# Robert Filmer, Thomas Hobbes and John Locke: Controversies over the Power of the Monarchy in England in the 17<sup>th</sup> Century

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**Abstract:** The four major stages of the 17<sup>th</sup> century - Cromwell's Revolution, the Republic, the Restoration, the Revolution of 1688 - laid bare the religious, economic and social quarrels that had constantly divided the English people. These quarrels fuelled the ideological debate of this century. This can be seen in some of the writings of the time. In fact, these turbulent events, which shook England deeply throughout the 17<sup>th</sup> century, provoked the reaction of great contemporary thinkers who, depending on their position in society, tried to justify the correctness of royal power: this was the case of Robert Filmer in his attempt to defend the divine rights of royal power; it was also the case of Thomas Hobbes with his justification of royal absolutism and that of John Locke in defense of the constitutional monarchy. This work attempts to demonstrate how these illustrious 17<sup>th</sup> century thinkers developed different theses to justify or reject the need for absolute royal power,

**Keywords:** royalabsolutism, monarchy, royal power, revolution, constitutional monarchy

#### Introduction

The 17<sup>th</sup> century was one of the most eventful periods in the history of England. It coincided with the reigns of the monarchs of the Stuart family. It was during this period that the kingdom experienced its two great revolutions which have enabled the monarchy to survive until the present day: the revolution of 1649 during which King Charles I was beheaded and the Glorious Revolution of 1688 which completely changed the face of the royalty.

The English monarchy is one of the oldest in the world. If it has been able to survive, it is above all thanks to its great capacity to adapt to the contingencies of history. And the reign of the Stuarts was the period during which English royalty underwent great upheavals that led to the emergence of the constitutional monarchy or "figurative" monarchy for some.

After the death of Queen Elizabeth I (1558-1603) in 1603, James I (1603-1625) of the Stuart family succeeded to the English throne. His reign saw the consolidation of royal power in England. His son and successor Charles I (1625-1649), who was much imbued with his ideas of the divine power of royalty, established absolute power in the kingdom. This royal absolutism led to a conflict with the largely Puritan-dominated parliament, which resulted in the execution of the king in 1649 and the establishment of a republic or "Free Commonwealth" under the leadership of Olivier Cromwell (1649-1658). Cromwell's death in 1658 and the resignation of his son John Cromwell in 1659 marked the return of the Monarchy of the Stuarts, with Charles II (1660-1685) on the throne of England: the Restoration. Charles II's reign raised great hope at first, but his return to royal absolutism exacerbated the old conflicts that had pitted royalty against parliament under Charles 1st. These conflicts culminated under James II (1685- 1688), his successor, in the second great English revolution, also known as the "Glorious Revolution" in 1688. Royal power was then entrusted to Mary II, daughter of James II, and her husband William of Orange with very limited political powers: this was the establishment of the constitutional monarchy in England.

These turbulent events, which shook England deeply throughout the 17th century, provoked the reaction of great contemporary thinkers who, depending on their position insociety, tried to justify the correctness of royal power: this was the case of Robert Filmer in his attempt to defend the divinity of royal power; it was also the case of Thomas Hobbes with his justification of royal absolutism and that of John Locke in defense of the constitutional monarchy.

This work, which attempts to demonstrate how these illustrious 17<sup>th</sup> century thinkers developed different theses to justify the need for or rejection of the royal power, is divided into three main sections: section 1 deals with Filmer and its defense of the divine power of the monarchy; the section 2showshow Hobbes justified the absolute power of the monarchy, and section 3 analyses Locke's notion of freedom and the justification of the constitutional power of the monarchy.

## I) HISTORICAL CONTEXT

The 17<sup>th</sup> century was characterized in Europe by three dominant aspects: colonial expansion, the impact of religion and political and ideological conflicts. The great European powers, such as Spain, France and Portugal, had already embarked on a frantic search for wealth from other continents, which led to profound economic changes. The center of European development, which had been in Spain thanks to the abuse of South American money, gradually shifted to France and then to England and Holland.<sup>1</sup>

But the 17<sup>th</sup> century was also the scene of violent inter-religious conflicts. In Germany, the war of religion caused confrontations between Calvinists and Jesuits, while in England it pitted Protestants against Catholics. Above all, this century was a period of profound ideological and political change in Great Britain<sup>2</sup>.

