorial position of considerable importance was offered him.” Dabney declined the offer, however, choosing rather to

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17Ibid., 383.
18Ibid.
19Ibid.
21White, Southern Presbyterian Leaders, 383.
22Ibid.
pursue a seminary education. Thus, he left the farm again and spent another two years studying theology, from 1844 to 1846, at Union Seminary which was attached to Hampden-Sidney College in Virginia. During his time at Union, Dabney studied with Francis S. Sampson, the nineteenth-century American scholar of Oriental languages, who “was possessed of an exceedingly accurate scholarship” and who “made a lasting impression upon young Dabney's mind.”

After graduating from seminary, Dabney served as a pastor for seven years, for one year in Louisa County near his mother and then for another six years as the pastor of Tinkling Spring Church in Augusta County, Virginia. The latter appointment in Augusta he held from July 1847 to August 1853. Within a year of moving to Augusta County, at the age of twenty-eight, Dabney married Margaret Lavinia Morrison, the daughter of Rev. James Morrison of New Providence. The wedding took place in March of 1848 and two sons quickly followed in February of 1849 and April 1850. In addition to his preaching and family responsibilities, Dabney also did a great deal of farming and started a classical school for the people of Tinkling Springs.

In 1853, Dabney was invited to join the faculty of Union Seminary and so resigned his pastoral duties in Augusta and relocated his family to Hampden-Sidney, Virginia. For the next thirty years, he remained at Union Seminary serving first as

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23 Ibid., 384.


25 Altogether the couple had six sons only three of whom survived to adulthood.

26 The Tinkling Springs people, though a rich agricultural community, had neglected to have a classical school. On the grounds of this want, Mr. Dabney explained the fact that they had reared no ministers. He proposed that they no longer be without such an institution. In September, 1852, he began the conduct of a classical school in the session-room.” Johnson, *The Life and Letters*, 123.

27 Dabney was reluctant to accept the teaching position at Union. Although he had been elected to the Union faculty by the unanimous decision of the Board of Electors, this election had been made without Dabney's prior knowledge of their consideration of him for the position. Upon receiving the formal letter of
Professor of Ecclesiastical History and Polity and then eventually as Professor of Systematic and Polemic Theology. In addition to his teaching responsibilities, “nearly every Sunday in the College Church at Hampden-Sidney he occupied the pulpit” and “his pen was turning out strong, timely articles for the church periodicals.”

While teaching at the seminary Dabney also obtained a patent for a railroad car brake he invented and helped to design and to build a number of churches around the state of Virginia, including one for the Tinkling Springs congregation he had pastored in Augusta County. Four of the church structures that Dabney designed, including the one at Tinkling Springs, remain standing to this day.

Dabney was considered by many of his contemporaries to be one of the greatest theological minds of nineteenth-century America. His intellectual acumen was so respected that in the early months of 1860, while teaching systematic theology at Union Seminary, he was offered the Chair of Church History at Princeton Theological Seminary. However, due to the foreboding war and his own devotion and duty to his native state of Virginia, Dabney declined the invitation to move to New Jersey.

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29 Pictures of these four dignified, classical architectural structures can be found in Herbert C. Bradshaw, “The Preacher Who Designed Four Churches” *The Virginia Cavalcade* (Autumn 1958): 32-42.

30 Reformed theologians of Europe such as Lecerf, Bavinck, and Barth spoke of Dabney with appreciation and respect. The great Charles Hodge of Princeton so highly regarded Dabney that he repeatedly urged him to join the Princeton faculty in 1860. In later years, A. A. Hodge and W. G. T. Shedd considered Dabney to be the greatest teacher of theology in the United States.” Douglas Floyd Kelly, “Robert Lewis Dabney” in David F. Wells, ed. *Reformed Theology in America: A History of Its Modern Development* (Grand Rapids: Baker Books, 1997), 211.

Dabney's fondness for the customs and culture of his native state were so deeply rooted in his character that it was only during the difficult period of post-war Reconstruction and under the recommendation of his doctor that he finally consented to leave Virginia, relocating to Austin, Texas in 1883 at the age of sixty-three. Dabney lived the last fifteen years of his life in Texas serving as a professor at the University of Texas in Austin where he lectured on both philosophy and political economy. While in Austin, he also co-founded a School of Theology where he continued to teach theology. This school, in later years, was eventually incorporated into the Austin Presbyterian Theological Seminary.

Given the fact that Dabney's intellectual accomplishments were so impressive, one of the first questions that is often asked by anyone who studies Dabney's life is why the name of this American theologian, who was so widely-respected and highly-esteemed during his own day, is not better known. What is the reason that Dabney's name is not more often included among the names of other the important American theologians such a Jonathan Edwards and Charles Hodge? A partial answer to this question is that Dabney's political thought was out-of-step with the development of America's own self-understanding during the late-nineteenth century. In the latter years of his life, Dabney even recognized the fact that he was somewhat of a political pariah, once describing himself as “the Cassandra of Yankeedom, predestined to prophesy truth and never to be

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32When he decided to move to Texas, Dabney “confessed that is was 'a little queer' that a man who had in the past turned down 'the most brilliant allurements' of positions outside the South [i.e., Princeton Theological Seminary], was planning on leaving Virginia. 'The only way to save Virginia,' he said, 'was to take Virginia out of Virginia.' Life under the 'mean, cruel despotism of the Yankees' would create a people of 'lax principles and degraded aims.'” Francis B. Simkins, “Robert Lewis Dabney, Southern Conservative,” *The Georgia Review* (XX): 401. “Texas did not prove disappointing to Dabney. He found there friends possessed of the older Virginia ideals; he was unremitting in his teaching and pamphleteering as long as he had the strength.” Ibid, 407.  

believed . . . until too late.” The *contra mundum* aspect of Dabney's political thought was one of the factors that contributed to his historical marginalization. Indeed, it would not be so far from the truth to say that Dabney's political and social thought, to a large degree, stood over against the very principles that later would be embraced as quintessentially American, especially the popular misconception that democratic government always has been a defining feature of America's national self-identity.

Dabney's political thought might best be described as defense of an aristocratic republicanism, or a republicanism of an extremely undemocratic sort. However, in order to fully understand Dabney's political thought, it is first necessary to gain some understanding of Dabney's patriarchal view of the world. This patriarchal worldview of Dabney's can be best understood by an examination of Dabney's views on the institution of marriage, of the normative duties of husband and wife within family life and of the respective roles of men and women within civil society at large.

*On Marriage and Women's Suffrage*

When discussing the normative relationship that should exist between husband and wife, Dabney argued that an egalitarian idea of marriage would debase the conjugal relationship, lowering its status from that of a divinely-sanctioned covenant between man and woman to that of a mere contractual and legal relationship between two equally liable co-partners. In order to protect marriage from this conceptual debasement, Dabney argued that it was necessary that either “the wife must obey the husband in the sense of conceding to him the final decision of joint domestic questions, within the bounds of her

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34Letter of Robert Lewis Dabney to Thomas Cary Johnson, July 1, 1894, Dabney Papers, Spence Library, Union Theological Seminary, Richmond, Virginia; reprinted in David H. Overy, “When the Wicked Beareth Rule: A Southern Critique of Industrial America” *Journal of Presbyterian History* (Summer 1970): 130.
higher duty to God and conscience, or the husband must obey the wife, or the marriage is virtually annulled.”\textsuperscript{35} For otherwise, the institution of marriage itself “will tend among us to become a temporary cohabitation” in the same way as a business contract established for a mutually-agreeable end can be terminated upon the failure of either party to exercise due-diligence in the pursuit of that end. Indeed, according to Dabney, the practical implications and consequences of thinking of marriage as simply a legal contract were already evident in New England, where this contractual theory of marriage was already commonplace:

> If we may believe the witness of New England clergy, this reasoning is already verified by hard facts in that section. They tell us that in administering the marriage vow they have ceased to ask a promise of obedience from the brides, because the women of New England have generally come to spurn the obligation. But that is the section in which this frightful license of divorce for frivolous causes is mostly found. The logic is already working itself out; the copartnership of full equals unavoidably tends to be temporary.\textsuperscript{36}

In contrast to understanding marriage as a contractual co-partnership between equals, Dabney argued for a “biblical theory of marriage” where the wife “is not made full equal in the copartnership, but is made subordinate, in a limited degree, to the affectionate authority of the husband.”\textsuperscript{37} In this way, the law of equity and “the irresistible force of truth and logic” that governed all contractual relations would not be allowed to destroy the institution of marriage. For if understood as a non-contractual relationship between unequals, then the law of equity governing contracts would not be applicable to marriage, and the institution of marriage could then be rooted in a more solid and enduring


\textsuperscript{36}Ibid., 367-8.

\textsuperscript{37}Ibid., 369.
foundation, where the injustice and negligence of one party did not necessarily result in legal grounds for the actual or even potential dissolution of the marriage relationship itself. For this reason Dabney believed, “marriage cannot be reduced to a mere contract between free equals” in which “both parties shall exercise equal privileges in it, without destroying its permanency.”

In Dabney's mind, the stability of the marriage institution, in comparison to the impermanent nature of contractual relationship, was in large part due to the fact that marriage was a relation between unequals with differing rights and duties, as was clearly indicated by Scripture itself. The biblical understanding of marriage, in contrast to the contractual co-partnership theory of marriage, limited the authority of wife and increased the authority of the husband. Consequently, the duties and responsibilities of the husband in the marriage relationship exceeded the duties and responsibilities of the wife. This greater responsibility of the husband was a necessary precondition for his exercise of greater authority within the marriage. Furthermore, this authority of the husband over the wife was rather comprehensive, even extending to the husband's authority to control the purchasing habits of his wife.

Hence he must be entitled to the authority of deciding what shall be expended. The wife who should claim irresponsibility in this matter would inflict a flagrant injustice and would virtually reduced the husband to the relation of a slave to her caprices and a helpless victim of her tyranny. The party who is bound to pay has the obvious right to decide for what he shall be bound.

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Dabney recognized, of course, that such complete authority of husband over wife might sound unduly oppressive and strict to some of his readers and acknowledged that “a superficial person may think that women would gain by substituting the infidel Jacobin theory of marriage for the true one.” Despite this “superficial” attractiveness of the Jacobin theory, Dabney argued, that its adoption would be a “huge practical mistake” in that “it will ever be the women who will incur the chief calamities from this instability of the marriage relation.” For by seeking “full equality” and “refusing all subordination” in marriage, a woman “must take her chance of finding the union a temporary copartnership, terminable at any time, by the suit of either party.” As a consequence, although the woman may obtain a certain degree of “Jacobin freedom,” she has at the same instant “sunk herself from the wife to the concubine.” Indeed, “the history of six thousand years” demonstrated that the biblical understanding of marriage where the wife was subordinate to the husband's authority was “the only fortress for the safe defense of the rights, dignity and happiness of woman.” Any debasement of this cherished biblical understanding of the union of unequals in marriage merely functioned “to corrupt the

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40Ibid., 369. To quote the entire passage from Dabney, “a superficial person may think that women would gain by substituting the infidel Jacobin theory of marriage for the true one. But this is a huge practical mistake. It will ever be the women who will incur the chief calamities from this instability of the marriage relation. The history of six thousand years has shown that the only fortress for the safe defense of the rights, dignity and happiness of woman (who is practically the weaker vessel) is scriptural and life-long monogamy. The sure tendency of all lower forms of union is to corrupt the offspring, to barbarize the male sex, and to reduce the “weaker vessel” from the honored place of wife to that of a toy of man's lust, and then the slave of a superior brute force. Will our shallow conceited age utterly refuse to learn from history?”

41Ibid.

42Ibid.

43Ibid.

44Ibid.
offspring, to barbarize the male sex, and to reduce the 'weaker vessel' from the honored place of wife to that of a toy of man's lust, and then the slave of a superior brute force.”

So rather than adopting this Jacobin copartnership theory of marriage, Dabney contended that it was imperative that women embrace the true Scriptural understanding of marriage, but a mere theoretical assent to the truth of Scripture in this regard was not enough. For in order for a woman to truly benefit from this biblical understanding of marriage she also must exercise great diligence and caution in refraining from entering “into this high and sacred union with any man whose character she does not respect enough to promise him willingly a wifely obedience in the Lord.” For if she enters hastily or rashly into marriage without any regard for the character of the man she marries, then she “commits treason against her own self-respect.”

To help protect women from making such mistakes in the choice of husbands, God had ordained that daughters were to remain under the authority of their fathers until the age of majority. Any woman who wished to marry while still of minority age was required to get approval from her father. By this fatherly protection, women were spared from the disastrous consequences of an unhappy subjugation to a debased and ignoble husband. The Scriptural basis of this understanding was not only contained in the Old Testament, but was also recapitulated and reconfirmed in the New Testament. According to Dabney, “By the Mosaic law, a contract of marriage made by a daughter in her minority, without the knowledge and consent of her father, was void. The New Testament, by clear implication, ascribed to the father the direction of the daughter's

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45Ibid.
46Ibid.
47Ibid.
marriage. The Roman civil law did the same, as did the canons of the early Christian synods.\textsuperscript{48} The justification for this fatherly authority was grounded in a number of practical considerations. First of all, the father had a vested interest in his daughter's marriage for the son-in-law would ultimately become a member of his own family and thus involved the welfare of his entire household. Accordingly, the father had an obligation to protect and guard the welfare of his family and of a “heedless daughter against an ill-advised connection, which he sees is likely to ruin her happiness.”\textsuperscript{49} By making this argument, Dabney was self-consciously rejecting the “romantic and illogical sentiments, which makes many of the young forget this just restraint” of fatherly authority.\textsuperscript{50} In contrast to the biblical view of patriarchal authority, the “romantic plea” was “usually no better than a cloak for headstrong self-will.”\textsuperscript{51} That this romanticism was commonly “refuted by the fickleness of the young person herself, and the speedy death of an affection which she had declared to be eternal” was not the only grounds for its dismissal. An even stronger argument for the rejection of this type of romanticism was the fact that it was,

the duty of such a young person to remember that self-denial and the restraint of all our impulses, however powerful, are the conditions of every virtuous life. The mother's parental love for that young person was, in fact, an affection more profound and disinterested than hers for her lover, but had not the mother often curbed even that holy affection, this child would have missed the blessing of a virtuous mother's care. What right has she to demand exemption for the common law of righteous living on the petulant ground that hers is an attachment of a romantic complexion?

\textsuperscript{48}\textit{Ibid.}, 358.
\textsuperscript{49}\textit{Ibid.}, 359.
\textsuperscript{50}\textit{Ibid.}
\textsuperscript{51}\textit{Ibid.}, 360.
Consequently, the safeguard of the father's authority of the daughter's choice of a husband could never be overruled by any “Romeo and Juliet” appeal on the part of the daughter.\(^{52}\) Furthermore, this type of arrangement was neither cruel nor tyrannical as it could be simply by-passed by the daughter when she reached the age of majority. However, until this age was reached, the daughter remained under the authority of her father and was thus subordinate to her father's judgment on these matters. Although the father did not have the authority to require his daughter to marry any suitor against her will, he did have the authority to veto any potential suitors of her own choosing until she reached the age of majority. This arrangement was ultimately designed to protect a daughter from being deceived by any calculating or “mercenary designs” of a suitor who desired to seduce a woman “by profession of ardent attachments and admiration” in order to lay hold of the patrimony that she would receive as an inheritance from her father's estate.\(^{53}\) As the experience and judgment of the father, in most cases, was usually greater than the experience and judgment of the daughter, it was the father's responsibility to protect his daughter from the ambitious and self-seeking cad, who feigned affection as a guise for aggrandizing personal gain.

Dabney's arguments in defense of the father's right to determine what was best for the daughter was merely one aspect of his larger argument for the preeminence of male authority in society at large. Since Dabney believed that all authority within any given society was ultimately rooted in the personal authority of the fathers and husbands living

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\(^{52}\)It might be helpful to balance-out and contextualize Dabney's rather cold, unemotional argument here with a warmer and more personal description of his own experience of courtship and marriage. “I thought she was remarkably graceful. Mine was very nearly a case of 'love at first sight,' but I have never thought this unreason or rashness, as I had heard much of her character from her admirers, whom I knew to be young men of good sense and truth. So I was acquainted with her essential traits. It only remained for me to see if her person and manners would suit my notion. I soon decided this. Then began the first and last love affair of my life.” Johnson, *The Life and Letters of Robert Lewis Dabney*, 116.

\(^{53}\)Dabney, *Practical Philosophy*, 361.
in that society, it was primarily the character of men, rather than the character of women, which determined the character of that society as a whole. If men were debased, then all other aspects of society, including women, would be debased. If men were virtuous, then all other aspects of society would reflect the virtue of the men. The actions of women were inconsequential relative to the importance of the actions of men, and were, for the most part, simply determined by the actions of men. For even if all the women in any given society strove to be chaste and virtuous, as long as the men continued to be lecherous and vicious, the corruption of the character of the men ultimately would result in the corruption of women, by necessity. For whenever men are lecherous and unchaste, women “must either forgo marriage, their natural lot, or marry those whom they know as rakes” and thus will be corrupted and tainted by the immoral character of the men. Consequently, it was imperative that men be virtuous. As role models of virtuous men, Dabney held up the example of two Confederate generals:

[S]uch men as [Robert E.] Lee and [Stonewall] Jackson, men as chase as Dian, at whose mess-tables, though surrounded only by rough, battled-stained men, no word was ever heard or tolerated that would have tinged the cheeks of their pure and venerated wives and daughters. Had these heroes full manhood? Were they less men, because scrupulously chaste, than the creatures whose chosen trait of manhood is the one which most assimilates them to the ass and the goat? Faugh! He is most the man who can always govern himself. He who cannot is, to that extent, an imbecile.

Of course, Dabney, as was previously noted, did not maintain any false hopes or idealistic expectations that any of these arguments would be successful in defeating the egalitarianism that was slowly and steadily eroding the traditional, patriarchal social order of Virginia and the South. Once, when explaining why he believed that his views

54Ibid., 371.
55Ibid.
eventually would be vanquished from the sphere of public discourse and why the egalitarian perspective would ultimately win the day, with the ultimate result being the acceptance of universal suffrage in America, Dabney invoked a passage from Alexis de Tocqueville:

Indeed, as De Tocqueville predicted, innovation in the direction of extension of suffrage will always be successful in America, because of the selfish timidity of her public men. It is the nature of ultra democracy to make all its politicians time-servers; its natural spawn is the brood of narrow, truckling, cowardly worshippers of the vox populi, and of present expediency. Their polar star is always found in the answer to the question, “Which will be the more popular?”

And what, ultimately, would be the result of this universal extension of the rights of suffrage to all classes of citizens? According to Dabney, “The obvious answer is, that it will destroy Christianity and civilization in America” because “there is a Satanic ingenuity in these Radical measure which secures the infection of the reluctant dissidents as surely as of the hot advocates.” For those who opposed this Jacobin radicalism will feel obligated to voice their dissent. But how shall they voice dissent to universal suffrage, if they themselves on principle refuse to vote against it? “Radical women will vote, and vote wrong.” Consequently, “the modest and virtuous women, for their country's sake” will “sacrifice their repugnance and counterpoise these mischievous votes in the spirit of disinterested self-sacrifice.” And by the very act of voting, even if only to counter the votes of radical women, these virtuous women will soon, “learn to do con

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57 Ibid., 498.

58 Ibid.

amore, what was first done as a painful duty, and all the baleful influences of political life will be diffused throughout the sex.”

But what was the problem with extending suffrage to women? For Dabney, there were two issues here. First, it failed to recognize that “woman is not designed by God, nor entitled to all the franchises in society to which the male is entitled.” And second, it failed to recognize that woman's nature, as more fragile than man's nature, was not well-suited for political life:

Political excitement will corrupt women tenfold more than men; and this, not because women are naturally inferior to men, but because they are naturally adapted to a wholly different sphere. When we point to the fact that they are naturally more emotional and less calculating, more impulsive and less self-contained, that they have quicker tact but less logic, that their social nature makes them more liable to the contagion of epidemic passions. . . . When anything, animate or inanimate, is used for a function to which it is not adapted, that foreign use must endanger it, and the more the farther that function is from its own sphere. So it will be found (and it is no disparagement to women to say it) that the very traits which fit her to be the angel of a virtuous home unfit her to meet the agitations of political life, even as safely as does the more rugged man. The hot glare of publicity and passion will speedily deflower her delicacy and sweetness. Those temptations, which her Maker did not form her to bear, will debauch her heart, developing a character as much more repulsive than that of the debauched man as the fall has been greater.

