

of the whole people, and in their right succeed to the exercise of supreme jurisdiction; and such heirs are not only lords of their own children, but also of their brethren, and all others that were subject to their fathers. And therefore we find that God told Cain of his brother Abel, "His desires shall he subject unto thee, and thou shalt rule over him." Accordingly, when Jacob bought his brother's birthright, Isaac blessed him thus: "Be lord over thy brethren, and let the sons of thy mother bow before thee."⁸

As long as the first fathers of families lived, the name of patriarchs did aptly belong unto them; but after a few descents, when the true fatherhood itself was extinct, and only the right of the father descends to the true heir, then the title of prince or king was more significant to express the power of him who succeeds only to the right of that fatherhood which his ancestors did naturally enjoy. By this means it comes to pass that many a child, by succeeding a king, hath the right of a father over many a gray-headed multitude, and hath the title of *pater patriae*.⁹

To confirm this natural right of regal power, we find in the Decalogue¹ that the law which enjoins obedience to kings is delivered in the terms of "Honor thy father," as if all power were originally in the father. If obedience to parents be immediately due by a natural law, and subjection to princes but by the mediation of a human ordinance, what reason is there that the laws of nature should give place to the laws of men, as we see the power of the father over his child gives place and is subordinate to the power of the magistrate?

If we compare the natural rights of a father with those of a king, we find them all one, without any difference at all but only in the latitude or extent of them: as the father over one family, so the king, as father over many families, extends his care to preserve, feed, clothe, instruct, and defend the whole commonwealth. His war, his peace, his courts of justice, and all his acts of sovereignty, tend only to preserve and distribute to every subordinate and inferior father, and to their children, their rights and privileges, so that all the duties of a king are summed up in an universal fatherly care of his people.

1620s-40s

1680

JOHN MILTON¹

From The Tenure² of Kings and Magistrates

If men within themselves would be governed by reason, and not generally give up their understanding to a double tyranny, of custom from without, and blind affections³ within, they would discern better what it is to favor and uphold the tyrant of a nation. But being slaves within doors,⁴ no wonder that they strive so much to have the public state conformably governed to the inward vicious rule by which they govern themselves. For indeed none can

8. The first reference is to Genesis 4.7, which Filmer reads tendentiously as establishing the elder brother Cain's authority over the younger Abel, and the second is to Genesis 27.29.

9. Father of his country.

1. Ten Commandments.
2. See headnote to Milton, p. 1785.
3. Terms of holding office.
4. Impulses, passions.
5. I.e., within their own selves.

love freedom heartily but good men; the rest love not freedom but license; which never hath more scope or more indulgence than under tyrants. Hence it is that tyrants are not oft offended nor stand much in doubt of bad men, as being all naturally servile; but in whom⁵ virtue and true worth most is eminent, them they fear in earnest as by right their masters; against them lies all their hatred and suspicion. Consequently neither do bad men hate tyrants, but have been always readiest with the falsified names of loyalty, and obedience, to color over their base compliances.⁶ And although sometimes for shame, and when it comes to their own grievances, of purse especially, they would seem good patriots and side with the better cause, yet when others for the deliverance of their country, endued with fortitude and heroic virtue to fear nothing by the curse written against those "that do the work of the lord negligently,"⁷ would go on to remove not only the calamities and thralldoms of a people but the roots and causes whence they spring, straight these men and sure helpers at need, as if they hated only the miseries but not the mischiefs,⁸ after they have juggled and paltered⁹ with the world, bandied and borne arms against their king, divested him, disanointed him, nay cursed him all over in their pulpits and their pamphlets, to the engaging of sincere and real men beyond what is possible or honest to retreat from, not only turn revolvers from those principles which only could at first move them, but lay the stain of disloyalty and worse on those proceedings which are the necessary consequences of their own former actions; nor disliked by themselves, were they managed to the entire advantages of their own faction; not considering the while that he toward whom they boasted their new fidelity counted them accessory;¹ and by those statutes and laws which they so impotently brandish against others would have doomed them to a traitor's death for what they have done already. 'Tis true, that most men are apt enough to civil wars and commotions as a novelty, and for a flash hot and active; but through sloth or inconstancy, and weakness of spirit either fainting ere their own pretences,² though never so just, be half attained, or through an inbred falsehood and wickedness, betray oftentimes to destruction with themselves men of noblest temper³ joined with them for causes whereof they in their rash undertakings⁴ were not capable.

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No man who knows aught, can be so stupid to deny that all men naturally were born free, being the image and resemblance of God Himself, and were by privilege above all the creatures born to command and not to obey; and that they lived so. Till from the root of Adam's transgression,⁵ falling among themselves to do wrong and violence, and foreseeing that such courses must needs tend to the destruction of them all, they agreed by common league to bind each other from mutual injury, and jointly to defend themselves against any that gave disturbance or opposition to such agreement. Hence came cities, towns, and commonwealths. And because no faith in all was found sufficiently binding,⁶ they saw it needful to ordain some authority that might restrain by force and punishment what was violated against peace and common right.

5. Those in whom.
6. Make their slavishness look good.
7. Milton apparently refers to Jeremiah 48.10: "Cursed be he that doeth the work of the Lord deceitfully, and cursed be he that keepeth back his sword from blood."
8. The suffering but not its causes.
9. Played fast and loose.