Highlights were the death of James I (1625) and the advent of Charles I, the establishment of the absolute monarchy (1629), the English Revolution (1642-1649), the re-establishment of the Stuarts in 1660 and the revolution of 1688. These great events led to various exiles and migrations, wars and conflicts between institutions - king and parliament, parliament and army - and controversies between theorists and ideologists. At the root of the many conflicts that pitted the English sovereigns against the people were economic, religious and moral causes. During his reign, James I was unpopular. His unpopularity grew among Protestants and Puritans because of his claim to rule in the nameof a divine right and his foreign policy. When Charles I succeeded his father in 1625, he kept with him the unanimously rejected Duke of Buckingham<sup>3</sup>.

When Buckingham made himself obnoxious, Parliament protested against his abuses. The King then dissolved both Houses of Parliament. There ensured a period of conflict between the King and Parliament, which in 1628 presented a Petition of Rights before agreeing to vote to levy taxes as the King wished. We must remember that, already, under Elizabeth I, it was parliament that voted to levy taxes for wars. These taxes were one of the sources of revenue for the state in addition to the proceeds from the sale of land and contributions from the colonies<sup>4</sup>.

The king agreed to sign the petition that forbids him arbitrary arrests, the application of martial law in peacetime, the levying of taxes without the consent of the representatives of the people. But this did not prevent a new dissolution of parliament and the king's decision to rule alone. And in 1635, the king reinstated old taxes including the ship-money (or ship tax)<sup>5</sup>. This tax, which was only levied in times of war and only applied to the port cities, was extended to the whole country, even in times of peace. What is important to remember is that the reign of Charles I reveals the absolutism of monarchical power. The revolutions that broke out and the debates that prevailed over the legitimacy of power were consequences of this<sup>6</sup>.

These arbitrary tax levies played a large role in the open conflicts between the king and parliament. However, no less important is the fact that under Charles I, parliament was the forum of the Puritans who opposed princes who associated the fate of the monarchy with that of the church. It is not surprising, therefore, that parliament allied itself with Cromwell in his revolution, whose motivations, it said, were not religious but social.

The advent of the Republic may present paradoxes in relation to the popular character of this revolution, since the majority of the poor and peasant strata of Englishsociety had sided with the king, while the gentry and the professions financed and supported Cromwell's "Iron Curtain".

During the Republic (1649-1660), the Rumpy Parliament was the sole authority in England. Legally, the monarchy was abolished. England was called a "Free Commonwealth" or free republic. But the fact that it did not last longer indicates that there was no unanimity on the question of the system of government. When the Republic degenerated into civil war, Monk appealed to Charles II. It was the Restoration. The sovereign wants absolute power. We are back to where we were before Cromwell's Revolution. The eternal conflicts between monarchy and parliament resurfaced. This is evidenced by some of the laws passed: the Habeas Corpus in 1679, which rose up against the royal arbitrator<sup>7</sup>, and the Test Act in 1673, which attempted to exclude non-English

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<sup>&</sup>lt;sup>1</sup> John Merriman, *A History of Modern Europe: From Renaissance to the Present*, New York: W.W. Norton & Co., 2010, p. 50.

<sup>&</sup>lt;sup>2</sup> Eric F. Johnson, et. al., *The Bedford Glossary for European History*, Boston, MA: Bedford/St. Martin's, 2007, p.21.

<sup>&</sup>lt;sup>3</sup>Jean-Pierre Vivet, *Mémoires sur le règne de Charles 1<sup>er</sup>* in les Mémoires de l'Europe Tome III : l'Europe classique (1660-1763), Paris: Robert Laffont,1971, p.78.