One cannot help but notice the similarity between Dabney's argument here and that of Filmer, who wrote, “If some women have been worse, then some women have been better than men, as devils are therefore worse because good angels are better than men. The corruption of the best is the worst; the best wine makes the strongest vinegar.”

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60Ibid., 499.


There is no question that Dabney's arguments in defense of the subordinate status of women within society are offensive to contemporary sensibilities. The reason for this, of course, is that, for the last two-hundred years, the greater part of western civilization has been committed to the advancement of an egalitarian social agenda, the very agenda Dabney opposed. As a consequence, it is difficult, if not impossible, to avoiding reading into Dabney's arguments an animosity that did not, in fact, exist within his own mind. Although Dabney recognized that he was fighting a losing cultural battle and at times, especially in latter years of his life, one can detect in his writings a certain about of bitterness and disappointment about this fact, nevertheless, Dabney stilled managed to maintain a healthy sense of humor about the situation:

A solitary female entered a car where every seat was occupied, and the conductor closed the door upon her and departed. She looked in vain for a seat, and at last appealed to an elderly man near her to know if he would not “surrender his seat to a lady.” He, it seems, was somewhat a humorist, and answered: “I will surrender it cheerfully, Madam, as I always do, but will beg leave first to ask a civil question. Are you an advocated of the modern theory of women's rights?” Bridling up with intense energy, she replied: “yes, sir, emphatically; I let you know that it is my glory to be devoted to that noble cause.” “Very well, Madam,” said he, “then the case is altered: You may stand up like the rest of us men, until you can get a seat for yourself.”

*Theological and Ecclesiastical Views*

As an ordained minister in the Southern Presbyterian Church, Dabney subscribed to the Westminster Confession of Faith and was himself a committed and self-conscious Calvinist. Nevertheless, Dabney often found himself at odds with the theological and ecclesiastical views of other American Calvinist theologians, especially those from within

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64Ibid., 503-4.

the congregationalist Puritan camp. Dabney sharply criticized the writings of Jonathan Edwards, for instance, especially Edwards's ethical theory which equated moral virtue and benevolence.66 In Dabney's mind, Edwards's way of thinking about ethics functioned to undermined the entire basis of true moral action and duty. Or as Dabney himself put it, “the most mischievous part of Edwards' scheme I conceive to be his derivation of the judgments and emotions of conscience itself from general self-love.”67 Edwards claimed that self-love was the root of the moral conscience and thus it was ultimately the principle of self-love that informed us that sinning was wrong because we hurt ourselves by sinning. The purpose of the moral conscience, therefore, was simply to tell a person whenever the principle of self-love had been violated. However, if this “ill-starred logical jugglery” was true, Dabney claimed, then this would imply “that the sentiments of conscience (like gratitude) are only of secondary rank in ethics.”68 For Dabney, this was a dangerous way of thinking for it tacitly implied that conscience, “the very spring head of all the ethical acts of the human soul,” was “an inferior consequence of the virtuous principle . . . of self-love.”69 For unless the principle of self-love was violated, then the moral conscience had no positive purpose, and if this was the case, then it followed “that the perfect man might be too virtuous to have any conscience at all.”70

Edwards's moral philosophy, Dabney argued, was a manifestation of a particular type of philosophical error, an error that Dabney broadly referred to as “sensualistic”

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66"This great and good man would probably be shocked to have his speculation as to 'The Nature of Virtue' classed with those of the infidel, utilitarian school. But this historical development of it since his death proves the justice of the charge." Dabney, *Practical Philosophy*, 219.

67Ibid., 225.

68Ibid.

69Ibid.

70Ibid., 225-6.
philosophy. Dabney wrote an entire book critiquing the more prominent advocates of the
“sensualistic” philosophy, which included seventeenth-century thinkers such as Hobbes
and Locke as well as eighteenth-century philosophers like Condillac, Helvetius and St.
Lambert. However, by far, the most important of these “sensualists” was the nineteenth-
century social theorist, J. S. Mill. The reason that Dabney considered Jonathan Edwards
to fall within the broad prenubra of this sensualistic philosophy camp probably can be
explained by the fact that Edwards had been strongly influenced by the empiricist
epistemology of John Locke. As Edwards and Locke had been reared in the Puritan
faith, they tended to be suspicious of a priori philosophical categories, favoring more
nominalistic and a posterior approaches to both epistemology and moral theory. There
is no doubt that Edwards's understanding of the human will was formed within the
context of an empiricist worldview that maintained that human action was primarily
determined by external stimuli rather than internal, or self-determining, human volition.
This empiricist approach to ethics, coupled with Edwards's commitment to Calvinism,
resulted in an extremely deterministic view of the world, a view that Dabney found
difficult to reconcile with his own more volitional and duty-bound understanding of

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Robert Lewis Dabney, *The Sensualistic Philosophy of the Nineteenth Century Considered* (New
York: Anson D. F. Randolph, 1887), passim. “The pious and amiable Locke, who wrote from A.D. 1674-
1704 doubtless set out with purpose far more virtuous and reverent than Hobbes and his followers. And
had he lived to the end of the eighteenth century, to behold the fruits of his own speculations in the famous
'Essay upon the Human Understanding,' he would doubtless have condemned them as strongly as we do.”
Ibid, 15. “The havoc which the Sensualistic philosophy makes in the foundation of ethics, presents one of
the most crushing refutations.” Ibid, 24.

Locke's influence on Edwards can be most clearly seen in the New England preacher's book,
*Religious Affections* (1746) wherein Edward's offers an analysis of the makeup of the human soul which
bears a strong resemblance to Locke's *Essay Concerning Human Understanding* (1689).

Furthermore, “In Book IV, Ch. 3, Sec. 6 [Essay concerning Human Understanding (1690)], Locke carries
the Sensualistic philosophy to another of its results; the denial, or, at least, the doubt of the spirituality of
man's soul. We cannot know, he asserts, without revelation, by the contemplation of our own ideas, whether
that which thinks in us is incorporeal or not. . . . Thus, the Sensualistic philosophy betrays us again to the
materialists.” Ibid., 21-2.
Calvinism which posited a more commensurate relationship between human efforts and Divine Providence.  

Another feature of Dabney's thought that separated his perspective from that of Edwards was his staunch Presbyterianism. Although Presbyterianism had much in common with Puritanism's distaste for excessively formality and ritualism, Presbyterianism tended to agree more with Anglicanism when it came to the question of ecclesiastical government. Historically and theologically speaking, Presbyterianism had less of a problem with hierarchical authority than did Puritanism. Although Presbyterians certainly did not embrace the episcopal understanding of Anglicanism, they were not in principle opposed to hierarchical authority. Thus, Presbyterianism distinguished itself from the more egalitarian and congregational polity of Puritanism. In fact, Presbyterian ecclesiology tended to be a middle-ground position between the Episcopal-Anglican camp and the Congregationalist-Puritan camp. Thus Presbyterians, although preferring republican government, were still more congenial to the idea of monarchical civil government than were Puritans as evidenced by the Presbyterian opposition to Cromwell

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74While serving in the Confederate Army, Dabney once gave a sermon encouraging the men to place their trust in God's providence in battle. Shortly after giving this sermon, Dabney's regiment came under enemy fire and Dabney jumped behind a fencepost for cover. Afterwards, one of the soldiers chastised him for this behavior arguing that Dabney should have trusted solely in God's providence to protect him from the bullets. Dabney responded by telling the man that he was confusing divine providence with philosophical determinism and that by diving for cover he had not been inconsistent with his own theological principles for it was God's providence that had placed the fencepost there for him to hide behind.

75Extremely practical in his psychological disposition, Dabney had a strong distaste for excessive formality and ritual. He once wrote, “Civilization makes a vast amount of work. What a saving it would be to live in a hut, eat out of one's fingers, and save all this tremendous routine of cooking and cleaning up. How much easier it would be, if all that was necessary to wind up the dinner arrangements, after the meal was dispatched, were just to lick your fingers, and wipe your knife on your breeches and pocket it, instead of having dishes, cups, saucers, knives and forks, pots and kettles, to clean after every meal.” Johnson, *Life and Letters*, 121. This distaste for “pomp and circumstance” also extended to Dabney's view of ecclesiastical services. When visiting an Anglican service at Westminster Abbey in England, Dabney confessed that he considered the elaborate dress of the Anglican clergy to be “female garments which disfigured [their] manhood.” Dabney, *Discussions*, vol. 5, 38.
after the execution of King Charles. This observation concerning the difference between Presbyterianism and Puritanism now brings us to a consideration of another important feature of Dabney's political thought that distinguishes him from other more Anglican and Puritan thinkers, namely his view of the normative relationship that should exist between the institution of the church and that of the state.

**On Church and State Relations**

In 1868, Dabney wrote an essay in *The Central Presbyterian* entitled “The New-State Church.” Within the pages of this essay, Dabney strongly denounced the theocratic and “Puritan” understanding of church-state relations, a view that he claimed had been gaining strength in the years immediately following the end of the Civil War.

Wise historians have long remarked that church establishments never arose out of the craving of religion for political alliance, but for the craving of politics to use religion as its tool. The union now taking place is no exception. True, the Puritanism from which this species of Yankee religion boasts its descent, was always a sort of mischievous and monstrous burlesque of the theocratic form, both in theory and practice; and hence in this country those churches have never been free from this unhallowed infusion.\(^{76}\)

Dabney's identification of Yankee religion with Puritanism is interesting for contemporary scholars have often observed that the political views of Abraham Lincoln were essentially a type of secularized Puritanism. Lincoln used the word “providence” in many of his public addresses and his use of this word had a certain sounding ring that, in many ways, bore a remarkable resemblance to the understanding of Providence that might be found in Calvinistic Puritanism. Allen Guelzo, for instance, argues that the understanding of Providence that is manifested in Lincoln's “Doctrine of Necessity” was a mixture of seventeenth-century American Puritanism and nineteenth-century secular,

European philosophy.\textsuperscript{77} For Lincoln's use of the idea of “overruling Providence” was not simply the guiding hand of the personal God of the Puritan religion, but rather echoed, the more secular aspect of . . . the fatal operation of “history.” This conception of history as a power which somehow takes possession of men and works out its intentions through them is most familiar today as one of the characteristic features of Marxism, in which “history” has become the object of a semi-religious cult and has ended by supplying the basis for a fanaticism almost Mohammedan.\textsuperscript{78}

The deterministic nature of Lincoln's understanding of “Providence” was apparent in many of Lincoln's public speeches and debates: “Fellow-citizens, we cannot escape history. We of this Congress and this administration, will be remembered in spite of ourselves. No personal significance, or insignificance, can spare one or another of us. The fiery trail through which we pass, will light us down, in honor or dishonor, to the latest generation.”\textsuperscript{79}

On the eve of the Civil War in his First Inaugural address, Lincoln clearly stated his belief that the winner of the war will be the one whom Providence favors: “If the Almighty ruler of nations, with his eternal truth and justice, be on your side of the North or on yours of the South, that truth, and that justice, will surely prevail, by the judgment

\textsuperscript{77}See Allen C. Guelzo's “Abraham Lincoln and the Doctrine of Necessity” \textit{The Journal of the Abraham Lincoln Association} 18 (Winter 1997): 57. “The most obvious source for this 'Doctrine of Necessity' was the Calvinistic atmosphere which pervaded his adolescence. . . . But these Calvinistic origins and overtones, however, only lay the groundwork of Lincoln's 'fatalism.' His 'Doctrine,' with its intricate vocabulary of motives, necessity, and self-interest, contained elements that were clearly foreign to the discourse of Baptists. What this vocabulary more nearly echoed . . . was the determinism of Jeremy Bentham, whose comments on free will and necessity have, when set beside Lincoln's, an eerily familiar ring. Like Lincoln, Bentham believed that all human conduct was governed by motives. . . . It was not passivity, but charity which was the last fruit of Lincoln's 'Doctrine of Necessity.' Since Lincoln was a 'thorough fatalist' and 'believed that what was to be would be, and no prayers of ours could arrest or reverse the decree,' then 'men were but simple tools of fate, of conditions, and of laws.' and no one 'was responsible for what he was, thought, or did, because he was a child of conditions.' This . . . was the real spring of Lincoln's 'patience' and 'his charity for men and his want of malice for them everywhere.’” Allen C. Guelzo's \textit{Abraham Lincoln: Redeemer President} (Grand Rapids, MI: Eerdmans, 1999): 119-20.


\textsuperscript{79}Abraham Lincoln, “Concluding Remark, Annual Message to Congress” (December 1, 1862).
of this great tribunal, the American people.” At first, this statement may sound like a theological and personal view of providence until one takes into consideration the fact that Lincoln did not believe that the North, as the winner of the war, was necessarily on the side of truth or righteousness. Indeed, Lincoln's self-effacement on the question of the ethical motivations of the North was remarkable. He continually argued that righteousness and truth were secondary to the primary truth of historical progress. The winners are not necessarily the righteous ones, but rather the ones chosen by Providence or the “Divine Necessity” that governed history. Consequently, the victims of war and violence, in Lincoln's mind, were much closer to being sacrificial offerings to a pagan god of historical necessity than they were to being devout martyrs who suffered for the sake of righteousness. For Lincoln, truth and righteousness were matters that ultimately were beyond human understanding and, thus, it was impossible for humans to know whether they were fighting on the right side. Thus, the reason it was so easy for Lincoln to mix self-effacing humility with a continued justification for war and bloodshed. For no matter what side was correct, the war itself contributed to the advancement of the historical process and thus helped to fulfill the goal of “providence” regardless of which side won. Lincoln, of course, wanted his side to win, but this did not necessarily imply that he always thought that his side was right. That Lincoln's understanding of “providence” was more Hegelian than Christian, or at least an extremely secularized version of Puritanism, has been observed by Melvin B. Endy, Jr.:

Lincoln diverged from what Mead called the “Puritan” conception of divine providence [as covenanting free agents] in a [way] that reinforces the impression that at times he struggled less in fear and trembling to discern the divine will through “democracy” than has been claimed… [There is] a strong deterministic conception of providential control that modifies

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80 Abraham Lincoln, “First Inaugural Address” (March 4, 1861).
considerably the dramatic element in his view of covenant history by making man a passive and somewhat complacent pawn.\footnote{Melvin B. Endy, Jr. “Abraham Lincoln and America Civil Religion: A Reinterpretation,” \textit{Church History} 44 (1975): 233.}

It was this secularized Puritanism of Yankeedom with its “theocratic” desire to centralize power within an elite group of “theologically correct” magistrates that Dabney identified as the defining spirit of the Yankee religion. Whether it be the “theological correctness” of the religious Puritan of the seventeenth-century or the “political correctness” of the secularized-Puritan Yankee of the nineteenth century, Dabney was staunchly opposed to the attempt to make any theological creed or political ideology a requirement for holding public office in America:

> The civil authority of the magistrate is not due to his Christianity, but to his official character. This follows from the entire distinction of the Church and State in their objects and characters. . . . If we were citizens of a Mohammedan or pagan country, we should owe obedience to their civil rulers in things temporal. And this shows that the authority is not dependent on the magistrate's christianity, even where he happens to be a Christian.\footnote{Robert Lewis Dabney, \textit{Systematic Theology} (St. Louis, MO: Presbyterian Publishing Company, 1878; reprinted Edinburgh: Banner of Truth Trust, 1985), 875-6.}

In this regard, Dabney's perspective on church-state relations stood in complete opposition to the perspective of the Papist-Puritan. Whereas Jesuit and Puritan thinkers, historically, had always attempted to make theological orthodoxy a prerequisite for civil magistrates, Dabney opposed any theological litmus for holding public office, arguing rather that a subscription to any particular religious creed should never be used as basis for determining either the legitimacy or the authority of civil government. Whereas Suarez had argued that King James should be deposed on the grounds that he was a schismatic from Catholicism, and the English and American Puritans sought to imposed civil sanction on King Charles and Roger Williams for their theological errors, Dabney
believed that imposing civil penalties on anyone for religious reasons was directly contrary to the biblical teaching. If civil authority was to be resisted, then this resistance must be grounded in either moral, legal or constitutional considerations, but not theological or religious ones. That theological disagreement, in and of itself, was not a sufficient reason for challenging civil authorities was evidenced in Paul's admonishment for Christians to honor and obey the pagan civil magistrates of Rome. Resisting or challenging pagan magistrates was only justifiable when this resistance was based upon a legitimate moral or legal objection, as when Paul invoked his legal right to appeal to Caesar. However, even then, the moral objection could not just be any moral objection, but must be of a rather serious nature. For according to Dabney, not all moral objections were necessarily a matter of concern for the civil government.

Everything which is moral evil, and is detrimental to the interests of society, is not, therefore, properly punishable by society (e.g., prodigality, indolence, gluttony, drunkenness). The thing must be, moreover, shown to be brought within the scope of the penalties, by the objects and purposes of Government. . . . It is not the business of society to keep a man from injuring himself, but from injuring others.\(^83\)

Numbered among those things in which a person was free to injure himself, at least in Dabney's mind, was a person's religious opinions. Although “religious error” was certainly “morally evil, voluntary and guilty” it was not an issue over which civil government had any jurisdiction.\(^84\)

Dabney's more libertarian view of church-state relations differed greatly from the Anglican perspective of Filmer, who had argued that the King, as the temporal head of the Church, had the right to impose temporal punishments upon those who held heretical

\(^{83}\)Ibid., 874.

\(^{84}\)Ibid.
opinions. Although according to the Anglican understanding of church-state relations, it was technically true that the King and civil magistrates did not have the authority to define heresy, these magistrates, nevertheless, were allowed to use civil sanctions to enforce the judgments of bishops in regard to these religious matters. Thus, under this Anglican arrangement, religious persecution of dissenters by the civil authorities was common-place. Dabney, however, argued that allowing the civil magistrate to persecute or suppress religious error was against the clear teaching of Scripture and, furthermore, it was almost always counter-productive.

Supposing the doctrines persecuted to be erroneous, the very way is taken to make them popular, by arraying on their side the sentiments of injured right, virtuous indignation, sympathy with the oppressed, and in general, all the noblest principles, and to make the opposing truth unpopular, by associating it with high handed oppression, cruelty, etc.

Additionally, religious persecution and “religious intolerance are inconsistent with the relations which God has established between Himself and rational souls.” And this latter fact, in Dabney's mind, was by far the most important objection against allowing the civil authorities to persecute religious error. No one, not even the civil government, according to Dabney, could stand between the human soul and its relation to God: “Now, how impious is he, who professing to contend for God, thus thrust himself between God and His creature? Substitutes fear of him for fear of God? Thrusts himself into God's place. He that does it is an anti-Christ. Man's belief is a thing sacred, inviolable.”

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85Dabney admitted, however, that prior to the separation of the priestly and kingly tribes in Israel, there was a closer connection between church and state. For before Abraham was born, “Noah acts as an inspired prophet, and also as the divinely chosen, patriarchal head of church and state, which were then confined to his one family.” R. L. Dabney, A Defense of Virginia (New York: E. J. Hale & Son, 1867; reprint Harrisonburg, VA: Sprinkle, 1984), 101-2.

86Dabney, Systematic Theology, 877.

87Ibid.

88Ibid., 878.
difference between Dabney's Presbyterianism and Filmer's Anglicanism are most clearly
evident at this point. Whereas Dabney subscribed to the Protestant interpretation of the
“priesthood of believers” wherein the idea of an institutional ecclesiastical priesthood was
rejected, Filmer, as a good Anglican, maintained that the “priesthood of believers” did not
necessarily imply the elimination of the institutional priesthood itself. Although both
Anglicans and Presbyterians acknowledged that every believer was directly related to God
and could function as a direct intercessor or mediator between God and the world,
Anglicans also maintained, in contrast to Presbyterians, that there was also an
institutional or corporate relatedness between Christ and the body of Christ and it was this
corporate relatedness that was represented by the institutional priesthood. In this sense,
Roman Catholicism, Eastern Orthodoxy and Anglicanism clearly differed from the
Protestant interpretation of priesthood. 89 Dabney's more libertarian understanding of the
civil magistrate's role in regulating religious beliefs was a product of this Protestant
rejection of the church's corporate relatedness and the corresponding greater emphasis on
each believer's individual relationship to God: “God holds every soul directly responsible
to Himself. That responsibility necessarily implies that no one shall step between him
and his God. No one can relieve him of his responsibility, answer for him to God, and
bear his punishment, if he has betrayed his duty.” 90

Of course, if it was true that no man could answer to God for another man's sin or
“relieve him of his responsibility” before God, as Dabney argued, then one wonders how
this idea, in and of itself, could not threaten to undermine the foundations of the Christian

89 Indeed, in certain strains of Protestantism the idea of the “priesthood of all believers” has been
corrupted to such a degree that this notion seems to imply that Protestants simply rejected the idea of
priesthood altogether. As if the words, “priesthood of all believers” actually means there is “no priesthood
for any believers.”

