

SIR ROBERT FILMER OF EAST SUTTON

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SIR Robert Filmer is chiefly remembered in history for two things—his posthumously published tract *Patriarcha*¹ and the fame of his critics.

To the philosopher John Locke he was 'the great Champion of Absolute Power and the Idol of those who worship it'. For Algernon Sidney, executed in 1683 after the Rye House Plot and whose death was invested with an air of martyrdom when he handed his executioner a Republican confutation of *Patriarcha*, Filmer was simply a 'court flatterer' and a 'vicious wretch'.

Sir Robert's reputation and notoriety were first established in the reign of Charles II when *Patriarcha* was adopted by the Royalists as desperately needed propaganda for the Exclusion Crisis in 1680. But for his clarion exaltation of the absolute paternal power of monarchs and the violent Whig opprobrium this invited at a dangerous time, he would in all probability have enjoyed to this day a dignified historical obscurity as one of that group of very talented antiquarian gentlemen who lived in Kent at the time of the Civil War.

Nothing, certainly, is more marked than the difference between the propagandist use later made of his writings and his own extreme reticence in the Civil War—between the best-selling author of the later seventeenth century and the retiring country gentleman who did not even start to publish his works until the last seven years of his life.

Sir Robert, born in the year of the Spanish Armada, was the eldest son of Sir Edward Filmer who was High Sheriff of Kent in the reign of James I and died in 1629. The magnificent brass of Sir Edward and his Lady in Jacobean court dress and all eighteen of their children engraved at their feet in the church at East Sutton, not to mention the ten or more tombs of Sir Robert's successors, commemorate what was an extremely long-established Kentish family.

The Filmers had lived in Kent as small one-manor gentry from at least the reign of Edward II until Sir Robert's grandfather, who was one of the Protonotaries of the Court of Common Pleas for twenty years under Elizabeth, transformed their fortunes. He had invested capital in parcels of land in the wooded parts around Romney Marsh and had purchased an iron forge in the Weald. By the time that Sir Robert succeeded to the estates in 1629 Kentish society had—if

¹ *Patriarcha and other Political Works of Sir Robert Filmer*—Ed. with Introduction by Peter Laslett, Oxford, 1949.

anything—become more patriarchal than in the earlier period. Primogeniture had come to displace the older custom of gavelkind or partible inheritance and most or all of the lands were tending to pass into the hands of the eldest sons.

Though he was not in good enough health to become one of the most active leaders in county affairs, Sir Robert was nevertheless a magistrate on the Maidstone Bench and nominally an officer of the county defence forces. His father's policy of prudent provision for the five of his sons who survived is typical of the Kentish gentry at this time with its close association with the world of professional and business opportunities in London. As heir to substantial estates, he was educated as gentleman and lawyer at Trinity College, Cambridge, and Lincoln's Inn. He became acquainted with the early Stuart historians, Camden and Spelman, and came to know intimately those ardent county loyalists like Sir Roger Twysden, the lay theologians, antiquarians and genealogists who circularized their researches and speculations in manuscript form among the manor houses of Kent.

Patriarcha was only one among many of such manuscripts. It was written originally for Sir Robert's cousins and neighbours and was circulated in the last years before the final breach between King and Parliament in 1642. Or so we must suppose, since it makes no reference to conflict in the field with Parliament and claims that the Barons' War and the Wars of the Roses are the only occasions when 'the kingdom hath been wasted with civil war'. Though most probably written in the aftermath of the Ship Money Crisis of 1636, it was not more than privately read or recognized until the issue of the succession of James II and the hysteria of the Popish Plot nearly fifty years later raised again in an acute form the old problem of hereditary versus parliamentary sovereignty.

For those who supported Charles II in the Exclusion Crisis this tract provided a timely and suitably downright exposition of the naturalness of sovereignty and monarchy. 'The Paternal Power,' Sir Robert reminded his contemporaries, 'cannot be lost; it may be either transferred or usurped but never lost or ceaseth.'² All men were born and remained subject to their fathers and inferior to their elders. Government had existed since the creation of Eve and absolute monarchy was its only true and effective form. 'We do flatter ourselves,' he asserted, 'if we hope ever to be governed without an arbitrary power. No: we mistake: the question is not, whether there shall be an arbitrary power; but the only point is who shall have that arbitrary power, whether one man or many.'³

The virulent contempt poured on Sir Robert and his ideas by John

² *Patriarcha*.

³ *Anarchy of a limited or mixed Monarchy* (1648).

Locke and those who followed him in regarding consent and contract rather than obligation and obedience as the proper foundations of government and the success of the Revolution Settlement of 1689 made his works seem increasingly the discredited philosophy of the lost Stuart cause. It is not hard to understand why Sir Robert fell swiftly from notoriety to oblivion in the eighteenth century.