<sup>&</sup>lt;sup>4</sup>R.R. Palmer, et. al., A History of the Modern World, (Boston: McGraw Hill, 2007, p. 78.

<sup>&</sup>lt;sup>5</sup>In 1634 the king decreed the tax known as the ship-money. In the first year, only a certain number of vessels of a certain tonnage were financed by the maritime counties alone, but the following year, as the danger became more imminent, the orders were extended to all the counties. (Jean-Pierre Vivet, op. cit., p.78.

<sup>&</sup>lt;sup>6</sup>R.R. Palmer, et. al., op. cit., p. 78.

<sup>&</sup>lt;sup>7</sup> Habeas Corpus stipulates that any person arrested must be brought before a judge within twenty-four hours.

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speakers from all administrative functions. The conflicts were exacerbated when James II acceded to the throne in 1685. The Revolution of 1688 is the most revealing manifestation of this <sup>8</sup>.

The four major stages of the 17<sup>th</sup> century: Cromwell's Revolution, the Republic, the Restoration, the Revolution of 1688 laid bare the religious, economic and social quarrels that had constantly divided the English people. These quarrels fuelled the ideological debate of this century. This can be seen in some of the writings of the time<sup>9</sup>.

#### II) Robert Filmer and the justifications for the divine power of the monarchy

Robert Filmer was, without a doubt, one of the greatest defenders of the theory of the divine power of the monarchy. We would like to quote his theses here, and one of the sufficient reasons for this is the title Locke himself gave to the Treaties of Civil Government: Two treatises of Government. In the former the false principles and foundations of Sir Robert Filmer and his followers are detected and overthrown. The latter is an Essay concerning the true Original. Extend and End of Civil Government. The title was published in February 1690 by Awnsham Churchill in London. The book itself contains direct references to Filmer in its text.

Filmer, like other theorists of Divine law, believes that God is the natural source and necessary principle of political authority. His work against which John Locke protestsis *Patriarcha* - here the patriarch is the head of a family or tribe invested with supreme authority. His argument consists essentially in justifying the absolute power of the monarchy not only on the basis of divine decision but also by considering that this power is the inheritance of Adam's paternal power. In other words, Filmer justifies patriarchy and political absolutism on the basis of the Holy Scriptures.

This Lordship which Adam by Command had over the whole World, and by Right descending from him the Patriarchs did enjoy, was as large and ample as the Absolutest Dominion of any Monarch which hath been since the Creation.<sup>10</sup>

This thesis therefore argues that power is based on the right of primogeniture. It also implies that Adam's power was first exercised over Eve, and then over Eve and her children. Here is decreed the authority of fathers over their children, husbands over their wives and princes over the people.

Not only until the Flood, but after it, this Patriarchal Power did continue, as the very Name Patriarch doth in part prove. The three Sons of Noah had the whole World divided amongst them by their Father; for of them was the whole World over-spread, according to the Benediction given to him and his Sons, Be fruitful and multiply, and replenish the Earth. Most of the Civilest Nations of the Earth labour to fetch their Original from some One of the Sons or Nephews of Noah, which were scattered abroad after the Confusion of Babel: In this Dispersion we must certainly find the Establishment of Regal Power throughout the Kingdoms of the World. (p.10) 11

By analogy, submission to the king is therefore an allegiance to this patriarchal authority. To Filmer, peoples cannot depose their princes because of this divine right that legitimizes their power and authority. Therefore, accepting the absolutism of the monarchy is equivalent to recognizing the omnipotence of God.

It may seem absurd to maintain, that Kings now are the Fathers of their People, since Experience shews the contrary. It is true, all Kings be not the Natural Parents of their Subjects, yet they all either are, or are to be reputed the next Heirs to those first Progenitors, who were at first the Natural Parents 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 be subject unto thee, and thou shalt rule over him. Accordingly, when Jacob bought his Brother's Birth-right, Isaac blessed him thus, Be Lord over thy Brethren, and let the Sons of thy Mother bow before thee. [Gen. 27. 29.]<sup>12</sup>

There can be no question of rebelling against such authority by any means whatsoever; neither through an egalitarian or democratic system, nor through parliament. The concept of individual freedom is therefore

Simone GOYARD-FABRE Caen, July 1983

<sup>&</sup>lt;sup>8</sup>A Gambling Man: Charles II's Restoration Game, Jenny Uglow (New York: Farrar, Straus and Giroux, 2009).