90 Ibid., 877-8.
religion. For the idea of Christ as a mediator, representing and interceding for men before the face of God the Father, would also need to be dismissed as a violation of Dabney's conception of the nature of human responsibility. For if Dabney's understanding was universally true, without qualification, then this would imply that no one, not even Christ himself, could relieve a person from “his responsibility, answer for him to God, and bear his punishment, if he has betrayed his duty.”91 Consequently, although we must admit that Dabney's rejection of the civil magistrate's authority to regulate religious belief was praiseworthy, it is clear that his attempt to base his argument for religious liberty in the self-sufficiency of the individual believer was a questionable assumption.

The Right of Resistance to Civil Authority

On the whole, Dabney's Presbyterian understanding of church-state relations, like Filmer's Anglican understanding, was grounded solidly in a firm distinction between the institutions of church and state. “The weapon of the State is corporeal, that of the Church is spiritual. The two cannot be combined without confusing heaven and earth.”92 However, unlike Anglicanism, Dabney's more Protestant understanding of the individual relation that existed between God and the soul of every believer resulted in a more limited understanding of the role of civil authority in regard to the enforcement of religious orthodoxy. Filmer certainly would not have agreed with Dabney's claim that “the State is bound to see that every man enjoys his religious freedom untouched, because the right to this religious freedom is a secular, or political right.”93

91Ibid.
92Ibid., 879.
93Ibid.
The idea that religious liberty was rooted in secular or political considerations, rather than religious or theological considerations, was a particularly Presbyterian way of thinking. In Scotland during the time of Knox, the Presbyterians primarily had used political and constitutional arguments, rather than theological arguments, to resist the doctrine of royal absolutism. Unlike the English Puritans, the Presbyterian resistance to the authority of the king was rooted in the Presbyterian argument in favor of a more republican or constitutional monarchy and a rejection of the more absolutist and unlimited monarchical authority that was embraced by Anglicanism. In contrast to the more commensurate Anglican understanding of church-state relations, in the mind of Presbyterians, the institutional separation of church and state implied two things: 1) the king had absolutely no authority, not even temporal authority, in the religious realm and 2) that the church had absolutely no authority whatsoever in the political realm. One of the consequences of this stricter Presbyterian understanding of the separation between civil and ecclesiastical authorities was that it implied that the civil authority must be obeyed in all matters strictly political and thus any civil disobedience needed to be grounded on a political justification, either a legal (constitutional) or moral (ethical) argument, rather than a strictly religious or theological one. In this regard, Presbyterianism again occupied a middle position between Anglicanism and Puritanism. For the Presbyterian, the right of political resistance was neither completely rejected (as it was in the passive obedience of the Anglican divine right of kings theory) nor was it completely embraced (as it was in the Puritan-Papist theory that justified political revolution on mere theological grounds). Presbyterians could resist the King, but not for theological reasons alone. There had to be a political justification for any type of resistance to civil authorities. The political justification, of course, could be accompanied
and strengthened by a theological justification; however, there always had to be a least some type of political justification. For otherwise, resisting the civil magistrate for merely religious reasons would be a clear violation of the New Testament teaching concerning obedience to civil magistrates. Although the English Puritans may have been able to use theological arguments to justify their execution of both the King and the Archbishop, not the Scottish Presbyterians. Presbyterians needed more than good theological reasons, they also needed good political reasons. And as a good Presbyterian, the views of Dabney provided no exceptions to this point.

By rejecting Filmer's Anglican theory of passive obedience and unqualified suffering for the sake of righteousness, Dabney following in the footsteps of Knox and Calvin, argued that political resistance to tyrants was at certain times a legitimate Christian duty, as long as this resistance was done properly. When the civil magistrate overstepped its bounds and entered into a realm that God had ordained to be under the governance of either the church or the family, it was the duty of the Christian to resist this tyrannical usurpation of authority by the civil magistrate. Although Dabney was just as committed to patriarchal authority as was Filmer, Dabney had a more libertarian view of the State's role in society than did Filmer. Thus, Dabney argued that, “Men in society do not bear to rulers the relation of children to parents, either in their greater weakness, inferiority of knowledge or virtue, or in the natural affection felt for them, but are, in general, the natural equals of their rulers. Hence, the argument from the family to the commonwealth to prove that it is monarchical, utterly fails.”

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94 Dabney, *Systematic Theology*, 864. Although Dabney's republican view of civil government circumscribed and limited the boundaries civil authority, it also tended to increased the patriarchal social authority of the father. Whereas for Filmer patriarchal authority was centralized and concentrated in the king, for Dabney every man living in the republic was just as much a source of patriarchal authority as any King of England ever was.
As Filmer's view of patriarchal authority was distilled and concentrated into the authority of the king, it was impossible for Filmer to view the King as an enemy of patriarchal rule. However, as Dabney allowed for a stricter distinction between patriarchal authority and civil authority, it was possible for Dabney to view the State as a potential enemy of patriarchal authority in a way that was impossible for Filmer. Thus, where Filmer encouraged passive obedience to the fatherly civil authority of the King, Dabney argued for active resistance against the civil authority when it began to intrude upon the patriarchal authority of the family or the ecclesiastical authority of the church. “The object of the family as to children, is to promote their whole welfare. The object of civil government is simply the protection of temporal rights against aggression, foreign and domestic.”

One of the most important of the temporal rights that the civil government was obligated to protect was that of freedom of thought and political liberty. Religious liberty was a logical “corollary” that was derived from political liberty and the freedom of thought and thus the reason “neither church nor state [had] a right to persecute for opinion's sake.” Consequently, Dabney considered the loss of political liberty in his own day to be the great irony of American history:

The present popular theory of the United States' Constitution is exactly that theory of consolidated imperialism which that constitution was created to oppose; and which our wise forefathers fought the Revolutionary War to throw off. You may deem it a strange prophecy, but I predict that the time will come in this once free America, when the battle for religious liberty will have to be fought over again, and will probably be lost, because the people are already ignorant of its true basis and condition.

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95Ibid., 882.


97Ibid., 320-1.
And what exactly was the dangerous “present popular theory” of the Constitution that Dabney was referring to here? Interestingly, it was that theory which rejected the notion of State's rights, so eloquently argued by John C. Calhoun. It was the theory that had triumphed and come into its own after the successful military campaign of the North during the Civil War. By their attempt to resist the unconstitutional northern usurpation of political power, in Dabney's mind, the southern states were justified in their armed resistance to this northern aggression. The American Civil War, for Dabney, was nothing more than an act of “domestic aggression” on the part of the North against the South. As a consequence, the usurpation of political power by the Federal government and the subsequent loss of political freedom that resulted from this usurpation was something that could be legitimately resisted by the southern states. As a Presbyterian, Dabney firmly rejected the Filmerian doctrine of “passive obedience” to political authorities and argued, rather, that an active, military resistance to tyranny was biblically justifiable. Consequently, Dabney argued that, “there must be in the ruled the right to revolutionize, if the government had become so perverted, on the whole, as to destroy the ends for which government is instituted.”

This was the case, whether the government be a monarchy or a republic since “the divine right of kings is no more sacred than that of constables.” Therefore, unlike Filmer, Dabney had no problem drawing his sword in the defense of political liberty, as long as this defense had a constitutional and legal justification and was not just done for “mere” religious reasons alone.

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98 Ibid., 319.
99 Ibid.
The Bible and Republicanism

During the period leading up to the American Civil War, while he was serving as Professor of Systematic and Polemical Theology at Union Theological Seminary, Dabney vigilantly sought to reconcile the Northern and Southern camps right up until the outbreak of armed conflict in 1860. However, as soon as the war began, Dabney took leave from his teaching responsibilities at Union in order to serve in the Confederate Army as a chaplain under the command of Thomas “Stonewall” Jackson. During the early days of his military service, Dabney’s leadership qualities impressed Jackson so much that the General asked Dabney to be his Chief-of-Staff. Dabney served under Jackson's command for the remainder of his service in the Confederate Army, resigning in September of 1862, when Union Seminary demanded that Dabney return to his teaching and administrative duties as the seminary was determined to remain open during the war. However, before his tour of duty was completed, Dabney accomplished a number of noteworthy feats, including “riding as an orderly for his colonel during the battle of Manassas.” When once asked about Dabney's service to the Stonewall Brigade, Colonel Grigsby humorously remarked, “Our parson is not afraid of Yankee bullets, and I tell you he preaches like hell.” Throughout his life, Dabney continued to have a great deal of respect for Jackson and when the war over, it was Dabney who wrote the official biography of Jackson’s life. Ironically, although Dabney seems to have been forgotten

While very much afraid that war was inevitable and impending, Dr. Dabney saw that it was his duty, and that of Christian ministers and people, to do all that was right in the circumstances to stop it; and, with his usual energy and singular devotion, he toiled to assuage the bitterness between the sections, and to bring about a peaceful readjustment, under the blessing of God.” Johnson, Life and Letters, 211.

Ibid., 241.
Ibid., 264.
by most contemporary theologians and religious scholars, his name continues to be well-known by historians of nineteenth-century America as Jackson's “official biographer.”

In his personal political views, before the outbreak of the Civil War, Dabney had gravitated toward the position of an old-line Union Democrat who wanted to preserve the Union. However, once the hostilities began, Dabney moved further toward into the camp of John C. Calhoun and even before the war began, he had always held a deep respect for Calhoun's political thought:

Of all the representatives of Jeffersonian Democracy, he had the greatest respect for Mr. John C. Calhoun, a good engraving of whose face he kept on his study walls. He read and studied Calhoun as one of the great masters on constitutional government.\textsuperscript{104}

Dabney's respect for Calhoun is not surprising, for in many ways Calhoun represented a continuation of the old, aristocratic republicanism of John Randolph of Roanoke. The similarity between Randolph and Calhoun was clearly evident within a speech that Calhoun gave on June 27, 1848. In this speech, “On the Oregon Bill,” Calhoun rejected the proposition that “all men are born free and equal” with the following argument,

Taking the proposition literally (it is in that sense it is understood), there is not a word of truth in it. It begins with “all men are born,” which is utterly untrue. Men are not born. Infants are born. They grow to be men. And concludes with asserting that they are born “free and equal,” which is no less false. They are not born free. While infants, they are incapable of freedom, being destitute alike of the capacity of thinking and acting, without which there can be no freedom. Besides, they are necessarily born subject to their parents, and remain so among all people, savage and civilized, until the development of their intellect and physical capacity enables them to take care of themselves. They grow to all the freedom, of which the condition in which they were born permits, by growing to be men. Nor is it less false that they are born “equal.” They are not so in any sense in which it can be regarded; and thus, as I have asserted, there is not a word of truth in the whole proposition, as expressed and generally understood.\textsuperscript{105}

\textsuperscript{104}Johnson, The Life and Letters, 563.

The political views of Dabney, of course, were not a “cookie-cutter” replication of Calhoun's political thought. Dabney also offered many original arguments, especially a number of theological arguments that were noticeably absent from Calhoun's more strictly legal and constitutional thought. Indeed, the vast majority of Dabney's arguments for the preservation of the social order of the Old South were not constitutional or legal in nature, but rather theological and biblical arguments.

In Dabney's mind, the question of the proper form of civil government, first, needed be addressed by means of an investigation of biblical revelation in regard to the topic. Although the teachings of Scripture on this subject could not be codified into a prescriptive teaching or recommendation for a specific form of government, the Bible did affirm certain ethical and political principles that, according to Dabney, were generally best suited for a Republican or representative political order.

The object of the Scriptures is to teach the way of redemption and sanctification for sinful man; yet incidentally they teach, by precept and implication, those equitable principles on which all constitutional governments are founded. So far as God gave the chosen people a political form, the one which he preferred was a confederation of little republican bodies represented by their eldership. (Ex. xviii. 25,26; Ex. iii. 16; Num xi. 16, 17; Num xxxii 20-27). 106

Nevertheless, in arguing that the Bible generally favored republicanism, Dabney did not go so far as to argue that only a republican form of government was allowed by Scripture. Indeed, there was no contesting the fact that monarchy had also been divinely sanctioned and various types of government were allowed; however, “while Biblical history does not

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prohibit stronger forms of government as sins *per se*, it indicates God's preference for the representative republic as distinguished from the leveling democracy."^107

As a follower of Calvin and Reformed Protestantism, Dabney obviously believed that a representative, republican form of government was better than that of an absolutist, monarchical form of government. However, Dabney also was acutely aware of the dangers of representative government, especially the more democratic and egalitarian forms that were often advocated by disingenuous theologians and secular political philosophers, who were only interested in advancing the cause of tyranny and despotism. This problem was especially evident in regard to certain “Papists” who “have professed Republicanism, in order to promote Tyranny.”^108 Indeed, one particular paragraph written by Dabney, in respect to this particular issue, reads like a passage that easily could have been lifted straight out of a work written by Filmer:

> The policy of the Jesuits, as sketched by Macauley, is a good description of their supple tactics. “Inflexible in nothing but their fidelity to their church, they were equally ready to appeal, in her cause, to the spirit of loyalty, and to the spirit of freedom—extreme doctrines of obedience and extreme doctrines of liberty—the right of rulers to misgovern the people—the right of every one of the people to plunge his knife into the heart of a bad ruler, were inculcated by the same man, according as he addressed himself to the subject of Philip, or the subject of Elizabeth.”^109

It was Dabney's concern over those who “professed Republicanism” in order to promote tyranny that inclined him to believe that if, for whatever reason, a republican government was not possible, then an even stronger and more aristocratic form of government, such as monarchy, always would be preferable to either the anarchy of democracy or the religious

^107Ibid.


^109Ibid.
despotism of the Papist-Puritan theocracy. Thus, while Dabney agreed with Locke's republican argument that “equality before the Law” was more scriptural than Filmer's absolutist claim that the “King was above the law,” Dabney was, nevertheless, always careful to maintain that this “equality before the law” should never to be misinterpreted as an endorsement of some type of social egalitarianism, for the Bible nowhere endorsed an egalitarian social ethic:

In a word, the maxim of the scriptural social ethics may be justly expressed in the great words of the British Constitution, “Peer and peasant are equal before the law,” which were the guide of a Pym, a Hampden, a Sydney, a Locke, a Chatham, and equally of Hancock, Adams, Washington, Mason, and Henry.\(^{110}\)

In other words, equality before the law did not imply that all people living in any given society should be considered to be “free and equal” in relation to each other.

The functions and privileges of the peer are in some respects very different from those of the peasant; but the same law protects them both in their several rights, and commands them both as to their several duties. . . . Higher and lower hold alike the same relation to the supreme ruler and ordainer of the commonwealth, God; yet they hold different relations to each other in society, corresponding to their differing capacities and fitnesses, which equity itself demands.\(^{111}\)

Consequently, in Dabney's mind, the difference between monarchical and republican forms of government was a difference of degree, rather than a difference of kind. Both monarchy and republicanism were aristocratic and hierarchical forms of authority that were, in principle, opposed to the egalitarian leveling process of democratic and congregationalist modes of governance. Whereas the teachings of Scripture were more or less commensurate with either republican or monarchical forms of government (with a republic having a slight edge over a monarchy), they were not at all compatible with egalitarian democracy.


\(^{111}\)Ibid.
Dabney's Patriarchal Critique of the Social Contract

One major objection that Dabney had to egalitarian democracy, among others, was that it grew out of the social-contract conception of the origins of civil authority. As a “mythological” and anti-biblical conception, Dabney believed that the social-contract theory was woefully lacking in any historical or scriptural support as evidenced by the fact that, “Commonwealths have not historically begun in such an optional compact of lordly savages.” Furthermore, according to Dabney, “the only real historical instances of such compacts have been the agreements of outlaws, forming companies of bandits or crews of pirate ships. These combinations realize precisely the ideal pictured by Hobbes, Locke and Rousseau.” Dabney observed that even Blackstone, who himself advocated a social-contract theory of sorts, acknowledged that the theory was merely a helpful legal construct, lacking any historical support. But for Dabney, no theory based on a mere “legal fiction” was capable of serving as a legitimate “source for practical rights and duties.” In voicing his opposition to the ahistorical and mythological “state of nature” assumptions of the social-contract theory, Dabney observed that extant historical records indicated that “well-ordered, free commonwealths” typically traced their origins from, the expansion of clans, which were at first but larger families. And true historical research shows that the primitive government of these clans was usually presbyterial, a government by elders who had succeeded by suffrage to the natural and inherent authority of the first parents.

\[\text{\textsuperscript{112}}\text{Dabney, Practical Philosophy, 380.}\]
\[\text{\textsuperscript{113}}\text{Ibid.}\]
\[\text{\textsuperscript{114}}\text{Dabney, Systematic Theology, 863. Dabney quoted the following from Blackstone, noting the English jurist's admission of the social contract as “legal fiction” and rejecting Blackstone's argument for its acceptance as a “solid and natural foundation” of civil society nonetheless: “But though society had not its formal beginning from any convention of individuals, actuated by their wants and their fears; yet it is the sense of their weakness and imperfection which keeps mankind together; that demonstrates the necessity of this union; and therefore is the solid and natural foundation, as well as the cement of civil society.” Ibid}\]
\[\text{\textsuperscript{115}}\text{Dabney, Practical Philosophy, 380.}\]
Furthermore, the biblical account of the origins of human government, “traces civil government to the will and providence of God, who from the first, created man with social instincts and placed him under social relations (when men were few, the patriarchal, as they increased, the commonwealth).” Notice how Dabney's argument here paralleled the argument of Filmer with the addition of two slight modifications that transformed Filmer's defense of monarchy into Dabney's defense of republicanism. While Dabney clearly acknowledged that Filmer was correct in arguing that the ultimate origin of civil government was patriarchal in nature, Dabney's desire to affirm republican government necessitated that he find a good justification for departing from Filmer's defense of monarchy. The two modifications that Dabney introduced were as follows: First of all, this original patriarchal authority was vested in the fathers-elders of the community, rather than being held by one single father who exercised sole monarchical authority. Secondly, whereas Filmer had traced everything back to the original hereditary monarchical authority of Adam, Dabney maintained that an increase in population at some point in history necessitated the adoption of a more republican form of government as a commonwealth was more appropriate for governing large populations than was monarchy. Interestingly, Dabney's departure from Filmer here was related to a fundamental difference of opinion between them concerning church government, the Presbyterianism of Dabney versus the episcopal structure of Filmer's Anglicanism. Whereas Filmer had argued, in good episcopal fashion, that “kings were at first fathers of families,” Dabney responded by claiming that originally fathers were presbyterian tribal

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117Dabney does not mention Filmer by name in this passage; however, it is obvious that Filmer was the person that Dabney had in mind. There is no one else in the history of English political thought who made such a specific and detailed argument for the view that Dabney is critiquing here, except Filmer.
elders. The foundation of civil government, for Dabney, thus remained rooted in hierarchical moral authority of the father, as it did for Filmer, but for Dabney this fatherly authority was rooted in the collective authority of the fathers-elders of a Presbyterian community rather than the singular-episcopal authority of the king. Dabney's emphasis on presbyterian, rather than monarchical, authority was not only what separated Dabney's defense of republicanism from Filmer's defense of divine-right monarchy, but it was also what separated Dabney's aristocratic republicanism from the congregationalist-egalitarianism of Puritanism.

As the political institutions of the American Republic had grown out of this patriarchal understanding of government, namely the collective, non-egalitarian authority of the “founding fathers,” it was not legitimate, according to Dabney, to appeal to the founding fathers of America in order to justify an egalitarian, Jacobin democracy. None of these founding fathers believed in democracy and none of them favored universal suffrage. Indeed, in the collective mind of the founders, “a share in the ruling franchise is not a natural right at all, but a privilege to be bestowed according to a wise discretion on a limited class having qualification to use it for the good of the whole.”

Thus, the representative, republican government of early America, in which only a certain class of persons were allowed to vote, was not to be confused with a philosophy of “natural rights” that favored universal suffrage, the advancement of social egalitarianism and a more democratic political order.