It is significant, however, that these criticisms turned largely on the cumbersome and manifestly faulty embellishments which he used in trying to equate the natural rights of the father with the political rights of the sovereign. That is to say, they attacked principally his copious armoury of genealogical speculations. (While he does not actually provide us with a detailed line of descent from Adam to Charles I, he traces his genealogical account from the Patriarchs of the Old Testament through the Kings of Greece at the time of the Trojan Wars to the rulers of Kent at the time of the invasion of Julius Caesar.) They were conspicuously silent about the main substance of his argument against theories of contract and natural right—for which they had no ready answer.

It is of no purpose here to revive that violent controversy. This, if anything, had blinded subsequent generations to one very important fact: *Patriarcha*, the best known of Sir Robert's works, was a document written by someone of rooted Kentish loyalty for the consideration and comment of his fellow gentry in Kent. The questions which he raised in all his writings were of more than academic interest to the lively group who dominated Kentish life on the eve of the Civil War. Whatever use was subsequently made of them by the Royalist cause, they are first and foremost testimonies of their own time and place. These laconic and rather pedantic reflections in legal form on the causes and course of the Civil War are the witness of a very traditional Kentish country gentleman to the growing anxiety of his class to social and political disorder—of one, as Hasted rightly describes him, who was 'a great sufferer during the Civil War of King Charles I's reign'.

'There want not those,' Sir Robert lamented, 'who believe the first invention of laws was to bridle and moderate the over-great power of Kings.' These filled him with alarm and despondency, for, whatever the Common Lawyers and Parliamentarians might say, 'the truth is the original of laws was for the keeping of the multitude in order'.⁴ The alternative as he saw it was between the proper and absolute authority of the monarch and the 'desperate inconveniences which attend upon the doctrine of natural freedom and community of all things'.⁵ For what sort of authority, he enquired, resided in the multitude beyond that of brute force?

⁴ *Patriarcha*.

⁵ *Ibid.*

When fighting broke out in 1642, the Kentish community divided into an active parliamentary minority and a clique of extreme loyalists to the Crown. The majority of the gentry were traditionally and normally loyal to the Crown and their sympathies inclined towards Charles rather than Parliament, though at heart they appear to have wished to remain neutral and many gave support to the County Committee under the authoritarian Sir Anthony Weldon in the interests of local order. At two points, however, in 1642 and in 1648, they made a strong and spirited stand against Parliament.

In 1642, Sir Robert's distinguished companions on the Maidstone Bench, which included Sir Roger Twysden and Sir Edward Dering, made use of an Assize to draw up a county petition. The Grand Jury of Gentlemen produced this in March, directing all the gentry of Kent to meet at Blackheath to present it to the House. The ringleaders, including Twysden and the Royalist poet Richard Lovelace, were summoned and imprisoned and Sir Robert went bail for Twysden.

The Kentish gentry were undeterred. In July 'certain young gentlemen', numbering among them Sir Robert's eldest son, prepared a petition demanding the restoration of Hull to the King and the 'laying aside' of the militia and the meeting of Parliament at an 'indifferent place'. The Commons took speedy action, but not before these young gentlemen had fled to join the King at York. Sir Robert was duly threatened with prison by Parliament and declared himself to be neutral—'he being neither delinquent, nor having refused to give or lend to the Parliament'.⁶ His wife Anne went even further to swear 'how far he hath been from meddling on either side in deeds or so much as words'.

Colonel Edwyn Sandys, who was sent by Parliament to suppress what they believed to be an imminent Cavalier uprising, showed scant respect for Sir Robert's protests of neutrality. On his looting tour through Kent he brought his troop to East Sutton Place in September and took away 'his horse, armes, furniture, pistols, muskets, powder, bullets and many other things', burnt his bedding and set alight to the house.

This was only the first of ten descents by Parliament on his house and property. As with other Royalists, his reputation put him at the mercy of any informer who chose to bring his name before the County Committee. This happened in the summer of 1643 and led to an even more severe sack. We cannot say how widely his authorship of *Patriarcha* was known in Kent, but the flight of his son to Charles I must have been common knowledge. At all events, he was subjected to continuous and intolerable harassment in the early years of the Civil War. On one occasion, he was arrested on one of his journeys

⁶ For this and following—see the Filmer Collection, Kent County Archives.

to London and released only on giving up his horse. He was then threatened with sequestration of his lands unless he handed over more arms to Parliament and he was assessed at the extortionate sum of two hundred pounds on his house in Westminster. Finally, he was imprisoned in the nearby Leeds Castle and Anne was left to manage his estates.