<sup>&</sup>lt;sup>9</sup>John P. McKay, et. al., A History of Western Society, Boston: Houghton Mifflin, 1995, p. 126.

<sup>&</sup>lt;sup>10</sup> Filmer, Sir Robert, *Patriarcha, or the Natural Power of Kings* [1680], LIBERTY FUND, INC. 8335 Allison Pointe Trail, Suite 300 Indianapolis, Indiana 46250-1684. P. 9.

<sup>&</sup>lt;sup>11</sup>*Ibid*, p. 10

<sup>&</sup>lt;sup>12</sup>*Ibid*, p. 11

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meaningless and men are neither free nor equal.

In reaction to Filmer's *Patriarcha*, James Tyrell a lawyer who was a friend of John Locke published *Patriarcha non Monarcha*. It is in the same spirit that one must understand Locke's philosophy and his conception of the notion of the individual and individual freedom.

Filmer's work was significant because it came at a time when the debate about political intolerance was at its height. Tension was so high in parliament that Charles II decided to dissolve it altogether in 1679.

## II) Thomas Hobbes and the defense of absolute government

Thomas Hobbes (1585-1679), is sometimes accused of being a liberal, a defender of individual liberties and limited government, and sometimes of being a totalitarian, a supporter of absolute and arbitrary government over individuals.

Modern political philosophy, in its essence, generally rejects the basic principles of ancient and medieval philosophers. While the ancients, especially Aristotle, developed as the basis of their discourse a certain idea of what human beings should be, modern philosophers like Machiavelli and Thomas Hobbes base their ideas on what humans are by nature. Rather than providing people with a basic ideal to which they should aspire, modern philosophers consider humans in their lowest state. Hobbes calls this lowest state of human existence the state of nature.

Hobbes describes men as naturally vain and selfish. As such, he writes:

Whatsoever is the object of any man's appetite or desire that is it which he for his part calleth good; and the object of his hate and aversion, evil; and of his contempt, vile and inconsiderable. For these words of good, evil and contemptible are ever uses with relation to the person that useth them...<sup>13</sup>

In other words, people, by nature, perceive something as good or bad not in the way it affects the interests of others, but in the way it affects their personal interests.

Therefore men seek their personal interests according to their own desires, etc...

If any two men desire the same thing, which nevertheless they cannot both enjoy, they become enemies; ...and from this indifference of one another, there is no way for any man to secure himself so reasonable as anticipation, that is, by force or wiles to master the persons of all men he can, so long till he sees no other power great enough to endanger to. <sup>14</sup>

It is then Hobbes' state of nature in which men are by nature selfish, pursuing their own interests regardless of the consequences for others, and where there is no third party neutral enough to prevent one person from harming another. It is not quite a state of war, but a state where man lives under the constant fear of possessing what someone else wants, and may even go so far as to harm you to get what you possess. But fundamentally, the state of nature is a state of competition between individuals for the limited resources available on earth, with the aim of providing for their own needs. Of course, Hobbes describes this world of every man for himself as a world of "continued fear and danger of what death" and "the life of man as solitary poor, nasty, brutish and short".

After describing this state of nature, Hobbes defines the fundamental right of human freedom "to use his own power, as he will himself, for the presentation of his own nature" <sup>17</sup>. The laws of nature, on the other hand, are general laws that prohibit people from doing anything that might destroy their lives or take away the means to preserve them. Finding himself naturally in a state of competition or war in which he is constantly in danger of losing his life, man's first objective in preserving his life is to seek peace with others. He does this by entering into a contract with other men by agreeing to renounce his right to enjoy everything, and by being content with so much freedom from other men. In other words, he can extend his rights as long as they do not conflict with the rights of others.