The basic political unit of a republican government, according to Dabney, was not the individual person, but rather the family unit so “that the integers out of which the

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State is constituted are not individuals, but families represented in their parental heads.”\footnote{119} Consequently, the vote of the father of the household represented the interests of all those under his authority. This structure of representative authority recognized that “every human being is born under authority (parental and civic) instead of being born 'free' in the licentious sense that liberty is each one's privilege of doing what he chooses.”\footnote{120} Furthermore, the fact that everyone was born under authority within a social context, rather than being born free in a state of nature, functioned to reinforce the idea “that subordination, and not that license, is the natural state of all men.”\footnote{121} In the absence of this “distribution of different duties and rights among the classes” then “society is as impossible as is the existence of a house without distinction between the foundation-stone and the cap-stones.”\footnote{122} This understanding of representative government was universally embraced by “Moses, the Apostle Paul, John Hampton, Washington, George Mason, John C. Calhoun.”\footnote{123}

In contrast to this American idea of representative government stood the Jacobin or social-contract theory of government. In Dabney's mind, Jacobinism was anti-patriarchal to the core as it denied that the family unit was the basic political unit within society and claimed, instead, that autonomous individuals were the basic political unit.\footnote{124}  

\footnote{119}{Ibid.}  
\footnote{120}{Ibid.}  
\footnote{121}{Ibid.}  
\footnote{122}{Ibid.}  
\footnote{123}{Ibid.}  
\footnote{124}{The family was not only the most basic political unit, but also the most basic ecclesiastical unit. Thus, the reason that a church-elder was required to rule his family well. “Civic legislators speak of the well-ordered family as the integer of which the prosperous commonwealth is formed. But God assigns the family a far higher and holier aim. The Christian family is the constituent integer of the church—the kingdom of redemption.” Robert Lewis Dabney, “Parental Responsibilities,” Discussions, vol. 1 (Richmond, VA: Whittet & Shepperson, 1890; reprint Harrisonburg, VA: Sprinkle, 1982), 691-2.}
Contra the Jacobins, Dabney argued that, “the integers of which the commonwealth aggregate is made up, are not single human beings, but single families, authoritatively represented in the father and the master. And this is the fundamental difference between the theory of the Bible, and that of radical democracy.”[^125] It was not the collective will of the fathers of the commonwealth, but rather the democratic will of the “the people” or the aggregate mass of individuals within the society, that was the ultimately authority for Jacobins. This Jacobin rejection of hierarchical fatherly authority was not just politically foolish, it was also fundamentally atheistic for it was an implicit rejection of foundation of all Christian authority which was ultimately rooted in the authority of God the Father. Rather than God the Father being the ultimate source of authority, Dabney argued that the Jacobin theory made “the will of the majority supreme . . . vox Populi, vox Dei [the voice of the people is the voice of God].”[^126] In short, Jacobinism was nothing less than a rejection of Christianity itself:

> But it must be remembered that this majority is only the accidental major mob, in which the wicked will of each citizen is the supreme law; so that the god of Jacobinism, whose voice receives this sovereign expression, may at any time reveal himself as a fiend instead of a benignant heavenly Father. The practical government which results from this theory is simply absolutism, differing from the personal despotism of a Sultan or a Czar only in this one particular, that is victims have that “many headed monster,” the mob, for their master, always liable to be more remorseless and greedy in its oppressions than a single tyrant.[^127]

This is an extremely interesting passage for a number of reasons. Not only does it allude to Dabney's objection to Jacobinism on theological grounds, but also his rejection of Jacobinism on political grounds. For Dabney, theological reasons were not enough; it

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[^125]: Dabney, *Defense of Virginia*, 229.

[^126]: Dabney, “Civil Ethics,” 312.

[^127]: Ibid., 312-3.
was also necessary to have political reasons. The political reason why Dabney objected to Jacobinism was because it resulted in a more tyrannical despotism than monarchy. Indeed, in Dabney's mind, even Filmer's patriarchal monarchy, a stronger and more restrictive government than republicanism, was favorable to mob rule of the Jacobinism. Representative republicanism, of course, was preferable to monarchy, when it came to protecting political liberty. However, if republicanism was not an option, then absolute monarchy was still preferable to egalitarianism democracy, for no matter how oppressive monarchy might be in comparison to republicanism, it was still much more favorable to political liberty than democratic mob rule. Interestingly enough, in the midst of arguing this point, Dabney quoted from the writings of Richard Hooker to help lend support to his argument.

The dangerous and tyrannical nature of Jacobin democracy could be demonstrated from history. In Dabney's time, the most recent example was that of the French Revolution. Indeed, according to Dabney, the influence of Jacobinism in America was a direct result of a confusion of the political principles of American Revolution with the political principles of the French Revolution. The Republican and Christian roots of American Revolution should not to be confused with the Democratic and atheistic Jacobin roots of the French Revolution. Indeed, “all the worst oppressions and outrages


129 The passage from Richard Hooker emphasized the non-egalitarian nature of law and its relation to different estates and social castes within the world: “Of law there can be no less acknowledgment than that her seat is the bosom of God; her voice the harmony of the world, all things in Heaven and Earth do her homage, the very least in feeling her care, and the greatest not exempted from her power; both angels and men and creatures of all condition soever; though each in different sort and manner, yet all with uniform consent admiring her as the Mother of their peace and joy.” Ibid., 362.
experienced by the people of the United States have been inflicted by the same Jacobinism, masquerading in the garb of Republicanism.”

The confusion of political principles here, Dabney admitted, was partially a result of the “highly ambiguous” phraseology contained within the Declaration of Independence, a document which “teaches as self-evident” the truth that “all men are by nature equal.”

Due to the ambiguous nature of this proposition, the Jacobins had exploited this phrase contained in the Declaration to their own advantage, thus arguing that “every sane human being has a moral right to a mechanical equality with every other in every specific privilege and franchise . . . . so that, if any one man or class in society is endowed with any power or franchise whatsoever that is not extended to every other person in the commonwealth, this is [interpreted as being] a violation of natural justice.”

Dabney attempted to counter this Jacobin interpretation of American political principles by pointing out that the Declaration of Independence, despite its historic and symbolic importance, was “no part of the constitution or laws of the United States.” Consequently, despite “all its nervous pomp of diction and political philosophy, it involves not a few ambiguities and confusions, and the enlightened friends of freedom have no concern to assert its infallibility.”

Furthermore, and even more importantly, Dabney argued that the “equality of men” referred to within the Declaration was simply an observation on the self-evident “moral” equality of human beings, rather than being a philosophic argument for “mechanical” social equality. “All are morally related alike to

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130 Dabney, “Civil Ethics,” 313.
131 Ibid.
132 Ibid.
133 Ibid.
134 Ibid.
God, the common Father; and all have equitable title to the protection of laws under which divine providence places them.”¹³⁵ In other words, the self-evident equality of human beings that was invoked by the Declaration of Independence was a moral equality, all men are “equal before the law.”¹³⁶ This “moral” equality before the law did not imply a “mechanical” equality of social standing, thus

while individual traits, rights, and duties vary widely in the different orders of political society, these different rights all have some moral basis; that the inferior has the same moral title (that of a common humanity and common relation to a benignant Heavenly Father) to have his rights—the rights of an inferior—duly respected, which the superior has to claim that his very different rights shall be respected. The modern version is that there are no superiors or inferiors in society; that there is a mechanical equality; that all have specifically the same rights; and that any other constitution is against natural justice.¹³⁷

Consequently, the principles of the American Revolution were not to be confused with the principles of French Revolution:

The difference was perfectly palpable to the English liberals who dethroned the first Charles Stuart; for that great Parliament on the one hand waged a civil war in the support of the moral equality of all Englishmen [i.e., the king was not above the law], and at the same time rejected with abhorrence the other, the Jacobin equality, when they condemned the leveller Lilburn, and caused his books, which contained precisely that doctrine, to be burned by the common hangman. I assert that it is incredible the American Congress of

¹³⁵Ibid., 314.

¹³⁶As Dabney argued, “It may be true that Jefferson, the draughtsman of the Declaration, did heartily adopt his propositions in the sense of the advocates of the social contract; for it is well known that he was properly a Democrat, and not, like the other great Whigs of Virginia, only a Republican; that he had drank deeply into the spirit of Locke's political writings; and that he had already contracted a fondness for the atheistical philosophy of the French political reformers. But who can believe that George Mason, of Gunston, could fail to see the glaring inconsistency between these propositions, taken in the extravagant and radical sense now forced upon them by the abolitionists, and the constitution which he gave to the State of Virginia? According to that immortal instrument, our commonwealth was as distinctly contrasted with a leveling democracy, as any monarchy regulated by laws could possibly be. It was, indeed, a liberal, aristocratic republic.” Dabney, Defense of Virginia, 269-70.

¹³⁷Dabney, “Women's Rights Women,” 492. In his Systematic Theology, Dabney further clarified this point: “For every man is born under obligation to God, to his parents, and to such form of government as may providentially be over his parents. (I may add the obligation to ecclesiastical government is also native). But all men have a native title to that liberty which I have defined, viz.: freedom to do what they have a moral right to do. But as rights differ, the amount of this freedom to which given men have a natural title, varies in different cases.” Robert Lewis Dabney, Systematic Theology, 868.
1776 could have meant their proposition to be taken in the Jacobin sense; for they were British Whigs. Their perpetual claim was to the principles of the British Constitution, and no other.”

Dabney's understanding of the difference that existed between these two differing theories of equality, namely the Jacobin idea of “mechanical” social equality and English theory of the “moral” equality of men before the law can be most clearly seen in his critique of the social-contract theory of government. For over against the biblical, patriarchal theory stood the erroneous “radical social theory” of the social contract which “asserts, under the same name, a totally different doctrine; its maxim is 'all men are born free and equal.”

In his critique of political egalitarianism, Dabney enumerated a long litany of objections to the social-contract theory. The most important objection being that the social contract was an “atheistic and unchristian” theory of government as evidenced by the fact that atheists like Hobbes and the Jacobins promoted the theory. Although Locke had attempted to baptize the social-contract theory and make it more Christian, the atheistic foundations of the theory remained:

It is true that Locke tried to hold [the social-contract theory] in a Christian sense, but it is none the less distinctly atheistic in that it wholly discards God, man's relations to Him, His right to determine our condition of moral existence, and the great fact of Moral Philosophy, that God has formed and ordained us to live under civil government. So, in the insane pride of its perfectionism, it overlooks the fact, that man's will is ever disordered and unrighteous; and hence cannot be the just rule of his actions.

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138Dabney, “Civil Ethics,” 314.
140The social-contract theory as defined by Dabney was the theory “which, first stated by Thomas Hobbes, of Malmesbury, was made popular among English Liberals by John Locke, and, introduced to the French by Rousseau's famous book, Le Contrat Social, became the ruling philosophy of the French Jacobins.” Practical Philosophy, 372. Consequently, Dabney often used the terms “social contract” and “Jacobinism” interchangeably. Dabney does not appear to be aware of the origins of the social contract in Jesuit scholasticism and thus the reason he pointed to Hobbes as the originator of the theory.
141Dabney, Practical Philosophy, 379.
For Dabney, to ground a theory of government on the idea of the “original consent” of man's fallen volitional capacity was to undermine the divine basis of civil government. From the beginning, the origin of civil government was to be found in an ordination by God and from that day hence government always had existed independently of man's volition and his consent. Indeed, “men never existed rightfully for one moment, in the independency which this theory imagines. God, their Maker and their original Ruler, never gave them such independence.”

Furthermore, Dabney objected to the social contract because it was an amoral theory that basically taught that right and wrong was determined by the civil government. Thus, rather than civil government being under the authority of the moral law, the moral law was made subordinate to the will of the civil government that was, by definition, above the law. Since, under the social-contract theory, all men in the “state of nature” give up certain natural rights in order to gain certain benefits, it followed that “government, being a restraint on natural right, is essentially of the nature of an evil, to which I only submit for expediency's sake to avoid a greater evil.” Consequently, the moral basis of civil society is undermined, for under this theory civil government becomes “a grand robber of my natural rights, which I only tolerate to save myself from other more numerous robbers.” If this is indeed the nature of civil government, then how “can any of the rules of civil government be an expression of essential morality?” Furthermore,

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142 Ibid.
143 Ibid.
144 Ibid.
145 Ibid.
Dabney asked, how can “this scheme” of government promote “content and loyalty” among its citizens?\textsuperscript{146}

Another one of Dabney’s objections to the social contract theory was based upon an observation about absurd and ineffective nature of the theory whenever it was actually put into practice. This absurdity and ineffectiveness grew out of the fact that the theory itself implied an inflexibility of contract which once entered could not be modified without the total dissolution of the entire contract, thus leading to anarchy. For if “the ruler violated the essence of the contract in one act, this would release all the citizens from allegiance to him. The contract broken on one side is broken for both.”\textsuperscript{147} In fact, the only historical example of a government that “historically and actually originated in a social compact” was the United States as she “was a republic of republics; a government of special powers, created by a federal compact between sovereign states, or little contiguous, independent nations.”\textsuperscript{148} Thus, the basic “integers” of the contract “were not citizens, but states.”\textsuperscript{149} Since this government of the United States was formed by a contract between sovereign commonwealths, the breach of this contract and the dissolution thereof that precipitated the Civil War was not a regress into primitive anarchy, but merely restoration and reclamation of the preexistent civil governments of the several states prior to the federal contract.

The original governments of these several states, however, were not based upon a social-contract model, but rather on a patriarchal and geographical model. Consequently, the civil government of these states could not be made null and void by breach of contract

\textsuperscript{146}Ibid.

\textsuperscript{147}Ibid. Filmer argued the exact same, see “Chapter Five: Filmer's Critique of the Social Contract.”

\textsuperscript{148}Ibid.

\textsuperscript{149}Ibid.
for, unlike the federal government, the civil government of the states had not originally been created by an artificial and deliberative process of contractual obligation, but rather had developed organically out of natural familial ties, informal factors of geographic location, and long-established traditions of English legal precedent, commonly known although often unwritten. Thus, ultimately the foundations for the civil governments of the several states was not based upon artificial contract, but rather in more natural constitutive elements, namely the moral law and the fact that God had ordained the existence of civil government, and as such the state governments were not reducible to a primitive state of anarchy. Or to use Dabney's own words: “Hence the exercise of their constitutional rights of secession could not result in anarchy, for the original commonwealths survived, exercising all the authority necessary to that civil order enjoined by natural obligation.”

Dabney's final objection to the social-contract theory was that it was based on a rejection of the idea of the “divine right” of civil government. If the authority of government was simply the sum of the authority of its contractual members, no matter how many people contracted together, this arrangement never could reach any “higher” form of ordination other than mutual consent or common agreement. Consequently, it was therefore impossible for a mass of individuals to compact together and collectively bequest certain powers upon civil government for, as individuals, they did not possess these powers themselves. “Life, for instance, is God's. No man can bargain away what does not belong to him.” The problem here, for Dabney, was that the social-contract theory assumed that individuals either naturally possessed certain rights or that

150Ibid., 380.

151Ibid., 381.
individuals contracted together to create rights they do not possess individually. Consequently, the truth about God's relationship to man and man's proper relationship to his neighbor were denied by this “infidel” social-contract theory.

A hundred years ago French atheism gave the world the Jacobin theory of political rights. The Bible had been teaching mankind for three thousand years the great doctrine of men's moral equality before the universal Father, the great basis of all free, just, and truly republican forms of civil society. Atheism now travestied this true doctrine by her mortal heresy of the absolute equality of men, asserting that every human being is naturally and inalienably entitled to every right, power, and prerogative in civil society which is allowed to any man or any class.  

It was this “free and equal” doctrine of Jacobinism that was destroying the social fabric of the American republic. Interestingly, in Dabney's mind, it was also this same “infidel” doctrine of Jacobinism that was ultimately behind the abolitionist movement.

*Abolitionism as a Theological and Political Heresy*

Although Dabney acknowledged that Filmer ultimately was correct about the authority of civil government being an outgrowth of the original patriarchal authority of fathers, this did not mean that Dabney found himself in agreement with all other aspects of Filmer's political thought. In addition to qualifying Filmer's universal association of patriarchy with monarchical authority, Dabney also firmly rejected Filmer's insistence that passive obedience was the only legitimate Scriptural way in which to oppose wicked civil magistrates:

> These advocates of the divine right of royalty teach that while government is the ordinance of God, its first form was the family, in which the father was the sovereign; and this is the type of all larger commonwealths. Every chief magistrate should, therefore, be a king, holding the same sovereign relation to his subjects which fathers hold to their children. . . . If the monarch becomes oppressive, the only remedy for the subjects is humble petition and passive obedience. There is no right of revolution; oppressed subjects must wait for

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Dabney, of course, in this passage was not objecting to the content of the thirteenth chapter of Romans or the teaching of 1 Peter, but rather to Filmer's interpretation of these Scriptural passages as necessarily ruling out any type of active resistance to wicked magistrates. By making too strong of an analogy between the family and the commonwealth, “advocates of the divine right of royalty” had overstepped the clear teachings of Scripture and because of this had mistakenly assumed that monarchy was the only legitimate form of government:

The New Testament does not limit its teaching to the religious obligation to obey kings, but says generally! “the Powers that be are ordained by God.” “There is not power but of God”: thus giving the religious source, equally to the authority of kings and constables, and giving it to any form of government which providentially existed de facto. The thing then, which God ordains, is not a particular form of government, but that men shall maintain some form of government.

To help strengthen his case against Filmer even more, Dabney pointed out that the government that existed during the first century, the government which the early Christians were encouraged to obey, was not “a hereditary monarchy, but one very lately formed in the usurpation of Octavius Caesar, and not in a single instance transmitted by descent, so far as Paul's day.” Although not mentioning Filmer by name, there is little doubt that it was Filmer to whom Dabney was responding here. Given Dabney's rejection of Filmer's argument for passive obedience, it is interesting to note that Dabney's more liberal views did not extend to another realm of Filmer's thought, namely Filmer's claim that righteous obedience was, in many ways, more preferable than political liberty. For instance, there were many aspects of Dabney's defense of slavery that contained strong

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154Dabney, *Systematic Theology*, 864
Filmerian overtones. Indeed, Dabney made a direct connection between the abolitionists of nineteenth-century America and the seventeenth-century Puritans who had imprisoned Filmer during the time of the English Civil War:

The history of theological opinion shows plainly enough that this anti-slavery view of the Old Testament is Socinian and Rationalistic. Modern Abolitionism in America had, in fact, a Socinian birth, in the great apostasy of the Puritans of New England to that benumbing heresy, and in the pharisaism, shallow scholarship, affectation, conceit and infidelity of the Unitarian clique in the self-styled American Athens, Boston.\footnote{Dabney, \textit{Defense of Virginia}, 131.}

That the abolitionist movement, itself, had its roots in a heretical theological movement was nowhere more apparent than in the listening the sermons of abolitionist preachers in New England:

The ruinous issue has been seen in the case of a minister of the Gospel, who, after floundering through a volume of confused and impotent sophisms, roundly declares that if compelled to admit that the Bible treated slavery as not a sin in itself, he would repudiate the Bible rather than his opinions.\footnote{Ibid.}

In order to help combat this “heresy” of abolitionism, Dabney provided his readers with an exegesis of all the relevant New Testament texts that touched upon the issue of slavery. Beginning with an examination of the Greek word for slave, δοῦλος, Dabney pointed out that this word was derived from the verb δέο, to bind, and thus must be rendered in translation as either “bondsman” or “slave” as it denoted someone who was obligated to serve rather than just a hired servant or son as the abolitionists often liked to claim. Citing a number of ancient sources and learned linguists to back up his etymological claim, Dabney then proceeded to demonstrate that although the New Testament frequently mentioned both slavery and slaves, it never condemned the institution of slavery nor ever called into question the ethical uprightness of a slave
Dabney pointed out that in his letter to Philemon, Paul had acknowledged that “Onesimus' labor was Philemon's property, of which he could not be rightfully deprived without his own consent, and for the loss of which he was entitled to an equivalent.”

But it was not only Paul who acknowledged the legitimacy of the master-servant relationship. Dabney pointed out that Christ himself in the story found in Matthew 8:5-13 and Luke 7:2-10 actually applauded a Gentile slave holder for his great faith, a faith which he “had not found even in Israel” without ever bringing into question the propriety of the master-servant relationship.

He speaks the word, and heals the slave, thus restoring him to the master's possession and use. Had the relationship been wrong, here, now, was an excellent opportunity to set things right. . . . Should not Christ have said: “Honest Creature, you owe one thing more to your sick fellow-creature: his liberty. You have humanely sought the preservation of his being, which I have now granted; but it therefore becomes my duty to tell you, lest silence in such a case should confirm a sinful error, that your possession of him as a slave outrages the laws of his being. I cannot become accomplice to wrong.”. . . But no; Christ says nothing like this, but goes his way and leaves the master and all the people blinded by his extraordinary commendation of the slave-owner, and his own act in restoring the slave to him, to blunder on in the belief that slavery was all right.

