

Phil 340: Notes on Filmer's *Patriarcha* (1680).

Background

- Cp. Hobbes' worry about putting religious authority above the King: note RF's comments re Papists on pp. 1-2.
- RF Criticizes "school divinity" = scholasticism
 - But RF shares their deference to authority, somewhat: notice all the
 - name-dropping
 - historical examples
 - Examination of Aristotle, Bellarmine, Plato ("divine," bottom of 7), Suarez, and Scripture
 - Notice that RF's deference to Scripture is uncritical, while his deference to Aristotle etc. is only partial, others minimal.

Filmer's target: the doctrine that we're born free and equal, so we have liberty to choose our gov't.

Spelled out as an argument, that doctrine goes more or less like this:

1. We're naturally free and equal (Papists; Glaucon; Hobbes; Locke).
 2. So, no one is naturally superior; i.e., no one is naturally fit to rule over others.
 3. So, we are naturally self-governing (Bellarmine; Glaucon; Hobbes' Right of Nature).
 4. So, no one may govern you without your consent (Bellarmine; Glaucon; Hobbes).
 5. So, you may choose your form of gov't, and
 6. Gov't is beholden to citizens, such that rulers may be punished or replaced.
- Note that Hobbes thinks that #6 does not follow; he holds that once gov't is set up we can't fire or replace it.
 - But RF is worried that #6 *does* follow if we grant #1 or #3.
 - **RF's thesis: 1 and 3 are false (and so are the rest).**

Some of RF's criticisms of the "free and equal" doctrine:

Re #1: ch. 1—Kingship is ordained/natural, and absolute (pp. 3-4/I.4 re Adam; II.4 re Cassius).
(Cp. Hobbes on our natural equality.)

- Natural order: parents > children.
- Divine order: God gave dominion to some from whom we're all descended

Both: ordained by God (author of nature)

Re #4: ch. II—Absurdity of people conferring power to govern; it can't happen/hasn't happened.

- Democracies are unstable & short-lived by comparison w/ monarchies (p. 13/II.11)
- (Cp. Hobbes' reply to the Foole in Lev ch. 15: allowing rebellion encourages it → danger)

RF asks: How might government have come into being if the doctrine were right?

A. Suarez: God gave the right of self-determination to people as a whole (II.5).

- RF: Then how did groups of people form separate nations? Wouldn't that violate the right of the whole?
- If so, then no individual nation is legitimate.
- If not, then any group could break off at any time and form its own nation.

B. RF: Okay, let's set that aside, and grant that individual nations could be formed legitimately. But how would that happen (II.5)?

- By everyone meeting at once?
- RF: No: no historical examples of that happening, and it's practically impossible.

C. Was gov't in each case set up by a majority of the people (II.6)?

- RF: In *already-established* gov'ts this can be done, by decree and tradition. But the issue is: how can the system of political power be set up *in the first place*?
- If we get to govern ourselves by nature, and natural rights are prior to and greater than the rights we can set up ourselves, then human majorities have no right to coerce human minorities.
- (to say "majority overrules the minority" denies #4)
- So, only those actually consenting (the majority) are bound, not the minority.

D. How about gov't set up by a minority acting as proxies for the rest (II.7)?

- RF: it can't be shown that this has ever happened;
- Can't be shown that all the "constituents" consented.

E. Okay, so let's suppose those who didn't explicitly consent consented tacitly, by going along (II.7, cont) (cp. *Crito*—we "agree" by staying)

- RF: if going along quietly counts as consent, then:
 - (a) we didn't need the majority or minority to consent, and
 - (b) anyone who comes to power (whether by conquest, usurpation, etc.) rules by the consent of the people—but that's ridiculous!