Unfortunately, any established contract can be broken, hence the need to ensure justice, that is to say, to ensure that the man respects the contract he signs. Injustice is then the non-respect of the contract. Since the fundamental reason for established contracts is to protect what each person acquires through his own means of subsistence, it follows that justice is essentially the constant will to give each person what belongs to him, in

<sup>&</sup>lt;sup>13</sup> Thomas Hobbes, *Leviathan*, Edwin Curley. Indianapolis/Cambridge: Hackett Publishing Co. 1994, p. 123

<sup>&</sup>lt;sup>14</sup>*Ibid.*, p. 143

<sup>&</sup>lt;sup>15</sup>Thomas Hobbes, op. cit., p. 143

<sup>&</sup>lt;sup>16</sup>*Ibid*, p. 147

<sup>&</sup>lt;sup>17</sup>*Ibid*, p. 167

other words a fundamental right of ownership.

Since man is by nature selfish in his personal interests, when an injustice such as the one described above occurs, the people concerned must not be allowed to judge the situation and render justice. An impartial third party is needed to ensure that justice is done according to the provisions of the contract and not according to the interests of one party. Thus, the objective of this third party is to enforce the provisions of the contract. Hobbes calls thisthird party a *Commonwealth*, but more specifically, a Leviathan or Mortal God, and defines it as:

One person of whose acts a great multitude, by mutual covenants with one another, to the end that hem may use the strength and means of them all, as he shall thank expedient, for their peace and common defense. <sup>18</sup>

Now that we know how this Leviathan is formed, let us return to our initial question. By setting up this monstrous Mortal God, can Hobbes be considered a classic liberal, a defender of individual freedom, and limited government?

Hobbes is a defender of freedom, although of a particular kind of freedom, and although he does not necessarily support the limitation of the watch, he does not necessarily argue for the possibility of the tentacles of the watch to reach all aspects of the lives of these subjects.

Let us first consider his description of the Leviathan he created. In essence, his understanding of government is that it must have real and absolute power to place itself above the natural state of fear and conflict; that it must be the unquestionable arbiter of disputes concerning the violation of the contract between men, and that it must be neutral and must not involve itself in the particular interests of its subjects. In this regard, Hobbes asserts that once a contract has been established it cannot be changed, the sovereign cannot relinquish his power, no one can question it or accuse it of injustice, and that the sovereign has all the powers to legislate and administer the government. These provisions may, for some, smell of totalitarianism. It must be remembered that their purpose is not to deprive subjects of their freedom but to give the sovereign the authority and power to do the job he is supposed to do. It can be said, however, that the authority of the Leviathan does not stop there. Leviathan has the power to make civil laws, and he himself is not subject to these laws. It has the power of interpretation in matters of education and religion. He can, in fact, order a subject to do anything but something that may harm that subject. So the freedom that Hobbes's Leviathan proposes is a liberation from the state of nature. It is a chaotic situation in which the individual himself is under constant threat of being invaded and harmed by others who have everyopportunity to do so. The government takes away this opportunity and thus gives its citizens the freedom to live in peace.

But one could of course argue that in such a situation, the subject may lose any other freedom he or she naturally had. In reality, beyond the fundamental rights not to harm one's own person and the right not to be forced to serve in a war, all other freedoms of the citizen depend on the "silence of the laws. In cases where sovereign has presented no rule, there the subject hath the liberty to do or forbear, according to his discretion" Does this possibility of depriving the citizen of some of these freedoms not lead us to consider Hobbes as a supporter of a totalitarian, absolute government?

Clearly, Hobbes has had a major impact on modern political philosophy. However, because intellectuals often see him as a defender of a government with unlimited powers, he is frequently overlooked in favour of his contemporaries, mainly John Locke and Montesquieu, whose theoretical regimes are considered more democratic and therefore more just.