It is important to remember, however, that ancient slavery was not exactly the same as the form of slavery practiced in the American South, an important counterfactual that Dabney never addressed in his exposition of the New Testament slavery texts. “In fact many ancient slaves were far more educated than the master—to say nothing about the master's often unruly sons. Calvisius Sabinus bought some extremely learned slaves 'at enormous expense' (magna summa) so that as they fed him lines of Homer and other authors at dinner parties, he could impress the highbrow guests. . . . Any training or expertise increased the value of a slave in antiquity and correspondingly the master's appreciation. Thus the slave girl who knew how to spin wool (ταλασσία) was worth 'twice as much' as she who did not, and the girl who knew household management (ταμεια) or service (διακονία) was worthy of 'any sum at all.' That was as nothing, however, compared to the honors and corresponding wealth that a highly trained doctor could fetch in ancient society, a slave though he often was. . . . Much more typical was the paedagogus ('slave professor') of Roman society. . . . Evidence for this particular slave in Roman society surfaces in Gal. 3:24, where Paul refers to God's Law as a 'law unto Christ.' Paul simply assumed his readers would understand that this 'schoolmaster' (KJV) or 'custodian' (RSV) was the familiar Greek slave of Roman society who walked the master's children to school, carried their books, and sat behind them in class—to whack them with a switch (ferula) every time they nodded off, got into fights, or behaved disrespectfully toward the magister (teacher).” John G. Nordling, Philemon (Saint Louis, MO: Concordia Publishing House, 2004), 76-8.

Dabney, Defense of Virginia, 182.

Ibid., 154-55.
The reason that Christ did not condemn the Gentile slaveholder here, according to Dabney, was that although slavery was not a social estate to aspire to, it was not an “essential religious evil” either. In other words, a person's “reception by Christ and by the Church does not depend in any manner on his class or condition in secular life; because Christianity places all classes on the same footing as to the things of the soul, and offers to all the same salvation.” This was what Paul meant when he said that in Christ there is no freeman or bondsman, male nor female. It was not that after men and women became Christians they suddenly turned into androgynous beings or that master and slaves automatically became equal in social status, but rather that the salvation offered in Christ was open to all people no matter their social caste or estate. Women and slaves were admitted into the same universal church as men and slaveholders. Indeed, in the New Testament, a number of passages mention slaveholders who were in good standing within the church (Acts 10:5-17) and, in Dabney's mind, this fact was not something to be offhandedly dismissed as cultural prejudice.

Now when we consider how jealously the apostles guarded the purity of the church, it will appear to be incredible that they should receive slaveholders thus, if the relation were unrighteous. The terms of admission (for adults) were the renunciation of all known sin, and a credible repentance leading to reparation, wherever practicable.

Although the admission of slaveholders into the church established the fact that slavery as an institution per se was not sinful, it did not exclude the possibility of a slaveholder acting in an unrighteous manner toward his slave. Indeed, the New Testament contained numerous warnings to masters who abused their slaves (cf. Ephesians 6:5-9; Colossians...
3:22-4:1; 1 Timothy 6:1-2; Titus 2:9-12; 1 Peter 2:18-19). From an examination of all these passages, Dabney concluded:

But the apostles are not partial. In like manner they positively enjoin on masters who are church-members, the faithful performance of their reciprocal duties to their slaves. They must avoid a harsh and minatory government; they must allot to the slave an equitable maintenance and humane treatment, and in every respect must act toward him so as to be able to meet that judgment, where master and slave will stand as equals before the bar of Jesus Christ, at which social rank has no weight.  

This final observation of Dabney concerning the right of masters to rule over slaves, but nevertheless still being accountable to God for their treatment of their slaves, brings to mind Filmer's argument about the king being “above the law” yet still remaining accountable to God for his behavior. As Filmer argued, the king, as sovereign, must always stand above the civil law and cannot be punished or held accountable to any human court; thus, “the reason why a king cannot be punished is not because he is excepted from punishment, or doth not deserve it, but because there is no superior to judge him but God only to whom he is reserved.”  

Interestingly enough, on this point, Dabney made an observation on the anti-Filmerian character of abolitionist thought in general. Although no fan of monarchy himself, Dabney recognized that abolitionist thought was even more hostile to kingly authority as, “it follows of course from the premises of abolitionism, that hereditary monarchy, no matter how limited, is a standing injustice.”  

In contrast to this anti-patriarchal abolitionism, Dabney maintained that, “it is the genius of slavery, to make the family the slave's commonwealth. The family is his  

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163 Ibid., 170.

164 Filmer, Observations, 201-2.

165 Dabney, Defense of Virginia, 263.
State.” The slave's master in relation to the slave functions as the “magistrate and legislator, in all save certain of the graver criminal relations” and the master as the head of the household “represents” the interests of the slave within the larger commonwealth. Thus the slave “is a member of municipal society only through his master” and slave is known by the commonwealth as “only a life-long minor under the master's tutelage.” Thus, if the anti-biblical abolitionist doctrine was embraced, there would also be other social consequences, consequences that extended beyond the realm of slavery. As the abolitionists maintained that, “All involuntary restraint is a sin against natural rights,' therefore laws which give to husbands more power over the persons and property of wives, than to wives over husbands, are iniquitous, and should be abolished. . . . There must be an end of the wife's obedience to her husband.” But the social consequences would not stop with the marriage relationship; it would extend even to the relationship between parents and their children. As Dabney observed, already “the same principles have consistently led some abolitionists to assail the parental relation itself. For although none can deny that, in helpless infancy, subjection should be the correlative protection and maintenance, when once the young citizen has passed from age of childhood, by what reason can the abolitionist justify his compulsory government by the father?” Indeed, this was ultimately the goal of abolitionism, to undermine the patriarchal authority of the father, inclusive of the patriarch's authority over his own

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166 Ibid., 229.
167 Ibid.
168 Ibid.
169 Ibid., 265.
170 Ibid., 266.
children. That this was, in fact, the goal of abolitionists became evident upon a closer examination of some of the other abolitionist arguments against slavery.

The absence of any laws governing the marriage of slaves often was used by abolitionists to argue that the laws were in favor of slave families being broken up for the sake of profit to the master. However, Dabney provided an alternative interpretation of this lack of state legislation concerning slave marriages. “The silence of our laws, then concerning the marriage of slavers, means precisely this: that the whole subject is remitted to the master, the chief magistrate of the little integral commonwealth, the family.”171 If this is a crime, “then the same crime must be fixed on all the patriarchs, notwithstanding their care in rightly ordering and preserving, as family heads, the marital relations of their children and slaves, because, forsooth, there happened to be no commonwealth law above them, as patriarchs, regulative of these marriages. This is nonsense.”172 For it was the patriarchal authority of the master over the slave that was the reason why the laws of the commonwealth did not govern the marriage of slaves. Just as it was the assumed patriarchal authority of the father over the daughter that made it unnecessary for the commonwealth to involve itself directly with issues related to the marriage of a minority daughter, the desire to preserve the independence of patriarchal authority was the reason why “the modern patriarch, the Southern master,” was allowed such a large degree of determination in the marriage of both his own children and his slaves.173 Thus, according to Dabney,

These things prove only the sinfulness of the individual agent, and not of the system of which they are incidents. Fathers have been known to maltreat,

171Ibid., 229.

172Ibid.

173Ibid., 229-30.
scourge, main and murder their children; and husbands their wives; but no one dreams that these things evince the unrighteousness of the family relations. Wife-murder is doubtless more frequent in the State of New York, than slave-murder was in Virginia.\textsuperscript{174}

\textit{Conclusion}

The reason, of course, that modern philosophical thought considers slavery to be such a “vile estate” is that ever since the Enlightenment, modern philosophy has considered “autonomy” to be the highest moral and political good of humankind. Thus, slavery as a violation of “autonomy” is considered to be the most miserable state of human existence that is possible.\textsuperscript{175} However, as both Dabney and Filmer were committed to the pre-modern political thought of the patriarchal tradition, they both rejected the Enlightenment commitment to human autonomy as the highest political good and thus, consequently, had much less difficulty with the concepts of obedience and slavery than do modern political thinkers, who tend to focus more on the concepts of freedom and liberty.\textsuperscript{176} Or as Dabney put it, “The Bible taught a liberty which consists in each man's unhindered privilege of having and doing just those things, and no others, to which he is rationally and morally entitled. Jacobinism taught the liberty of license—

\textsuperscript{174}Ibid., 237.

\textsuperscript{175}I am indebted to Donald Livingston, Professor of Philosophy at Emory University, for this insight concerning the connection between philosophical autonomy and the unqualified condemnation of slavery as a moral evil.

\textsuperscript{176}A helpful discussion of this difference between modern and pre-modern thought in regard to the relationship between freedom and obedience is contained in Thomas Merton, “Freedom under Obedience” in \textit{New Seeds of Contemplation} (New York: New Directions, 1972), 191-8. “Only one who has himself really learned to obey intelligently is capable of assuming intelligent command. When he does so, he knows the true value of obedience for the subject as well as the strict limitations of his own powers . . . . Both in the subject and in the one commanding him, obedience presupposes a large element of prudence and prudence means responsibility. Obedience is not the abdication of freedom but its prudent use under certain well-defined conditions. This does nothing to make obedience easier and it is by no means an escape from subjection to authority. On the contrary, obedience of this kind implies a mature mind able to make decisions and to correctly understand difficult commands, carrying them out fully with a fidelity that can be, at times, genuinely heroic.” Ibid., 197-8.
every man's natural right to indulge his own absolute will; and it set up this fiendish caricature as the object of sacred worship for mankind.”

The difficulty of defending an aristocratic-republican social order over against the onslaught of Jacobin egalitarianism, in Dabney's mind, was analogous to trying to catch water rushing through a large crack in the foundation of a dam with a small sandwich bag. As Dabney recognized the magnitude of the problem (i.e., the crack in the dam), he often found himself disgusted with the inability of Protestant Christianity (i.e., the sandwich bag) to offer any significant contribution for helping to resolve this crisis. In 1894, only a few years before his death in 1898, Dabney wrote an essay for the April edition of *The Presbyterian Quarterly* entitled, “The Attraction of Popery.” The most remarkable thing about this essay, one of the last he wrote, was Dabney's candor and frankness in regard to the apparent insufficiency of his own cherished Protestant principles to provide an adequate response to Jacobinism, the most dangerous of all modern social theories. Indeed, “democratic Protestantism in these United States has become so ignorant; so superficial and willful, that it confounds the true republicanism with this deadly heresy of Jacobinism.”

Because of the bastardization of Protestantism in America, it was almost impossible for any Protestant thinker to offer any substantive response to the atheistic weeds that now were burgeoning out of the neglected and untended theological and political soil of nineteenth-century America. Consequently, “when the atheistic doctrine begins to bear its natural fruits of license, insubordination, communism, and anarchy, this bastard democratic Protestantism does not know how to

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177Dabney, “The Attraction of Popery,” 542

178Ibid.
rebuke them.” Given this lamentable state of American Protestantism, there was no reason to believe that it would ever be able to offer any substantive response. So what was the solution? Although Dabney never provided any specific answer to this question, he did observe that many Protestants were beginning to find an answer in Roman Catholicism. To Protestants who recognized the problem for what it was, “Rome comes forward and says to them, You see, then, that this Protestant liberty of thought is fatal license; the Protestant's 'rational religion' turns out to be but poisonous rationalism, infidelity wearing the mask of faith.” Of course, Dabney himself did not say that Rome was the answer, but as the title of this essay indicated, he was able to understand “the attraction of popery” at some level:

Now, then, Rome proposes herself as the stable advocate of obedience, order, and permanent authority throughout the ages. . . . Do we wonder that good citizens, beginning to stand aghast at these elements of confusion and ruin, the spawn of Jacobinism, which a Jacobinized Protestantism cannot control, should look around for some moral and religious system capable of supporting a firm social order?

One cannot help but notice the similarity between Dabney's line of reasoning and that of many post-1688 Anglicans, especially those who converted to Roman Catholicism, when faced with the miserable condition of the Anglican Church in the aftermath of the English Civil War. For Dabney, living in the aftermath of the American Civil War, the situation with American Protestantism was analogous to that of the post-1688 Anglican Church. If he had lived a decade longer, one wonders if Dabney himself, the former Presbyterian seminary professor, eventually would have turned his back on Protestantism and begun that long march to Rome. Earlier in his life, Dabney vowed never to leave Virginia and

179Ibid.
180Ibid., 543
181Ibid., 542-3.
even wrote an entire book in defense of his native state, but yet he spent the last decade of
his life living under the Texas sky. Likewise, Dabney as a lifelong Southern Presbyterian
had written a dozen books in defense of the Protestant religion of his birth, yet in the last
few years of his life he was willing to concede that there was a certain attraction for him
in a more patriarchal Christianity, at least in respect to its ability to provide a more
enduring foundation for patriarchal political thought.
CHAPTER NINE

Conclusion: The Hobbesian Transformation of America

Historically, [the natural law] tradition has found, and still finds, its intellectual home within the Catholic Church. It is indeed one of the ironies of history that the tradition should have so largely languished in the so-called Catholic nations of Europe at the same time that its enduring vigor was launching a new Republic across the broad ocean.¹

—John Courtney Murray, S. J., We Hold These Truths (1960)

Marriage, while from its very nature a sacred obligation, is nevertheless, in most civilized nations, a civil contract. . . . [T]he patriarchal principle . . . when applied to large communities, fetters the people in stationary despotism.


What does it mean to be an American? The possible answers to this question have been various throughout different periods of American history. In the earliest days, an American, for the most part, was an English citizen who lived within one of the thirteen British colonies of North America. Immediately after the American Revolution, or War for Independence, an American was a citizen of one of the newly established sovereign states that arose out of these former colonies. Due to their common heritage as colonies of the British Empire, these several states soon would be united within the bands of a loose political confederation. The formation of this federation was rooted in a mutual agreement among these states to delegate a certain number of specifically enumerated powers to the authority of an overarching federation or common government. These delegated powers were initially limited in scope as the primary purpose of this federative union was to simplify foreign relations and expedite commercial transactions

between the states—two extremely practical political considerations that were unrelated to any substantive ideological or religious agenda.

The notable lack of any philosophical or religious agenda in the formation of the United States of America was a necessary condition for ratification of the Constitution due to the extremely different religious, political, and cultural histories of the former colonies or states—as was noted in previous chapters of this dissertation. In the earliest days of colonial America and the early republic, there was no uniform ideology or mutually agreed self-understanding of what it meant to be an American. The America of the Massachusetts Puritan was not the same as the America of the Anglican of Virginia. Although Massachusetts and Virginia had joined forces in their common resistance to British rule at the time of the Revolutionary War, this cooperative effort in no way implied that the two former colonies were of the same mind on religious and cultural matters, rather these social differences continued to be a point of contention.

The suspicion and distrust that existed between the religious communities of these former colonies, now states, as well as the differences that existed between their various cultural and political histories were not insignificant factors. These religious and cultural difference were so great, in fact, that many questioned whether any type of lasting or permanent political union between the states would even work. To help assuage some of this general mistrust, shortly after the ratification of the U. S. Constitution, ten additional amendments were passed; the first of which specifically denied the federal government any regulative power over religious belief by explicitly prohibiting all legislation related to the “establishment” or “free exercise” of religion.

The constitutional guarantee of the First Amendment was thought to be a sufficient safeguard to ensure that the federal government would never become involved
in religious matters. This type of guarantee was necessitated by the wide range of
differences in the religious constituencies of the several states. As religion was such a
complex and divisive issue, an explicit constitutional protection for religious liberty was
viewed as a way to allow the states to deal with religion as each thought best without the
threat of interference from other states or the federal government. By severely limiting
the power of the federal government in this way, the various constitutional protections
provided by the Bill of Rights helped to ensure that all the states would continue to
consent to be ruled by a common federative authority.2 This religious protection
guaranteed by the Bill of Rights, however, did not guarantee religious liberty for the
individual citizens of these states, but rather only the religious liberty of the states
themselves.3 For it was not the religious liberty of individual citizens that threatened the
continued existence of the federal union, but rather concern over the religious freedom of
the states that provided the major motivation for the passing of the Bill of Rights. The
First Amendment protections for religion, for instance, were designed to ensure that the
dominant religious communities of the more powerful states would not be able to impose
their views upon the minority communities of the weaker states. However, in respect to
the regulation of religion at the state level, the matter was “reserved” or left to the

2For additional evidence in support of this interpretation of the Bill of Rights, see Marshall L.
DeRosa, The Ninth Amendment and the Politics of Creative Jurisprudence: Disparaging the Fundamental

3The application of the constitutional protections provide by the Bill of Rights to individual
citizens did not happen until the ratification and “incorporation” of the Fourteenth Amendment. Prior to
this “incorporation” the idea of federal citizenship was of questionable status. Americans were considered
to be citizens of the several states that, in turn, were members of a constitutional federation known as the
United States. Originally, there was no such thing as a federal or national U.S. citizen, just as until recently
there was no such thing as a citizen of Europe, but rather a citizens of England, France, Germany, etc. This
is also the reason that Americans who live within the District of Columbia have no direct congressional
representation at the federal level because originally federal standing was limited to those who were citizens
of particular states. The legal concept of “federal citizenship” was not developed until much later. See also
Raoul Berger, Government by Judiciary: The Transformation of the Fourteenth Amendment, with an
Introduction by Forrest McDonald (Indianapolis, IN: Liberty Fund, 1997), passim.
discretion of each individual state. Thus, some states such as Massachusetts had an establishment of religion, whereas other states such as Rhode Island had none. This type of compromise helped to ensure that while all the states would continue to be politically unified in regard to certain macro-economic and international political matters, each state would also continue to exercise a large degree of sovereignty and self-determination in regard to their own regional, cultural, and religious interests. Although it was true that no legislative power over religion had been granted to the federal government under the terms of the original Constitution, there was concern that this “constitutional” silence might be misunderstood. Thus, reducing the potential for conflict between the states in regard to their respective religious and other differences was the reason for the ratification of the Bill of Rights, including the First Amendment, which effectually removed religious beliefs from the jurisdiction and purview of the federal government by explicitly declaring that the federal government was to be neutral in regard to these matters.⁴

As a consequence of the constitutional protections for religious liberty and freedom of speech guaranteed by the Bill of Rights, the early American republic had a uniquely non-sectarian and non-ideological flavor, a characteristic that encouraged the growth of freedom of religion and freedom of political expression throughout the several states. Although major social and cultural differences still existed among the states, the constitutional protection of these fundamental freedoms at the federal level encouraged

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⁴That this interpretation of the motivation behind the ratification of the Bill of Rights is the correct one is evidenced by the fact that the ratification of the U.S. Constitution did not result in the “disestablish” of any of the explicitly religious qualifications or requirements that were contained in the various constitutions of the several states. For a further discussion of this distinction between individual rights and states rights, see Russell Kirk, “The Rights of Man or the Bill of Rights?” in Mitchell S. Muncy, ed. Rights and Duties: Reflections on Our Conservative Constitution, with an Introduction by Russell Hittinger (Dallas, TX: Spence Publishing Company, 1997), 32-43.
the development of a certain degree of tolerance and mutual respect between the states that eventually helped to diminish and marginalize some of the former hostility and distrust of the colonial era. In many ways, the uniqueness of the early American republic was to be found precisely in her commitment to a non-ideological and decentralized national government, a commitment that in turn allowed local and regional interests to flourish without the threat of interference at the national level.