1. Guilty of being accessories to a crime.
2. Purposes.
3. Character.
4. Attempts, enterprises.
5. Adam's fall introduced sin and violence into human life.
6. Because merely trusting people to behave themselves did not suffice to control them.

This authority and power of self-defense and preservation being originally and naturally in every one of them, and unitedly in them all, for ease, for order, and lest each man should be his own partial⁷ judge, they communicated and derived⁸ either to one, whom for the eminence of his wisdom and integrity they chose above the rest, or to more than one whom they thought of equal deserving: the first was called a king, the other magistrates. Not to be their lords and masters (though afterward those names in some places were given voluntarily to such as had been authors⁹ of inestimable good to the people) but to be their deputies and commissioners, to execute, by virtue of their entrusted power, that justice which else every man by the bond of nature and of covenant must have executed for himself and for one another. And to him that shall consider well why among free persons, one man by civil right¹ should bear authority and jurisdiction over another, no other end or reason can be imaginable. These² for a while governed well, and with much equity decided all things at their own arbitrament:³ till the temptation of such a power left absolute in their hands, perverted them at length to injustice and partiality. Then did they who now by trial⁴ had found the danger and inconveniences of committing arbitrary power to any, invent laws either framed or consented to by all, that should confine and limit the authority of whom they chose to govern them: that so man,⁵ of whose failing they had proof, might no more rule over them, but law and reason abstracted as much as might be from personal errors and frailties. While⁶ as the magistrate was set above the people, so the law was set above the magistrate. When this would not serve, but that the law was either not executed or misapplied, they were constrained from that time, the only remedy left them, to put conditions⁷ and take oaths from all kings and magistrates at their first installment to do impartial justice by law: who upon those terms and no other received allegiance from the people, that is to say, bond or covenant to obey them in execution of those laws which they the people had themselves made or assented to. And this oftentimes with express warning, that if the king or magistrate proved unfaithful to his trust, the people would be disengaged.⁸ They added also counselors and parliaments, nor to be only at his beck,⁹ but with him or without him, at set times, or at all times when any danger threatened to have care of the public safety.

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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; and seeing that from hence Aristotle¹ and the best of political writers have defined a king, him who governs to the good and profit of his people and not for his own ends, it follows from necessary causes that the titles of sovereign lord, natural lord, and the like, are either arrogancies or

7. Biased.

8. Delegated.

9. Doers.

1. Law.

2. Kings and magistrates.

3. Judgment.

4. Experience. "They": the people who had delegated power to the kings and magistrates.

5. An individual man.

6. Thus.

7. Specify restrictions on.

8. Freed from having to obey.

9. The king's command. Charles had claimed that Parliament could not assemble unless called into session by the king.

1. In *Nicomachean Ethics* 8.11.1.

flatteries, not admitted² by emperors and kings of best note, and disliked by the church both of Jews, Isaiah 26.13, and ancient Christians, as appears by Tertullian and others.³ Although generally the people of Asia, and with them the Jews also, especially since the time they chose a king against the advice and counsel of God,⁴ are noted by wise authors much inclinable to slavery.

Secondly, that to say, as is usual, the king hath as good right to his crown and dignity as any man to his inheritance, is to make the subject no better than the king's slave, his chattel or his possession that may be bought and sold. And doubtless if hereditary title were sufficiently inquired, the best foundation of it would be found either but in courtesy or convenience. But suppose it to be of right hereditary, what can be more just and legal, if a subject for certain crimes be to forfeit by law from himself, and posterity, all his inheritance to the king,⁵ than that a king for crimes proportional should forfeit all his title and inheritance to the people: unless the people must be thought created all for him, he not for them, and they all in one body inferior to him single, which were a kind of treason against the dignity of mankind to affirm.

Thirdly it follows that to say kings are accountable to none but God is the overturning of all law and government. For if they may refuse to give account, then all covenants made with them at coronation, all oaths are in vain and mere mockeries, all laws which they swear to keep made to no purpose; for if the king fear not God—as how many of them do not?—we hold then our lives and estates by the tenure of his mere grace and mercy, as from a God, not a mortal magistrate, a position that none but court parasites or men besotted would maintain.

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It follows lastly, that since the king or magistrate holds his authority of the people, both originally and naturally for their good in the first place, and not his own, then may the 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 right of freeborn men to be governed as seems to them best.

1649

GERRARD WINSTANLEY

The demand for democratic elections by a political faction called the Levelers raised the fear in Cromwell and his conservative associates that, with unpropertied voters outnumbering the propertied by five to one, they might divide or even abolish private property. That was in fact the program of a small group calling themselves True Levelers or, later, Diggers, who were a group of Christian communists. Their leader was Gerrard Winstanley (1609–1676?), a failed businessman and subsequently a hired laborer, who began to publish tracts in 1648, became notorious in 1649 with

2. Permitted.

3. Isaiah 26.13: "O Lord our God, other lords beside thee have had dominion over us; but by thee only will we make mention of thy name." The Church Father Tertullian wrote against earthly monarchs in *On the Crown*.

4. The Israelites, traditionally governed by judges, demanded a king despite God's warning against monarchy, as conveyed by the prophet Samuel (1 Samuel 8).

5. Convicted felons forfeited their property to the king.