However, if it is judged as a product of its own time, it is clear that it provided a framework that allowed human beings to rise above their natural state of chaos and fear to form a productive society. Considering the political climate in which he lived - an English society marked by a conflicting political and religious climate, a civil war, the continual questioning of governmental authority - one can infer that Hobbes's real goal was to provide real stability. In the final analysis, the best way to sum up Hobbes's thinking is to say that if we were offered the choice between the state of nature and any form of government, it is clear that government is the best choice to enable individuals to pursue their own happiness and prosperity.

### III) John Locke and the birth of the constitutional power of the monarchy

It is by rejecting the theses of Filmer that Locke gives us the essence of his doctrine. To do so, he uses a fairly common technique of argumentation: using the rhetorical foundations of his antagonist to demonstrate its inconsistency. He in turn relies on the Holy Scriptures. The central point of the polemic is the detention and transfer of power. The Christian dogma according to which God's authority is superior to any other is not the subject of any quarrel between Filmer and Locke. Rather, the controversy revolves around the transfer of this authority to men.

<sup>19</sup>Thomas Hobbes, *op. cit.*, p. 246.

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<sup>&</sup>lt;sup>18</sup>*Ibid*, p. 167

Should it be practiced through the church? Is it entrusted to a sovereign by God or by tradition? Or is it specific to each individual? We recognize in the second proposition the one of Filming. But neither of the first two is in line with Locke's conception, which demonstrates in the first political treatise that there can be no religious or hereditary basis for the exercise of power. He remains in the same perspective as James Tyrrell, who denies any link between the power of kings and the patriarchal authority of Adam. Locke argues:

- 1) that Adam had, as it has been claimed, neither by natural right nor by special privilege received from God, authority over his children or empire over the world;
- 2) that if he possessed this right, his descendants did not possess it;
- 3) that if his descendants had this right, there was neither natural law nor positive divine law capable of determining who, in each particular case, was the rightful holder; consequently, neither the right of succession nor the right to govern could be determined with certainty.<sup>20</sup>

Power cannot therefore have the legitimacy that Filmer wants to confer on it on the basis of the Holy Scriptures. Indeed, to accept his postulate would be to place certain individuals above others, and this is what Locke questions. He rules out the possibility that the spiritual can legitimize the temporal. To do this, he constructs this vision of the free man in the state of nature but also in political society.

For Locke, all men are born free and equal in a state of perfect freedom. Of this natural freedom, he says that it "consists in not recognizing any sovereign power over the earth and not being subject to the will or legislative authority of anyone, but only to follow the laws of nature". This freedom, he says, is a right for all men when they live in the state of nature, a state he conceives of as a context in which men exist as individuals but do not constitute a social entity. This is how Locke understood the way of life of the Native Americans.

The state of nature is a state in which man can dispose of his person and property as he sees fit. But there is no right to destroy or harm himself or others. Consequently, there can be no question of subjecting his freedom to that of another man, even a father. One can only submit oneself to the authority of the laws, since they contribute to the well-being of everyone and are equally applied to all. If one violates the order of nature, the state of nature has the law of nature to regulate it. The purpose of this law is to enable every man to live happily, freely and safely by punishing evil, albeit to different degrees, but the punishment must be carried out. Thus conceived, the law and punishment contribute to the preservation of individuals and must discourage illegal actions. And for Locke, the magistrate's role is to ensure that their application is effective and corresponds to the goals assigned to him.

Against those who might retort, on the basis of the principle of the equality of individuals, that no man has the right to judge or punish another, Locke says, in anticipation, that leaving the decision to a magistrate is more reassuring than entrusting all affairs of state to a monarch for the following reasons: firstly, the acceptance of absolute monarchy prevents any repressive action against the sovereign, whereas in the state of nature, he who judges badly is himself liable to sanctions, these sanctions being enforceable by other men. The magistrate can therefore be replaced whereas recognizing the principle of the absolute authority of a sovereign calls into question the possibility of dismissing him.

For Locke, "the deprivation of a common judge, clothed with authority, puts all men in the state of nature" 12. In such a context of equality and freedom, authority does not lie with the magistrate but with the law.