Unfortunately, the decentralized and regional nature of early American civilization has long passed from the scene of American political life. Indeed, the commitment to regional politics and a decentralized, non-ideological national government is so far removed from our present situation that some contemporary political thinkers have even dismissed the idea that these political and religious differences between the American colonies were of any importance whatsoever during the American founding era, favoring rather an abstract and ideological interpretation of the formation of the early American republic. This ideological approach is particularly evident among the followers of Leo Strauss (1899-1973), one of the leading intellectual figures behind the development of American neo-conservatism. Take for instance, Harry Jaffa, an outspoken and unapologetic Straussian discipline, who argues that “what it means to be an American” is best answered by an examination of a few select passages lifted out the Declaration of Independence. In his book *Equality and Liberty: Theory and Practice in American Politics*, which bears a dedication page to Leo Strauss, Jaffa writes:

> The Declaration of Independence makes a self-evident truth—not a myth of fiction, as in the Plato's Republic—the basis of the citizen's consciousness of the origin of the just power of government. . . . In the Declaration of

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Independence we see the first attempt in mankind's long history to base a particular politics upon an absolute universal, upon a theory in the ultimate sense, upon a judgment of what man is everywhere and at all time.⁶

Note here Jaffa's distinction between the “mythological” account of the origins of government and the rational or “absolute universal” account of the origins of government, a distinction frequently addressed in previous chapters of this dissertation. There is little doubt that the patriarchal political thought of Filmer, Dabney, and Fitzhugh would be considered by Jaffa as an example of a mythological account of the origin of government, in contrast to the more absolute and universal social contract thought of Locke, Hobbes, and Milton. That this Straussian or neo-conservative interpretation stands in contrast to the paleo-conservative interpretation of American political history has been observed by Russell Kirk:

Since the 1950s, Locke has been apotheosized by the disciplines of Leo Strauss, who was strongly influenced by Greek philosophy. Many Straussians conform to a “Lockean” interpretation of the Constitution and of American history and politics generally. That interpretation, though sometimes called “conservative” . . . is bound upon with secularist and egalitarian assumptions. This adulation of Locke (or rather of a Locke who did not exist), erected into a dogma, is the more curious in view of Strauss's chapter “Modern Natural Right” in his book Natural Right and History, in which Strauss argues that Locke was powerfully influenced by the thought of Thomas Hobbes.⁷

In another book entitled, How to Think About the American Revolution, Jaffa argues that all the political documents related to the American founding should be interpreted within the light of the fundamental egalitarian assumptions set forth within the Declaration of Independence:

We believe that the Declaration of Independence is the central document of our political tradition, not because of any trick played by Abraham Lincoln,


but because it is the most eloquent, as well as the most succinct, statement of the political teaching of all the great documents of the period. The doctrine of Equality . . . is indeed the key to all the thoughts of the Declaration. . . . The abandonment of the idea of Equality is perforce an abandonment of that morality and that constitutionalism. . . . It would be an abandonment of that higher law tradition which is the heart of that civility . . . which judges men and nations by permanent standards. As we propose to demonstrate, the commitment to Equality in the American political tradition is synonymous with the commitment to those permanent standards. Whoever rejects the one, of necessity rejects the other, and in that rejection opens the way to the relativism and historicism that is the theoretical ground of modern totalitarian regimes.8

This passage is interesting for in it Jaffa articulates a number of other themes we have addressed in previous chapters. For instance, Jaffa's association of the “doctrine of Equality” with that of a “higher law” or a law that stands above the laws of any particular nation sounds similar to the arguments of Suárez for a natural or universal law that can be invoked in order to undermine or call into question the morality of the particular laws of any civil order. The adoption of this argument, thus, places Jaffa firmly in the social contract tradition of Locke and the Jesuits rather than in the patriarchal tradition of Filmer and King James. Notice also Jaffa's allusion in this passage to Abraham Lincoln, an extremely controversial figure when it comes to matters of constitutional interpretation.9

Lincoln was staunchly opposed to any interpretation of the Constitution as a document that was designed to protect the interests of the states or to serve as a check against the centralization of political power at the federal level. Much like Jaffa himself, Lincoln also favored an ideological interpretation of the federal union and at many times during his political career explicitly argued that the preservation of the “idea” of the

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9Lincoln is one of the most important figures in American history, at least according to Jaffa, who has written a number of books on Lincoln, including Crisis of the House Divided (New York: Doubleday, 1959) and A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War (New York: Rowman and Littlefield, 2000), 364.
American union was more important than the preservation of the constitutional limits that were originally placed on the federal government. In Lincoln's mind, the American nation itself was an embodiment or incarnation of certain religious and political ideas that, in turn, were more important than any de facto constitutional limitations. Ironic as it may seem, although the framers of the Constitution had made it clear that the national government was to be neutral in regard to religious belief, they never considered the possibility that the Federal Union itself might become an object of religious devotion, as it did for Lincoln.

**Lincoln and Religious Nationalism**

While a professor at Columbia University in the early twentieth century, Carlton Hayes made a number of astute observations about the religious character of ideological nationalism. Hayes argued that nationalism should be understood as one of America’s most powerful religions and he believed that nationalism had more in common with traditional religious systems than was apparent on the surface and, at least in regard to many of its “worldly” aspects, religious nationalism was not much different than medieval Catholicism:

There are certain striking parallels between contemporary nationalism and medieval Christianity. Nowadays the individual is born into the national state, and the secular registration of birth is the national rite of baptism. Thenceforth the state solicitously follows him through life, tutoring him in national catechism, teaching him by pious schooling and precept the beauties of national holiness, fitting him for life of service (no matter how exalted or how menial) to the state, and commemorating his vital crises by formal registration (with a fee) not only of his birth but likewise of his marriage, of the birth of his children, and of his death. If he has been a crusader in behalf of nationalism, his place of entombment is marked with the ensign of his service.10

The “sacred days” of nationalism corresponded to “holy days” of the Christian religion. The American holiday of the Fourth of July, celebrating the birth of the American nation, corresponded to Christmas and the birth of Christ. Flag Day was analogous to Corpus Christi and Veteran’s Day to All Souls Day. In addition to these high holy days, there are also numerous “saint days” such as Lincoln's Birthday, or more contemporaneously, Martin Luther King, Jr. Day. Furthermore, the religion of nationalism also had its own sacred temples, corresponding to medieval Christian cathedrals.

Moderns may regard their medieval ancestors’ veneration of images, icons, and relics as savoring of “superstition,” but let them replace, say, a statue of St. Joseph with a graven image of Abraham Lincoln, an icon of the Blessed Virgin with a lithograph of Martha Washington or of the somewhat mythical Molly Pitcher, and a relic of the Holy Cross with a tattered battle flag, and they display a fitting reverence.¹¹

According to Hayes there existed a deep connection between nationalism and more traditional religious systems. Hayes's religious understanding of nationalism, in many ways, offers a powerful interpretative key for understanding the political thought of Abraham Lincoln. For Lincoln the preservation of the Union was an object of religious devotion and as such was worthy of almost an infinite amount of sacrifice, not excluding human life and constitutional principles.

Lincoln, however, was not the only one who held to this religious view of the Union. As Edmund Wilson observed, “Neither Sherman nor Grant for a moment questioned the paramount importance of saving the United States; it was not to free the slaves they were fighting . . . but inspired by the political idea which Walt Whitman and others called 'Unionism.'”¹² This religious “Unionism” was a by-product of New England

¹¹Hayes, Nationalism, 168.

transcendentalism, particularly the Unitarian clergy of Boston and, in many ways, was the religious counterpart to the philosophical idealism that motivated nineteenth-century European nationalism, especially as it was developed in the philosophy of Hegel. Consequently, Lincoln's “religious crusade” to preserve the “Union” might be best understood as a peculiar mix of seventeenth-century Puritanism and nineteenth-century philosophical idealism. Just as Hegel's philosophy was a mix of historical determinism and religious mysticism where the nation-state best incarnated the divine idea on earth, Lincoln's understanding of the necessity of preserving the “Union” represented a certain type of divinization of the political order. Consequently, “Lincoln believed that the goal of saving the Union entitled him to do anything he wished, including expanding the powers of the presidency to an unprecedented degree.”

Due to the latent commitment to American religious nationalism that exists within the popular mind, Lincoln remains the unquestionable redeemer president, the savior of the Union, the nation-state of America, even despite of—or maybe because of—his numerous, unconstitutional uses of executive power. After his death, the apotheosis of Abraham Lincoln was made complete, elevating him in American history to the same rank as the ancient Caesars occupied in Roman history, a ruler who was only a little shy of being a god upon the earth. Surely, it was for this reason that Sidney E. Mead [13]

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13. New England Transcendentalism represents one of the most powerful displays in intellect in American history. Yet ironically, its exponents believed that America could be saved only by challenging the two ideologies on which the Republic had been founded: liberalism and Calvinism, the skeptical materialism of Locke and Hume and the seemingly pessimistic determinism of Jonathan Edwards.” John Patrick Diggins, The Lost Soul of American Politics: Virtue, Self-Interest, and the Foundations of Liberalism (Chicago: University of Chicago Press, 1984), 193.

14. The State is the Divine Idea as it exists on earth. We have in it, therefore, the object of history in a more definite shape than before; that in which Freedom obtains objectivity. For Law is the objectivity of the Spirit. . . .” G. W. F. Hegel, The Philosophy of History, translated by J. Sibree (New York: Dover Publications, 1956), 39.

proclaimed that Abraham Lincoln was “in a real sense the spiritual center of American history.”\(^{16}\)

In many ways, the belief in the necessity of preserving the Union was for Lincoln a type of religious vocation.\(^{17}\) Yet ironically, for Lincoln, the historical struggle between the North and the South was not so much a battle between good and evil, but rather more like a Hegelian dialectical conflict between to antithetical positions that ultimately would be resolved by a foreordained historical synthesis.\(^{18}\) These opposing dialectical historical forces were not necessarily good or evil. Thus, while “both [sides] read the same Bible and pray to the same God, and each invokes His aid against the other. . . . Yet, if God wills that it continue until. . . every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said 'the judgments of the Lord are true and righteous altogether.'”\(^{19}\) The greater the historical struggle, the more violent the revolution and war, the more quickly “the judgment of God” or “historical progress” can work its way toward ultimate resolution. In Lincoln's mind, the resolution of the historical struggle between the Northern and Southern states, only one struggle in a long succession of human struggles since time


\(^{18}\)The will of God prevails. In great contests each party claims to act in accordance with the will of God. Both may be, and one must be wrong. God can not be for, and against the same thing at the same time. In the present civil war it is quite possible that God's purpose is something different from the purpose of either party—and yet the human instrumentalities, working just as they do, are of the best adaptation to effect His purpose. I am almost ready to say this is probably true—that God wills this contest, and wills that is shall not end yet. But his mere quiet power, on the minds of the now contestants, He could have either saved or destroyed the Union without a human contest. Yet the contest began. And having begun He could give the final victory to either side any day. Yet the contest proceeds.” Abraham Lincoln, “Meditation on the Divine Will,” Lincoln Collection, John Hay Library, Brown University; cited in Ronald C. White, Jr. *Lincoln's Greatest Speech: The Second Inaugural* (New York: Simon & Schuster, 2002), 210.

\(^{19}\)Sidney E. Mead, “The 'Nation with the Soul of a Church,’” *Church History* 36 (1967): 277.
began, would be found in the preservation of the Union. “The fiery trial through which we pass, will light us down, in honor or dishonor, to the latest generation.”

During this struggle, those who refused to bow down and worship the Union would be cast into the fiery furnace heated seven-fold, a furnace so hot that even those responsible for casting in the resisters were often consumed by the heat. But in the ideological and mystical nationalism of Lincoln, this struggle was the sacrifice that God had ordained in order to test the American people and to determine whether they were worthy enough to preserve the divine Union.

In many ways, Lincoln's unconstitutional suspension of *habeas corpus* was similar to Caesar's crossing of the Rubicon. For just as Caesar’s crossing of this river was the symbolic act that transformed the Roman Republic into the Roman Empire, Lincoln's suspension of the writ of *habeas corpus* was the symbolic act that transformed America from a constitutional, federated republic into an united and indivisible American Empire. Of course, this transformation was not instantaneous or painless and in the process there was much violence and bloodshed, as witnessed most clearly in the battle of Gettysburg. However, in Lincoln's mind, the sacrifice of “those who died here” was nevertheless justifiable for this type of sacrifice helped to assure “that the nation might live.” The blood-soaked ground of the battle of Gettysburg, thus, was now “hallowed” and sanctified “far above our poor power to add or detract” for by this sacrifice of human lives the Union was being preserved. The Union as an object of religious devotion, an idol of nineteenth-century religious nationalism, was well worth this enormous sacrificial offering. The only concern for Lincoln was that this sacrifice of human lives might be wasted if the Union was to fall. Thus, the reason that it was so important “that we here

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Lincoln, “Concluding Remark, Annual Message to Congress,” (December 1, 1862).
highly resolve that these dead shall not have died in vain, that this nation shall have a new
birth of freedom, and that government of the people, by the people, for the people shall
not perish from the earth.”\(^{21}\) As J. P. Diggins observes, in the Gettysburg Address,
“Lincoln remind[s] us that good can come from evil and redemption and rebirth from
sacrificial death.”\(^{22}\)

At the conclusion of the war, Lincoln was assassinated just as Rome's Caesar was;
however, due to the powerful influence of nineteenth-century religious nationalism that
portrayed Lincoln as the savior of the American nation, Lincoln's death became
understood as that of a martyr, more like the death of Christ than the death of Caesar.
Consequently, the controversial and often unpopular figure of Lincoln underwent a type
of posthumous religious apotheosis that raised him to status of an American saint who
was, and largely still is, immune from any type of criticism.\(^{23}\) A good example of the
apotheosis of Lincoln can be seen in architecture of the Lincoln Memorial, complete with
Lincoln sitting upon an imperial throne as America's first Caesar. The monument was
dedicated fifty years after the Civil War and is as good of an example of a Greco-Roman
temple as one can find. According to Charles Adams, “The Lincoln Memorial confirms
his divinity, just as Roman and Greek temples confirmed the divinity of their rulers.
Lincoln, in the form of a god-king, seated on his throne in a huge Greek Parthenon, can

\(^{21}\)Lincoln, “Gettysburg Address” (19 November 1863).

\(^{22}\)John Patrick Diggins, \textit{The Lost Soul of American Politics: Virtue, Self-Interest, and the

\(^{23}\)The analogy between Lincoln and Caesar can be easily extended. On the Ides of March, 44
B.C.E., Caesar also was assassinated by those who resented his usurpation of political power. “Abraham
Lincoln has long since entered the sublime realm of apotheosis. Where now is the man so rash as to warmly
criticise Abraham Lincoln?” St. Louis Globe-Democrat, 6 March 1898; reprinted in George Edmonds, ed.
only be idolized by the faithful; criticism becomes bad taste, if not blasphemy.”

This religious apotheosis of Lincoln has been well-summarized by M. E. Bradford:

When I say that Lincoln was our first Puritan President, I am chiefly referring to a distinction of style, to his habit of wrapping up his policy in the idiom of Holy Scripture, concealing within the Trojan Horse of his gasconade and moral superiority an agenda that would never have been approved if presented in any other form. It is this rhetoric in particular, a rhetoric confirmed in its authority by his martyrdom, that is enshrined in the iconography of the Lincoln myth preserved against examination by monuments such as the Lincoln Memorial, where his oversized likeness is elevated above us like that of a Roman Emperor. Or in the form of a god-king, seated on his throne. The place is obviously a temple, fit for a divinity who suffered death and was transformed on Good Friday.

Throughout the Civil War, Lincoln consistently argued that the sacrifice and bloodshed evoked by the war was a small price to pay in light of the disastrous consequences that would result if the Union was to fall. Lincoln's language is full of sacrificial religious imagery, for the willingness to embrace sacrifice was the key to preserving the Union and as such was tantamount to a religious obligation. There has always been a close connection between sacrifice and religion and this relationship has been examined by a number of scholars. One of the most important works on the subject is Rene Girard’s *Violence and the Sacred*. Since its appearance, Girard's book has become a standard reference work for those interested in exploring the relationship between sacrificial rituals and the “sacred” or “religious” realms of society. In this work, Girard maintains that a strictly theological basis for sacrifice is rooted in a misunderstanding, but it is this very misunderstanding that allows the sacrificial process to work:

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The sacrificial process requires a certain degree of misunderstanding. The celebrants do not and must not comprehend the true role of the sacrificial act. The theological basis of the sacrifice has a crucial role in fostering this misunderstanding. It is the god who supposedly demands the victims; he alone, in principle, who savors the smoke from the altars and requisitions the slaughtered flesh. It is to appease his anger that the killing goes on, that the victims multiply.²⁷

The reason that Girard rejects the theological interpretation of sacrifice is that he finds it both implausible and problematic that sacrificial violence would actually appease the gods. Nevertheless, the sacrificial process remains a powerful and meaningful concept by virtue of the extremely important role it plays within a community.

[T]here is a common denominator that determines the efficacy of all sacrifices. . . . This common denominator is internal violence—all the dissensions, rivalries, jealousies, and quarrels within the community that the sacrifices are designed to suppress. The purpose of the sacrifice is to restore harmony to the community, to reinforce the social fabric. Everything else derives from that. If once we take this fundamental approach to sacrifice, choosing the road that violence opens before us, we can see that there is no aspect of human existence foreign to the subject, not even material prosperity. When men no longer live in harmony with one another, the sun still shines and the rain falls, to be sure, but the fields are less well tended, the harvest less abundant.²⁸

In other words, sacrifice is a powerful way of uniting a community and increasing internal social harmony. If a complete demythification of the theological basis for sacrifice was embraced by a community as a whole, this would destroy the power of the “sacrificial mechanism” for the power of the “idol” or “god” to whom the sacrifice is made would be broken. Thus, the key to understanding the nature and purpose of sacrificial rites cannot be separated from the theological explanation as the theological explanation—although ultimately remaining a deceptive cover—nevertheless provides enough “numinous” power to allow the “sacrificial mechanism” to keep functioning.

²⁷Girard, Violence and the Sacred, 7.
²⁸Ibid., 8.
This Girardian understanding of the relationship between sacrifice and the sacred is extremely insightful in helping to understand the rhetoric of Abraham Lincoln, especially his continual appeal for sacrifice for the sake of the Union: “If destruction be our lot, we ourselves must be its author and its finisher. As a nation of free men, we must live through all time, or die by suicide.”

According to Harry Jaffa, “Lincoln, in the Civil War, above all in the Gettysburg Address and Second Inaugural, interpreted the war as a kind of blood price for the baptism of the soul of a people.”

Of course, the sacrifice of human life is not the only type of sacrifice; there are plenty of other types of sacrifices. In the case of Abraham Lincoln, another major sacrifice was the by-passing of constitutional checks upon executive power. In defense of his unconstitutional suspension of habeas corpus, Lincoln argued,

> The provision of the Constitution that “The privilege of the writ of habeas corpus shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it,” is equivalent to a provision. . . . Now it is insisted that Congress, and not the Executive, is vested with this power. But . . it cannot be believed that the framers of the instrument intended, that in every case the danger should run its course until Congress could be called together.

In other words, in Lincoln's mind, the preservation of the Union was of greater importance than preserving the constitutional checks on the executive branch. If something must sacrificed, it should be the “Constitution” rather than the “Union.” In order to preserve the Union, constitutional violations were allowable, especially if


faithfulness to these constitutional principles threatened to break up the Union.\textsuperscript{32} The reasoning process here appears to be that, for Lincoln, the Union transcended and trumped all other principles. Indeed, as one examines Lincoln's thought, it becomes clear that the Union functioned as a something on the level of an “idol” or “god” in Lincoln's mind and as such was a worthy object for sacrificial devotion. There was almost no limit to the amount of sacrifice that could be justified in order to appease this god of American religious nationalism. Indeed, for Lincoln, almost every other legal and moral principle could be defined as either being good or evil solely by its relationship to the Union. Even slavery was not an absolute moral evil for Lincoln, but rather becomes such because it threatens to divide the Union. As Diggins observed, “Lincoln's position on the existence of slavery was clear: He was against it but willing to tolerate it lest the cause of abolition arose the South and destroy the Union.”\textsuperscript{33} The preservation of the Union was clearly of greater importance than the emancipation of the slaves.\textsuperscript{34} It was the potential to divide the Union that made slavery such a great evil, an evil worthy of a righteous crusade of apocalyptic proportions:

\textsuperscript{32}In his book, Beyond the Constitution, Hadley Arkes argued that “Lincoln was not really going beyond the law of the Constitution, since the provision for the suspension of Habeas Corpus was contained within the Constitution.” In his defense of Lincoln, Arkes cites Lincoln's argument that “the Constitution itself is silent as to which, or to who, is to exercise the power [of suspension], and the provision was plainly made for a dangerous emergency, it cannot be believed the framers of the instruments intended, that in every case, the danger should run its course, until Congress be called together; the very assembly of which might be prevented, as was intended in this case, by the rebellion.” Hadley Arkes, Beyond the Constitution (Princeton, NY: Princeton University Press, 1990), 47-48. Of course, this line of reasoning presupposes that those who favored secession were, in reality, enemies of the intentions of the founding fathers.

\textsuperscript{33}Diggins, The Lost Soul of American Politics, 300-1.