A letter from him in prison indicates that he was in failing health. He was, in fact, suffering from the stone: 'Sir', he writes to a solicitous neighbour, 'Yor. fair respect meets with a thankful acknowledgement from me, but my restraints and at this time an infirmity (of which my father died) makes me unable to arrange my own business . . . I am forced to leave the attendance of all business to my wife.' The bitterness of prison was aggravated by further demands on his estates under threat of sequestration. 'Some of his lands lay unlet,' writes Anne Filmer, 'and not any one tenant hath been able to pay us his former rent . . . Great debts were cast up on his estate by his father whereof much is still unpaid, his sisters' portions not yet satisfied beside annuities out of his lands . . . Our sons are all grown to man's estate, our daughter marriageable, our charges so great that if it be not eased our estate is certainly ruined.' The neighbour who had earlier informed against Sir Robert was rumoured to be going about boasting that he would soon supplant the Filmers at East Sutton Place and take over from Sir Robert as Justice of the Peace.

Sir Robert was imprisoned for two to three years. On his release he started to publish his writings for the first time. Among his most important pieces were: *The Anarchy of a limited or mixed Monarchy*, *The Necessity of the absolute Power of all Kings: and in particular of the Kings of England*, in 1648, and *Observations upon Aristotle's Politiques touching Forms of Government, Together with Directions for Obedience to Governors in dangerous and doubtful Times*, published in 1652. Throughout these anxious times, his contribution to the Royalist cause continued to be strictly literary.

In 1648, when the Kent countryside rose up against Parliament—spurred on by defeated Royalists who had returned from Oxford—in what was one of the last great insurrections of a locality in English history, and the gentry prepared to march on London and claim the City's wavering sympathies for Charles, then a prisoner on the Isle of Wight, they appealed to Sir Robert for help. 'Sir', they wrote, 'we desire that you would afford us your company and counsel at Maidstone in the great concernment of the country. Make haste to yr. friends and servants.' Later the same day, 26th May, they wrote to him again to remove any misconception that they expected him to sport arms in the cause.

There is no evidence that he or any of his sons took part in the

hotly contested battle of Maidstone at the beginning of June when Fairfax surmounted an extremely sturdy defence—though some of his cousins are to be found in the Essex sequel to this campaign at the siege of Colchester. While the London printer Richard Royston was publishing his highly challenging tracts, Sir Robert had withdrawn from Kentish affairs. In the year of this revolt, he was sixty years old and much weakened by the stone. His manor house had been repeatedly damaged, and he is estimated to have lost fifteen hundred pounds or more in levies and fines, though it has been suggested that his difficulties may have been mitigated by help from his relatives who had emigrated to Virginia. None of his sons appear even to have been wounded in the Civil War, nor were they forced into exile, yet his own sufferings were recognized in Royalist circles as far from negligible. This fact was given official notice, before his later use as propaganda, when his second son was created a baronet in 1673 by Charles II.

The last of Sir Robert's tracts to be printed during his lifetime concerned the popular seventeenth-century subject of witches and was occasioned by the famous Maidstone witch trial of 1652 at which he was present. From someone whom subsequent generations have tended to portray as the archetype of the rural reactionary, his *Advertisement to the Jury-Men of England touching Witches* (1653) should alone justify us in looking at his life afresh. Unlike many of his age and class, he became convinced that the execution of witches was misguided (at least English witches were to be distinguished from the more culpable Hebrew variety). Moreover, as he said, not without an icy touch of humour, the Devil was the principal responsible for witchcraft and he 'can never be lawfully summoned according to the rules of our Common-Law' Beyond this, he rejected the conception of witchcraft as Devil-worship because such a belief had no Biblical justification.⁷ And after all, as he added, 'There be daily many things found out and daily more may be which our forefathers never knew to be possible.'

Such gently irreverent dissent from the common view may well seem enlightened now; but, when his questing and critical spirit applied itself to the shibboleths of the parliamentarians, he was guaranteed less than acceptability to succeeding generations. When the criticisms of him were not simply vitriolic abuse they tended, as we have seen, to turn almost entirely on faulty historical arguments. His opponents deliberately turned a blind eye to his reasoned assault on the idea of government by consent and his scepticism about the rule of majorities. Instead of completely rejecting his patriarchal view of monarchy, they elaborated stories of a no less dubious sort than his genealogies about Gothic ancestors and Anglo-Saxon liberties.

⁷ See Keith Thomas, *Religion and the Decline of Magic*, London, 1971, 570.

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To read Sir Robert's will, drawn up in 1651, offers something of a surprise, for it reveals an inheritance—decidedly substantial for a much-plundered Royalist. Apart from the major share of it which went to his eldest son and a comfortable bequest to his wife, he was able to leave his daughter, Anne, £2,500 out of the residue. Not only this—the society he was used to lived on after 1660. In *Patriarcha* he had celebrated the central place of the gentry and their duties to the community. The paternalistic hold of his children and cousins and neighbours remained—not unchanged—but in many respects unimpaired, until the transformations of Kentish society in the nineteenth century.

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