These laws are of divine origin and aim at the tranquility and conservation of the human race. They are dictated by reason and are inherent to all men because they are orders from God. These laws appeal to the conscience through which the individual develops a sense of duty. Through this sense of duty, he will choose to contribute to the social order. They are the only restriction on individuals. For, says Locke: "Freedom is not what the Knight Filmmaker marks for us. A freedom, by which everyone does what he wants, lives as he pleases, and is not bound by any law. <sup>23</sup>". "Freedom is the right to do whatever the law allows" <sup>24</sup>, Montesquieu said, summing up Locke's point.

But the natural law that limits men when they live in the state of nature does not apply to them in the same way when they live in a civil society.

The individual power that raises the question of individual freedoms starts from the definition of individual. Locke situates the individual in two different spaces: nature: an individual level and society, a framework in which an individual decides to ally himself with others, and according to his social framework, he subjects him to a certain number of norms and principles.

The freedom of the individual is at the center of Locke's thinking. To reconcile this ideal with the

<sup>&</sup>lt;sup>20</sup>Thomas Hobbes, *op. cit.*, p. 171.

<sup>&</sup>lt;sup>21</sup>*Ibid*, p.191

<sup>&</sup>lt;sup>22</sup>John Locke, Treaty of Civil Government, Flammarion Tours. February 1984. p.188

<sup>&</sup>lt;sup>23</sup>*Ibid*,, p.191

<sup>&</sup>lt;sup>24</sup>*Ibid.*, p.59

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political power to which he agrees to submit, the social man will accept the authority of the law. This is how Voltaire's words sum up in part Locke's conception: "freedom consists in being independent of everything except the law". The law as expounded by Locke derives its legitimacy from three major sources: it is the product of individual will, it has a popular character, and it has both a religious and a rational basis. It is therefore just and equitable.

Two versions exist as to the starting point for this conception of the importance of the law in the democratic governance of the state. The first would take this conception back to the Stoics. The second considers that it dates back to the 17<sup>th</sup> and 18<sup>th</sup> centuries. What interests us at this level is the notable shift between the Stoic and Locke's conception. In the Republic, Cicero says that "there is a true law, it is the right reason,in conformity with nature, spread in all beings". For Cicero and the Stoics, this rational law, that of virtue which is proper to each man, must determine life in society and that of all men. The natural and virtuous law of the Stoics found an extension in the Christian morality from which Locke draws so strongly. It is based on a higher law, the divine law explicitly formulated in the Ten Commandments or inferred from the biblical accounts. Plato's vision is not as universal as that of the Stoics since he restricts the accumulation of power and wisdom to philosophers only, philosopher being understood here in the sense of wise man. Indeed, Plato and Aristotle propose a partition of society between a privileged elite entitled to power and a plebeian who deserves nothing more than to be well governed.

#### Conclusion

To conclude we can say that the nature of royal power in 17<sup>th</sup> century England was a source of real controversy. Great thinkers such as Robert Filmer, Thomas Hobbes and John Locke tried, each in his own way, to justify the correctness of royal power. This is mainly due to the fact that the reign of the Stuarts plunged the kingdom into a long period of instability, controversy and ambivalence. This period of permanent conflict between royalty and parliament saw two revolutions that profoundly transformed the face of the English monarchy and threatened to bring about its demise. Unlike the Tudors, the Stuarts were very much imbued with the divine power of the monarchy. And it was this divine character of royalty that Filmer was defending. Unlike Filmer, Hobbes advocated a strong and absolute government capable of ensuring social peace. His Leviathan was actually a justification for Cromwell's authoritarian power. This is why some consider Hobbes to be the precursor of totalitarianism and fascism. As for Locke, he wanted to explain the origin of property and political authority. Two Treatises of Government is apparently written to refute the ideas of Filmer. Its aim was to show that political power was totally different from the paternal power that Filmer defended. It argued not only for a government with limited powers, but also for the separation of powers, the rule of law and the legitimacy of rebellion in certain circumstances. This is why Locke is often seen as the forerunner of constitutional monarchy and the father of English liberalism.

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