\textsuperscript{34}Lincoln was a strong advocate of colonization of blacks on the grounds that the differences between the races would forever prevent them from living together on terms of political and social equality and that neither amalgamation nor a relationship of superiority or inferiority was good for either race. . . . Lincoln told a delegation of negro leaders in 1862 that is was, after all, negro presence in the country that had caused the war and that he considered their lack of interest in his plan “an extremely selfish view of the case.” “For the sake of your race you should sacrifice something of your present comfort for the purpose of being as grand in that respect as white people.” Lincoln, Collected Works, vol. 5 (New Brunswick, NJ: Rutgers University Press, 1953), 373, see also 2:409; 3:14-146; 5:434; cited in Melvin B. Endy, Jr., “Abraham Lincoln and American Civil Religion: A Reinterpretation,” Church History 44 (1975): 237.
The struggle to abolish slavery, the war between North and South had come to present themselves in the light of a Christian crusade, of an apocalyptic battle between good and evil. Of this mental and moral atmosphere you will find a brilliant expression in the novels of Mrs. Stowe . . . as well as in the “terrible swift sword” of God of The Battle Hymn of the Republic.”

The “Slave Power” of the Southern States was demonic precisely because it was divisive, it threatened the religious mysticism of the Union and to undermine the American nation's unique vocation and mission in the world. This understanding of America's importance in the world is one that Lincoln borrowed from the New England Puritans. As Joseph Fornieri observes,

Lincoln’s belief that America had a divine mission was influenced by the cultural force of New England Puritanism [such] as John Winthrop. ... The ‘biblical archetypes’ of ‘Exodus, Chosen People, Promised Land, New Jerusalem, Sacrificial Death and Rebirth’ expressed by Winthrop have exerted an enduring influence on American civil theology.

These images of sacrificial atonement and rebirth or resurrection out of death are essential to understanding Lincoln's civil theology and his view of the Civil War. When the apocalyptic war was finished, America would be like a Phoenix rising out of the ash, a new creature that was similar to the Old America, but also a new, better, reconstructed America—a nation that had eliminated all her filthy connections with the episcopal, aristocratic, and ethnocentric principles of the Old World and reborn as a pure, uncorrupted virgin—a nation worthy to represent the highest aspirations of all of humanity, a model for the entire world, a shining city on a hill, a New Jerusalem.

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The idea of political equality was central to Lincoln's civil theology; it was an axiomatic assumption that supplied the justification for many of his theological and political arguments. For instance, Lincoln claimed that,

[T]he “central idea” in our political public opinion, at the beginning was, and until recently has continued to be, “the equality of men.” And although [this idea] always submitted patiently to whatever of inequality there seemed to be as matter of actual necessity, its constant working has been a steady progress toward the practical equality of all men.\(^{38}\)

However, as was noted in previous chapters of this dissertation, the motivation behind the struggle for independence from England was different in the colony of Virginia that it was in Massachusetts. Certainly, the Virginians would not have agreed with Lincoln's claim in “The Gettysburg Address” that “our fathers brought forth on this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.”\(^{39}\) Recognizing this fact throws a lot of cold water on Lincoln's assertion: “Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure.”\(^{40}\) As a battle of intellectual first principles, the American Civil War was a conflict between the Puritan and egalitarian principles of the New World over against the hierarchical and aristocratic principles of the Old World. Both of these understandings had existed in tension from the earliest days of colonial American. This tension was the source of the conflict that erupted in the English Civil War in the seventeenth century, between the Puritan crusaders of Cromwell and the established Anglican Royalists.\(^{41}\) However, as both camps had deep roots in colonial


\(^{40}\)Ibid.

America, neither had a distinct claim to preeminence over the other, so Lincoln's claim is only a half-truth.

Now it is certainly the case that the political and economic structures of the nineteenth-century American South had a more “Old World” flavor than the social structures of New England or even of nineteenth-century England and France. By the time of Lincoln, the English Civil War and the French Revolution had significantly advanced the “New World” agenda in Europe. These Old World social structures of the South, in Lincoln's mind, were a blemish on the New England Puritan understanding of origins of America as being rooted in a principled political egalitarianism. Over and over again in his public speeches, Lincoln offers his listeners a neo-Puritan interpretation of American history; that is to say, an interpretation that is completely commensurable with America as understood by the Puritans and other New Englanders, but deeply incommensurable with the understanding of America that was rooted in the history and social structures of the Southern colonies. According to Edmund Wilson,

Lincoln’s conception of the progress and meaning of the Civil War was indeed an interpretation that he partly took over from others but that he partly made others to accept. What was this interpretation? Like most of the important products of the American mind at that time, it grew out of the religious tradition of the New England theology of Puritanism.42

The victory of the North over the South in the Civil War provided an opportunity for restoration of the primordial egalitarian paradise of colonial America, where the pre-political state of nature reigned and all men were equal. That America was originally an egalitarian paradise, of course, was not universally recognized by all the colonists or the original founders of America.

When we put ourselves back into the period, we realize that it was not at all inevitable to think of it as Lincoln thought, and we come to see that Lincoln's conception of the course and the meaning of the Civil War was indeed an interpretation that he partly took from others but that he partly made others accept, and in the teeth of a good deal of resistance on the part of the North itself.\textsuperscript{43}

It is not surprising that much of the clerical resistance to the Lincolnian interpretation of America arose from Episcopal preachers in Virginia, rather than the Congregationalist and Unitarian clergy of New England. Many of these Episcopal clergy were illegally arrested during the Civil War as a consequence of Lincoln's unconstitutional suspension of the writ of \textit{habeas corpus}.\textsuperscript{44} The arrest of Rev. K. J. Stewart, an episcopal clergyman, is a significant example:

In the fall of 1861, the first year of the war, Rev. K. J. Stewart, a clergyman of St. Paul's Episcopal Church, Alexandria, Va., was rudely interrupted while at the altar of the church, on the Lord's day, and in the act of offering prayers for all Christian rulers and magistrates, by a detail of armed men, under the command of a captain, lieutenant, and sergeant, by the direct authority of the Government of the United States, under circumstances of peculiar sacrilege, tyranny, and shame. The alleged ground of the arrest was that he refused to pray for the President of the United States.\textsuperscript{45}

Lincoln inherited this interpretation of America not only from the self-understanding of the Puritan settlers in Boston, but also from John Locke, who also came from Puritan stock, and at the expense of the the Filmerian Anglican sympathizers who had settled Virginia and much of the South. The egalitarian Puritan theology had always been an enemy of the more hierarchical political thought represented by the Anglican clergy with their royalist sympathies. Indeed, John Locke was so enchanted by the idea of


\textsuperscript{45}Marshall, \textit{American Bastille}, 92.
egalitarianism, a foundational assumption of all “state of nature” social contract theories, that he wrote: “In the beginning, all the world was America.”\(^{46}\) In other words, for Locke, the Garden of Eden was an egalitarian paradise. Whereas Anglican assumptions led toward episcopal and monarchical government, Puritan “social contract” assumptions led toward congregational and democratic government. A compromise between these two antithetical first-principles was reached in the U. S. Constitution by the adoption of a republican form of government, a half-way house between egalitarianism and aristocracy, and for more than four score and seven years, up until Abraham Lincoln and the Civil War, this compromise had worked.

\[\text{Washington and Lee vs. Yankee Leviathan}\]

Harry Jaffa's neo-conservative characterization of Lincoln's political thought as the most logically consistent application of the original intentions of the founding fathers is problematic on a number of levels. Just consider, for instance, the following lines from a poem written by the great American author, Herman Melville (1819-1891), memorializing General Robert E. Lee's appearance in Washington D.C. after the war:

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\begin{align*}
\text{Who looks at Lee must think of Washington;} \\
\text{In pain must think, and hide the thought,} \\
\text{So deep with grievous meaning it is fraught.}^{47}
\end{align*}
\]

In stark contrast to Jaffa's interpretation of Lincoln, Melville, it seems, did not associate Lincoln with the political principles of the early American founders, but rather quite the opposite. It was not Lincoln, but rather Lee whom Melville identified as standing closer to the tradition of George Washington, not surprisingly as Washington and Lee were both

\(^{46}\)Locke, *Second Treatise of Government*, section 49.

native Virginians. Melville's association of Lee with Washington would be rather shocking and non-nonsensical, if Jaffa's claim about Lincoln being the embodiment of the pure, unalloyed ideological intentions of the founding fathers is true. But Melville was not alone here. Even many nineteenth-century European observers, including the British historian, Lord Acton—famous for the well-known aphorism, “power tends to corrupt, and absolute power corrupts absolutely”—had a low opinion of Lincoln. Shortly after the end of the war, in a letter dated 4 November 1866, Acton wrote to defeated General Robert E. Lee, wherein he penned the following: “I saw in States’ rights the only availing check upon the absolutism of the sovereign will, and secession filled me with hope, not as the destruction but as the redemption of Democracy . . . and I mourn for the stake which was lost at Richmond more deeply than I rejoice over that which was saved at Waterloo.”

Acton clearly believed that the Southern cause in the American Civil War was “a battle against despotism, pure and simple, a battle that has been going on from time to time over the centuries.” In his reply to Acton, dated 15 December 1866, Lee acknowledged his own agreement with the judgment of the British scholar in the following manner: “I consider [states’ rights] as the chief source of stability to our political system, whereas the consolidation of the states into one vast republic, sure to be aggressive abroad and despotic at home, will be the certain precursor of that ruin which has overwhelmed all those that have preceded it.”

The major problem with Jaffa's ideological interpretation of the Declaration of Independence, and his association of Lincoln's agenda with the original intentions of the

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founders, is that this interpretation distorts the actual history of the development of American political institutions while also marginalizing the political views of other Americans such as Washington and Lee, both aristocratic Virginians who certainly would not have agreed with the centralizing political agenda of Lincoln.51 Indeed, Jaffa's interpretation of Lincoln seems to make the political perspective of Washington and Lee appear somewhat less American, if not altogether un-American.

This argument over the correct interpretation of Abraham Lincoln stands at the center of the division that separates paleo-conservatives from neo-conservatives. Whereas neo-conservatives cast their lot with the abstract and philosophical thought of Locke and Lincoln, paleo-conservatives have more in common with the historical and traditional patriarchal thought of Filmer and Dabney. This makes sense because Thomas Jefferson was a social-contract thinker of a Lockean sort, whereas Abraham Lincoln was a social-contract thinker of the Hobbesian strain. The association of Lincoln's political thought with the centralizing tendency of Hobbesianism is by no means a new one, as Richard Bensel has demonstrated in his aptly titled book, Yankee Leviathan.52 Thus,
there is some truth to Jaffa's association of the political thought of Jefferson, the author of the Declaration of Independence with the political thought of Lincoln, the Great Emancipator, as both these American presidents tended to favor abstract philosophical propositions over that of mere appeals to history and tradition. Abstract propositions, after all, are neat, clean, and rational. Tradition and history, however, almost always get mixed up with mythology and fiction and it is mythology and fiction that Jaffa sets up in contrast to the absolute universal propositions set forth in the Declaration of Independence.

The question that remains, however, is whether the Declaration of Independence and the thought of Jefferson and Lincoln are, in and of themselves, an adequate or complete guide for answering the question about what it means to be an American. If defining what America is, is simply a matter of finding out who the winner of the historical conflict has been so far, then the answer would be simple. Harry Jaffa is correct. On the other hand, if it is a matter of providing an accurate account and contextualization of the various religious and cultural histories of the early American colonies, then Jaffa has misspoken. In previous chapters, the thought of a number of early American thinkers who were staunchly opposed to Jaffa's understanding of American political institutions in the light of the Declaration of Independence was considered. Randolph, Fitzhugh, and Dabney made clear their opposition to this use of the Declaration of Independence. These three thinkers were also very critical of Locke and of Jefferson, at least on the points where the latter followed too closely in the agrarian movement. Dabney himself was a farmer and wrote a number of essays defending the agrarian social order, viewing it as not only beneficial to virtuous living, but also as a strong safeguard against the tyranny of political centralization.
footsteps of the former. The connection between these three thinkers and the patriarchal political perspective of Filmer, whom Locke opposed, was also discussed.

The Nadir of Patriarchal Political Thought

So what does it mean to be an American? Certainly, at many points in the history of the development of the American colonies, through the Revolutionary War for Independence from Britain, the Civil War and the Civil Rights movement, “what it means to be an American” has been defined in various ways. It is difficult to come to any universal or abstract conclusion concerning the matter. And in many ways, it is this basic insight that serves as the fundamental conclusion of this dissertation, with a major corollary point being that the American tradition should not be too closely linked with the modern centralized Hobbesian bureaucracy of the contemporary federal government nor the democratic egalitarianism of modern political liberalism. The exportation of Hobbesian nationalism and liberal democracy to other parts of the world should not be assumed to be an exportation of the American tradition. The American tradition is a wide and broad tradition, often contradictory and much deeper than most people, especially contemporary Americans, understand. Many of the original colonies were named after British monarchs and much of the early colonial culture, especially in the Southern colonies had an extremely patriarchal and hierarchical flavor. Indeed, early American culture had more in common with the social and political order of contemporary Middle Eastern countries than with the contemporary liberal political culture that one associates with most European countries and with contemporary American society.

Nevertheless, the elimination of the more patriarchal aspects of the American tradition in favor of a more egalitarian and social-contract understanding of that tradition
has been going on for a long while. Although the conflict between the patriarchal tradition and the social contract tradition has always been a point of contention in America, it was not until after the Civil War, in the late nineteenth century, that the social contract tradition completely and finally gained the upper hand. By 1898, a little more than three decades after the Civil War, Chief Justice Morrison Waite (1816–1888) would be able to argue the following:

Marriage, while from its very nature a sacred obligation, is nevertheless, in most civilized nations, a civil contract. . . . [T]he patriarchal principle . . . when applied to large communities, fetters the people in stationary despotism.⁵³

Some resistance to this revisionist social-contract interpretation of American history has been maintained by paleo-conservative thinkers such as Russell Kirk and M.E. Bradford.⁵⁴ It often comes as a surprise to many, that even as late at the 1930s a number of conservative political thinkers in America still were publicly arguing the benefits of monarchical government.⁵⁵ Interestingly enough, that the defense of monarchy has never completely disappeared from American political discourse is evidenced by a recent book by the libertarian scholar, Han-Hermann Hoppe, entitled Democracy, the God that

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⁵³Reynolds v. U.S., 98 U.S. 145 (1878)

⁵⁴M. E. Bradford, “The Heresy of Equality: A Reply to Harry Jaffa” in A Better Guide Than Reason: Federalists and Anti-Federalists (New Brunswick, NJ: Transaction Publishers, 1994), 29-57. “Egalitarian pressures are exerted in virtually every country to push into the universities most of the rising generation, however dull, bored, or feckless a young person may be. The consequence of this movement is to make the higher learning lower. . . . Perhaps we ought to confer the doctorate upon every infant at birth, and reserve the universities for people really interested in right reason and imagination, so eliminating degree-snobbery and degree-envy. The present disorder of the intellect on most campuses results from the combination of ideological egalitarians among the professors with ignorant and bored students.” Russell Kirk, “The Injustice of Equality” Heritage Foundation Lecture 478 (October 15, 1993): 5.

A number of notable twentieth-century libertarians thinkers, such as Murray Rothbard, have also continued the paleo-conservative resistance to egalitarianism:

Since egalitarians begin with the a priori axiom that all people, and hence all groups of people, are uniform and equal, it then follows for them that any and all group differences in status, prestige, or authority in society must be the result of unjust “oppression” and irrational “discrimination.”

Although these paleo-conservative political thinkers and economic libertarians had some initial success during the early days of the Reagan administration, they eventually were defeated and ousted from the Republican Party by the much stronger neo-conservative camp. The fact that the paleo-conservative perspective has been banished from the halls of political power in America was evidenced in a speech given by the U. S. Secretary of State, Condoleezza Rice, which has been summarized as follows:

Speaking in Paris, [Rice] said that the founders of the American and French republics were inspired by the same values, a statement that implied common origins in the same revolutionary spirit. Though historically wholly erroneous, this view was consistent with the ideology that the [Bush] administration has enunciated. It should by now be obvious that, in his foreign policy views at minimum, the president of the United States is no conservative. He is a Jacobin nationalist.

Hoppe contrasts the public ownership of government in a democracy to the private ownership of government under monarchy, arguing that private ownership system of monarchy helps to reinforce and encourage economic and political responsibility, whereas democratic orders tend to encourage economic irresponsibility and waste. “Democratic rule [is where] the government apparatus is considered 'public' property administered by regularly elected officials who do not personally own and are not viewed as owning the government but as its temporary caretakers or trustees. . . . [In contrast,] it is in a personal ruler's [or monarch's] best interest to use his monopoly of law (courts) and order (police) for the enforcement of the pre-established private property law.” Han-Hermann Hoppe, Democracy, the God that Failed (New Brunswick, NJ: Transaction Publishers, 2001), 17-19. Whether Hoppe realizes it or not, this argument about monarchical governments having a greater incentive to protect private property rights was also pointed out by Filmer.


Claes G. Ryn, “Jacobin in Chief” The American Conservative (April 11, 2005): 11. “The new Jacobin is convinced that he knows what is best for all mankind, and if much of mankind shows reluctance to follow his lead, it is to him a sign that injustice, superstition, and general backwardness or a misconceived modernistic radicalism is standing in the way of progress. The new Jacobin is not content with voicing his own ideas and letting the peoples of the world make their own decisions. They must recognize the superiority of his principles. Governments that do not do so appear to him perverse. They
This fact, of course, should come as no surprise as the Republican party, especially in its recent neo-conservative incarnation, has always been to a large degree merely the logical outworking of the political principles of Abraham Lincoln. John C. Calhoun and Robert Lewis Dabney, on the other hand, as Southern Democrats, never were on friendly terms with the Republican Party, the party of Lincoln and other nationalistic Yankee Jacobins.

In the mid-nineteenth century, in the aftermath of the Civil War, a certain type of “Hobbesian transformation” of America took place. During the Reconstruction era, there was a systematic attempt to enforce an egalitarian worldview upon the Southern States that was tantamount to an outright rejection of the hierarchical presuppositions of patriarchal political thought in favor the egalitarian “state of nature” presuppositions of social contract theory. Due to the centralizing of power and the forced redistribution of property during this period, the social-contract model that was embraced by the U. S. tended to be more of a Hobbesian model than a Lockean model. In many ways, the American Civil War functioned as a catalysis for a “Hobbesian transformation” of the political and social institutions of America, a process that had begun in the English-speaking world over a hundred years before during the period of the English Civil War and was carried over by the Puritans and other dissenters into the American colonies, especially the New England colony of Massachusetts. The victory of North over South, ensured the victory of the religious and political understanding of America that was common in Massachusetts and the rejection of the religious and political understanding of

are obviously based on oppression of the particular people. So strong is the zealotry of the new Jacobin that he wants the forces of democracy, and especially the United States, to use pressure tactics to make other countries conform. . . . If persuasion and diplomatic pressure fail, the forces of democracy should be willing to resort to military means, especially against powers that have the temerity of openly defying the United States. The new Jacobin desires strong, activist government that can enact what he considers virtuous purposes.” Claes G. Gyn, America the Virtuous: The Crisis of Democracy and the Quest for Empire (New Brunswick, NJ: Transaction Publishers, 2003), 26.
America that was common in Virginia. Many Southern writers, such as William Faulkner (1897-1962), have vividly described the cultural and social conflict and the subjection of the Southern tradition to the imperialist agenda of New England. This social transformation was slow and often was met with strong resistance within the more patriarchal societies of the South. Indeed, for almost the entire century after the Civil War, many Southern states continued to mount an incoherent and unprincipled cultural resistance to the egalitarian presuppositions of the social contract theory right up to the rise of the Civil Rights movement of the 1960s. However, politically speaking, the battle between the patriarchal theory of government and the social contract theory was lost during the Civil War, and arguably had been a philosophical lost-cause ever since the publication of Locke's *Two Treatises of Government*. So complete was this defeat of the patriarchal perspective that by the mid-twentieth century, John Courtney Murray (1904-1967), a Jesuit social philosopher, would be able to write these words:

> Historically, [the natural law] tradition has found, and still finds, its intellectual home within the Catholic Church. It is indeed one of the ironies of history that the tradition should have so largely languished in the so-called Catholic nations of Europe at the same time that its enduring vigor was launching a new Republic across the broad ocean.\(^{59}\)

By the mid-twentieth century, the revisionist social-contract interpretation of American political history was so firmly entrenched in the popular mind that even Jesuit thinkers began to see a similarity between American principles and their own social-contract tradition inherited from Suárez.

As social-contract theorists had attempted to ground their political theory in uncontested, self-evident first-principles, many people began to think it impossible for any rationally-minded person to object to the arguments presented by Hobbes and Locke

\(^{59}\)Murray, *We Hold These Truths*, 41.
and their followers. Consequently, defenders of patriarchal political thought such as Filmer and Dabney were dismissed as muddled-headed obstructionists who advocated various and sundry forms of political oppression. However, in truth, patriarchal political thinkers did not favor political oppression, they merely objected to some of the cultural and political implications of the social contract theory and the supposedly “self-evident” presuppositions upon which this theory was based. Most notable among these “self-evident” presuppositions was the “truth” that all people were created “free and equal” in relation to each other—the foundational pillar of the social contract and of political liberalism in general.

Patriarchal thinkers such Filmer and Dabney agreed with Aristotle, who argued that it was unjust to treat unequal things equally. Furthermore, like Richard Hooker, who also followed in the footsteps of Aristotle, these patriarchalists did not believe that equality was a fertile soil for the development of sustainable, loving relationships between people. And if Aristotle, Hooker, and Dabney were correct in their arguments in defense of the beneficial nature of social inequality, then this may help explain why egalitarian societies, such as twentieth-century America, tend to gravitate toward a state of a perpetual “war of all against all” where everyone must constantly be watching out for “number one” and are thus a breeding ground for social injustice, hatred, and class warfare.60

60Prior to the Civil War, the deterioration of fatherly authority in the South was quickened by the popular religious revivals of the Second Great Awakening. During this period the number of Baptist and Methodists in America increased relative to that of the more traditional Anglican, Presbyterian and Congregationalist groups. In her book, The Southern Cross: The Beginnings of the Bible Belt (New York: Alfred A. Knopf, 1997), Christine Heyrman notes that Southern husbands and fathers often expressed concern over the egalitarianism of the Second Great Awakening as it contributed to the development of an “independent religious spirit” in their wives that, in turn, was viewed as alienating them from the needs of their own husbands and children. Furthermore, “the unconverted husbands of believing wives commonly expressed a sense of vulnerability—a fear of losing their control over themselves, their spouses, or their households. That anxiety told in the sharp conflict sparked when wives tried to dictate their husbands' religious loyalties. . . . Assertive women . . . aroused their husbands' deepest anxieties about the loss of
Dabney once observed that Locke's theory implied that “man's obligation to civil society originates in the voluntary social contract of independent integers,” and that under this theory, “none can be rightfully held to compulsory obedience, which enters into all servitude, both domestic and political.”\textsuperscript{61} Moreover, rather than proving that slavery was wrong, the presuppositions of the social-contract theory simply assumed “the natural injustice of slavery.”\textsuperscript{62} In other words, the reason that liberal political theorists did not feel the need to provide any arguments for why slavery is unjust was because slavery was simply assumed to be unjust, by definition, according to premises of liberal political thought. Furthermore, any admission or justification of slavery would require one to admit that the most basic presuppositions of the social-contract theory itself were erroneous. And this admission would strike a death-blow to the heart of liberal political thought, namely the assumption that all men were originally free and equal in relation to each other.

Milton and Hobbes clearly recognized the precarious and revolutionary nature of these tacit egalitarian assumptions, thus the reason that they both argued that women should be treated in a manner that recognized their social equality to men. However, it was not just slavery or the social status of women, but any type of social distinction whatsoever that posed a problem for liberal political thought. The validity of social distinctions could not be admitted without putting in jeopardy the “sacred cow” of masculine independence and honor. And those fears, like the serpent's tooth, bit all the more sharply into some southern white men because of long-standing suspicions linking spiritually proficient women with sexual license. The association of female adepts with carnal abandon had served as a staple of religious polemic on both sides of the Atlantic long before it seeped into southern nightmares. Throughout the early modern period, the image of the whore posing as holy woman was invoked to discredit the most radical heirs of the Reformation, usually Baptists and Quakers, who accorded female members the greatest influence in their churches.” Heyrman, \textit{The Southern Cross}, 180-1.

\textsuperscript{61}Dabney, \textit{Defense of Virginia}, 243-4.

\textsuperscript{62}Ibid., 243.
liberalism, namely the idea that there is no functional difference between different sexes or social classes of human beings. In the Procrustean bed of liberalism, all fixed or a priori social and political distinctions are viewed as arbitrary creations of human choice, without any inherent ontological or metaphysical foundation, and thus inherently unjust. Likewise, all authorities and rulers are consensual authorities subject to the approval of those over whom they rule. If a king exists at all, he must be elected. No one rules by divine right. Even the decisions of fathers are contingent upon the approval of mothers and children. No one has the right to tell anybody else what to do. In other words, political liberalism is firmly committed to the Biblical proposition, using Lockean interpretative gloss, that “there is no king in Israel and everyone does what is right in his own eyes” (Judges 17:6).

The Confusion of Filmer with Hobbes

Today, most Western political thinkers can think of only two alternatives: either Hobbes or Locke, either non-consensual absolutism or consensual democracy. The patriarchal political thought of King James, Filmer, or Dabney is not viewed as a viable option. In fact, when we see the remnant of Filmerian non-consensual authority (as in the case of a father pulling his child out of the middle of a busy street with a certain callous indifference to the child's willingness or consent), we often mistake this exercise of patriarchal authority with Hobbesian brute-force authoritarianism. Although there is a difference, we no longer have the conceptual tools to recognize or understand this difference or to distinguish between different types of non-consensual authority. As we

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63Procrustes, whose name means “he who stretches,” was an innkeeper in Greek mythology who offered hospitality to passing strangers by giving them a night's rest in his special bed. Procrustes described this bed as having a unique property in that its length always matched the height of anyone who laid upon it. What Procrustes failed to mention, however, was the means by which this “one-size-fits-all” was achieved. For Procrustes either stretched the guest on the rack if he was too short or chopped off his legs if too tall.
tend to assume that all non-consensual authority is to some degree evil or wrong, we are no longer able to distinguish between the good incarnation of non-consensual authority and the demonic perversion of this authority. We confuse Hobbes with Filmer. However, Augustine argued that evil was not the absence of good, but rather its perversion. The absence of the good is not evil, but rather non-being or nothing. Just as Filmer argued that the absence of good authority is not freedom, but rather chaos and anarchy. Likewise, the perversion of beneficial and protective authority, on the other hand, is capricious and selfish authoritarianism. This subtle Augustinian distinction was, and is, the difference between Filmer and Hobbes. Contemporary American politics is governed by a Hobbesian, rather than a Filmerian perspective. However, to posit a return to Locke as a solution to this problem, as some political liberals and most neo-conservative political thinkers do, is not a feasible option. This is because Locke's thought was merely a transitional half-way house between the patriarchal political authorities of the pre-modern world and the totalitarian Hobbessian authoritarianism of the modern world. Consequently, the invocation of the individualistic strain of the social contract theory, as found in Locke, is not an effective strategy to use against the collectivist social contract theory of Hobbes simply because Locke shared so many of Hobbes's assumptions. In fact, the only real difference between Locke and Hobbes was that Locke was not as consistent in his principles as was Hobbes. Therefore, to find a solution to our current political problems, we must go back further in history than Locke and examine the roots of our contemporary crisis. It this dissertation, we attempt to demonstrate why Filmer's patriarchal thought was a good starting point to begin this reconsideration and reconceptualization of our modern political woes.
After the patriarchal theory of political thought was defeated in America during the era of the Civil War, the only viable theory that remained was the social-contract theory. The only question was which version of this social-contract theory should serve as the basis of American self-identity. Was it the Jesuit version of ultramontanism, the Leviathan of Thomas Hobbes, or the political liberalism of Milton and Locke? All three of these camps have, at one time or another, argued that it is their model which should be acknowledged as the most important source of American self-identity. Whereas John Courtney Murray argued that it was the Jesuit version of the social-contract theory that contributed the most to the founding principles of American society, Protestant thinkers tend to be more favorable to the Lockean and Miltonian strain of the social contract. Of course, not all Protestants who defend the social contract consider themselves to be classical liberals or libertarians in regard to their view of property rights. Property rights, after all, were always a fundamental weakness of the social-contract theory, thus the reason Locke spent so much time reinforcing this weak point. Consequently, more liberal Protestant thinkers tend to align themselves with thinkers such as John Rawls, who defended political liberalism in a more consistent way than Locke. While remaining committed to the social-contract assumptions of methodological and political individualism, Rawls dispensed with the out-dated property rights and gender hang-ups of Locke and argued for a more distilled and refined type of liberalism, a theory of pure egalitarianism. Of course, Protestants and Catholics are not the only people who are

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64 It needs to be remembered that the ultramontanist and liberal strain are closely related as both Locke and Milton borrowed from Jesuit political theory. A good example of this is The Acton Institute for the Study of Religion and Liberty, located in Grand Rapids, Michigan. The Acton Institute is committed to promoting a type of libertarian Catholicism, a hybrid between Catholic ultramontanism and English classical liberalism. Not surprisingly, this institution receives criticism from paleo-conservative, pre-Vatican II Catholics, who view it as too libertarian and from liberal Protestants, who view it as having too many connections with the conservative social thought of Pope John Paul II.
committed to the social contract. For instance, those who have fewer sympathies with a religious understanding of the world tend to gravitate toward a more Hobbesian and secular model of the social contract. This Hobbesian model dominates the thinking of those who view America as the last and greatest superpower on the earth. Whereas the liberal Protestant view of America was the dominate feature of American self-identity for the first hundred years after the American Revolution, the Hobbesian view of America began gaining popularity in the aftermath of the Civil War and, indeed, has been the dominant feature of American self-identity during the twentieth-century.

Almost all contemporary political discourse is circumscribed within the boundaries of the social-contract theory. Even Alasdair MacIntyre, who is opposed to the autonomous individualism of liberal political thought, merely wants to modify this autonomy by expanding it to include the notion of self-directed, autonomous communities, rather than just limiting this autonomy to individuals per se. Thus, communities as a whole had the “right” to exercise a certain amount of independence and self-direction, rather than always being threatened by the corrosive individualism of liberalism, which like a strong current, seeks to pull under and drown all community life within society. However, MacIntyre's argument, to a large degree, is merely a restatement of the Jesuit argument for the autonomy of the Catholic community, rather than the Lockean and Rawlsian argument for the autonomy of the individual person. So the choice between Rawls and MacIntyre is still basically a choice between the rights of an individual versus the right of the community. But what about the hierarchical rights of the father? Or the rights of a king? Or the rights of a husband? As these hierarchical rights are personal and relational rights, they cannot be derived from either an abstract theory about the rights of autonomous individuals nor a collectivist theory of communal
rights. In other words, neither the liberal nor the collectivist version of the social-contract theory is sufficient here.

Consequently, there seems to be no contemporary political perspective that can be said to adequately represent the type of political thought that has been examined within the pages of this dissertation. The patriarchal political tradition no longer exists in any recognizable form in contemporary American political life. When one stops to consider this fact, it is both remarkable and sobering that a political tradition that dominated much of the Western world for well-over two-thousand years no longer even exists in any substantive form.

Just as masters had the right to determine what was best for their slaves, patriarchal political thinkers maintained that the rights of the father included the right to determine what was best for his children and the rights of a husband included the right to determine what was best for his wife. Although Locke's theory allowed for the continued existence of the rights of the father, these rights for the most part were an inconsistency in his theory just as his elaborate justification of private property ran contrary to the general collectivist tendency of the social-contract theory. Consequently, it should come as no surprise that the adoption of the social-contract theory, over time, resulted in both a marginalization of property rights as well as the patriarchal rights of fathers. The abolishment of primogeniture, slavery, and finally alloidal property rights evidences the slow process by which patriarchal thought was eroded in America. The problem with primogeniture was that it allowed the father sole determination in the allocation of his property to his eldest son, regardless of the claims of his other siblings or his wife. The fundamental problem with slavery was that it effectively gave one person the right of ownership over another person. Likewise, the fundamental problem with alloidal
property was that it allowed one person to treat a certain part of creation as solely under his own dominion. Consequently, the rights of fathers, the right of slave-holders, and the rights of land owners are no longer considered to be legitimate rights, but rather merely forms of tyrannical presumption that are extremely offensive to the idealized state of autonomy, the *summum bonum* of political liberalism.65

This liberal understanding of the world stands in sharp contrast to the patriarchal political thought of earlier ages when it was simply assumed that there was nothing wrong with fathers exercising dominion over their children, or masters exercising dominion over their slaves, or of Christ exercising dominion over His Church. Indeed, early Christians seemed to have no difficulty whatsoever in comparing the Christian's relationship to Christ to that of a slave to a master. Whereas the church as a whole was married to Christ and had more of a relation of that of a wife to a husband, the individual believer himself had more of a master-slave relationship with Christ. In Paul's mind this was not a bad thing at all. For the duties of a master included that of providing, feeding, and caring for his slave in order that the slave would be well equipped to do work that he was commanded to do. If the master failed to properly care for his slave, he was not only being negligent in the care of his personal property, but was also risking a certain degree of economic loss due to the lower productivity of malnourished and injured slaves. Thus, possessing the rights of ownership over the person of the slave actually encouraged the master to care for the slave in the same way that a husband who recognized that his wife

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65 "It took more than a generation after the Revolution to uproot all the colonial laws which, directly or indirectly, 'established' religion, by giving one or another religious belief the assistance of law. Moreover, the determined way in which men like Jefferson and Madison acted to get rid, not only of religious establishment in all its forms, but also of such vestiges of feudal law as primogeniture and entail, proves how little regard they had for that colonial past. . . . Primogeniture and entail were anachronisms on the American scene. . . . They were props of aristocracy, inimical to the spirit both of democracy and of capitalism. They were, so to speak, elements of a 'Tory socialism.'" Jaffa, *How to Think About the American Revolution*, 44.
was dependent upon him was more likely to make the necessary sacrifices for her well-being than he would for wealthy mistress over whom he had no authority. The ownership of something, whether it be real property such as land, or other property such as wives and slaves, was more likely to encourage the owner to take care of the property. This was the fundamental argument that rested behind the patriarchal understanding of political order.

As a result of the Hobbesian transformation of America that took place in the mid-nineteenth century and the subsequent “ratification” and incorporation of Bill of Rights under the 14th Amendment, nine Supreme Court justices now make decisions in regard to the acceptable limits and practice of religious belief for almost 300 million Americans.66 This is Hobbesianism with a vengeance and, certainly, a far cry from the decentralized nature of the early American republic, wherein any regulation of a large number of social and culture issues, including religious belief, was specifically denied to the federal government. In their fight against this latent Hobbesianism that grew out of the foundations of the social contract theory, nineteenth-century American patriarchal thinkers such as Robert Lewis Dabney suggested a return to an older way of thinking about political order. In the mind of these patriarchalists, to assume that people were born “free and equal” with certain inalienable political rights was to make a fundamental philosophical error. This error was dangerous for it functioned to ground political theory on a false premise. It was similar to believing that the grass was pure, bright green when, in truth, it was actually a much darker green, closer to the shade of blue. Similar to Filmer in the seventeenth century, these nineteenth-century American patriarchal political

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66 The technical legal aspects of the “unconstitutional” adoption of the Fourteenth Amendment have been carefully examined by Forrest McDonald, “Was the Fourteenth Amendment Constitutionally Adopted?” Georgia Journal of Southern Legal History 1 (Spring-Summer 1991): 1-20.
thinkers were not content with arguing the grass was no greener on the other side of the hill; instead, they wanted to demonstrate that the grass was not even green on this side of the hill. It was this small and spurious difference—the difference between a pure ideological green and a darker, more traditional blue-green—that explained the confusion of American constitutional principles with the egalitarian assumptions of the social contract theory. Under color of law, these deceptive egalitarian principles were promoting a subtle misunderstanding of the history and tradition of American political institutions—a confusion of the traditional, patriarchal-blue of moral equality with the Jacobin-green of social or mechanical equality. Accordingly, patriarchal thinkers maintained that while the social-contract theory had an appearance of truth, in reality, it was a clever form of beguilement disguised as an angel of light—possessing a beautiful procedural form, but lacking true moral substance.
BIBLIOGRAPHY

Primary Sources

The Works of Sir Robert Filmer


———. *Of the Blasphemie against the Holy Ghost* (1647). No modern edition; Huntington Library; UMI microform.


Books by Robert Lewis Dabney


_______ “A Mother’s Crowning Glory.” Central Presbyterian 3 (November 27, 1867).

_______ “An Efficient Ministry.” Central Presbyterian (April 11, 1883).


_______ “Anti-Biblical Theories of Rights.” Presbyterian Quarterly (July 1888).


_______ “Baptism for the Dead.” Christian Observer 84 (February 3, 1897): 10.


_______ “Claims of the Ancient Literature.” The Collegian (1840).

_______ “Concerning Conceit.” The Land We Love (May 1866): 189-195.

_______ “The Crimes of Philanthropy.” The Land We Love (December 1866).

_______ “Dancing.” Central Presbyterian (May 28, 1859).

_______ “Dangerous Reading.” Watchman and Observer, 1849.

_______ “Decline of Ministerial Scholarship.” Presbyterian Quarterly (April 1897).

_______ “Do Not Remove Union Seminary.” Central Presbyterian (Sept. 18, 1895).

_______ “Domestic Missions.” Central Presbyterian (September 19, 1857)


_______ “Exposition on Romans, Chapter VII.” Central Presbyterian 20 (July 1, 1885): 2.

_______ “Free Schools.” Southern Planter and Farmer (January 1879).

“Geology and the Bible.” *Southern Presbyterian Review* XIV n. 2. (July 1861): 246-274.


“Impressions of Scotland.” *The Central Presbyterian* 15 (June 16, 1880): 1


“Industrial Combinations.” *The Land We Love* (May 1868).


“Mob Law.” *Central Presbyterian* 1 (October 4, 1856): 158.


“Series on Slavery.” *Enquirer.* Richmond, VA, 1851.

“Shall We Revolutionize Our Church by Opening It to an Uneducated Ministry?” *Central Presbyterian* (February 21, 1883).


“Social Influences.” *Central Presbyterian* 3 (December 4, 1867).


“The Emotions; a review of James McCosh’s The Emotions” *Southern Presbyterian Review* 35 (July 1884): 396-400.

“The Examination Rule.” *Central Presbyterian* (November 7, 1857).


“The New South.” Hampden Sidney Commencement (June 15, 1882).


“The Scotch Assembly.” *Christian Observer* 59 (June 23, 30; July 7, 1880).


“The University of Texas and the Colleges.” *Southwestern Presbyterian* (February 14, 1884).


“Tried But Comforted.” *Central Presbyterian* (February 12, 1862).

“Union Theological Seminary.” *Central Presbyterian* (December 10, 1859).


“Woman Suffrage.” *Presbyterian Quarterly* 10 (January 1896): 121-23.

Secondary Sources

Books


Articles, Essays, and Monographs


Canavan, Francis P., S. J. “Subordination of the State to the Church According to Suárez.” *Theological Studies* 12 (1951): 354-64.


“A Learned Discourse of Justification.” In The Folger Library Edition of


'The Heresy of Equality'.” In How to Think About the American Revolution:


Kelly, Douglas Floyd. “Robert Lewis Dabney.” In Reformed Theology in America:
A History of Its Modern Development, ed. David F. Wells. Grand Rapids, MI:

Kirk, Russell. “The Injustice of Equality” Heritage Foundation Lecture 478
(October 15, 1993).

Klapisch-Zuber, Christiane. “The ‘Cruel-Mother’: Maternity, Widowhood, and Dowry in
Florence in the Fourteenth and Fifteenth Centuries.” In Oxford Readings in
Feminism: Feminism and Renaissance Studies, ed. Lorna Hutson. New York:

Laslett, Peter. “Sir Robert Filmer: The Man versus the Whig Myth.” William and Mary

———. “The English Revolution and Locke’s Two Treatises of Government.”

148-64.

———. “Introduction.” In John Locke, Two Treatises of Government. New York:
Cambridge University Press, 67.

———. “Introduction.” In Sir Robert Filmer, Patriarcha and Other Political Works.

Leclercq, Jean. “Introduction: The Roots of Modernity.” In The Spirituality of Western
Christendom. Vol 2., The Roots of the Modern Christian Tradition, ed. E. R.


Mead, Sidney E. “Abraham Lincoln's 'Last, Best Hope of Earth': The American Dream of Destiny and Democracy.” Church History 23 (1967): 3-16.

________. “The 'Nation with the Soul of a Church” Church History 36 (1967): 277.


Thomson, C. T. “Robert Lewis Dabney, the Conservative.” *The Union Seminary Review* 35 (January 1924): 154-70


Unpublished Dissertations and Theses


