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Of the origin of government: the afterlives of Locke and Filmer in an eighteenth-century British debate

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ABSTRACT



This article describes a debate about the basis of allegiance to government that is obscured from view by the historiographical controversy about whether it is liberalism or republicanism that is the key to understanding eighteenth-century Anglophone political thought. This debate is between those who subscribe, more or less, to the principles of Locke, and those who subscribe, more or less, to the principles of Filmer. Taking the Hanoverian succession as my point of departure, I present an outline account of what I take to be the mainstream eighteenth-century argument about the origin of government, up to and including the aftermath of the French Revolution. It played out largely in sermons and occasional pamphlets, written by individuals who, for the most part, did not acquire significant reputations, even in their own age. I then turn to a succession of more familiar writers, from Hume to Burke, who sought to transform argument about the source of political legitimacy by abandoning the question of the origins of government in favour, usually, of considerations of utility. Yet, as they attempted to change the terms of debate about the principles of government, these writers made constructive use of ideas and arguments usually associated with Filmer.

KEYWORDS

Political obligation; Locke; social contract; Filmer; Patriarchalism; Utilitarianism

1. Introduction

In the course of his *Defence of Dr. Price*, a vindication of Richard Price's case for toleration and parliamentary reform written in answer to Burke's *Reflections on the Revolution in France*, Christopher Wyvill described Burke as "our modern Filmer."¹ Price had stood up for freedom and the true principles of the British constitution, while Burke was an apologist for the aristocracy and its attempt to subvert liberty and silence dissent. Again, when Thomas Paine was on trial for sedition in 1792, comparison of Burke with Filmer was part of the case for the defence constructed by Thomas Erskine. Paine, according to Erskine, had done no more than reiterate the case made against divine right by Locke. Just as Locke's "Essay on Government" had been prompted by Filmer's denial of "[t]he just and awful principles of society," so also Paine's book

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had been provoked by Burke. “[A]nd indeed,” Erskine continued, “between the arguments of Filmer and Burke, I see no essential difference.”² As will be seen below, use of Filmer’s name by political reformers and radicals in order to discredit an opponent was not infrequent in the 1790s. There was also at least one case of self-proclaimed Filmerianism. The erstwhile American loyalist Jonathan Boucher, long since returned to England, asserted in 1797 that

the patriarchal scheme is that which has always prevailed, and still does prevail, among the most enlightened people: and (what is no slight attestation of it’s [*sic*] truth) it has also prevailed, and still does prevail, among the most unenlightened.

Filmer’s “leading idea” – “that government is not of human, but of divine origin” – “is still ... unrefuted, and still true.”³ Others deployed this same idea in criticism of Price and Paine, but without mentioning Filmer by name. In *The Real Origin of Government*, for example, John Whitaker used the Genesis account of the subordination of Eve and her children to Adam as a refutation of Locke’s appeal to natural liberty and equality, the “falsest of all false positions.”⁴

Influential accounts of the political thought of eighteenth-century Britain make it hard to explain the fact that, at the end of the century, fundamental political disagreement could be presented in terms of opposition between the principles of Locke and of Filmer. In the nineteenth century, and in the first half of the twentieth century also, it was commonly claimed that Locke’s *First Treatise of Government* had so completely destroyed Filmer’s intellectual credibility that the positions elaborated in the *Second Treatise* remained supreme and mostly unchallenged until the rise of utilitarianism. Leslie Stephen summarised prevailing wisdom when he wrote that

Locke expounded the principles of the revolution of 1688, and his writings became the political bible of the following century ... He gave the source from which later writers drew their arguments, and the authority to which they appealed in fault of arguments.⁵

So easy, indeed, had Locke’s victory been that it was unintelligible why he had devoted so much time and energy to Filmer, when he could, and should, have applied himself to refuting Hobbes instead. Stephen wondered why Locke had troubled himself with “an argument ... which would have died a natural death at the revolution.”⁶ The hold of this picture of an eighteenth century dominated by Locke and Lockeianism was weakened only when Peter Laslett demonstrated that the *Two Treatises* was written in the circumstances of the Exclusion Crisis to address the very seventeenth-century question of how to adjudicate a contest between the prerogatives of the crown and the privileges of parliament.⁷ J.G.A. Pocock then removed Locke from eighteenth-century political thought altogether in his description of “an almost revolutionary pervasion – if not a takeover – of political thought by a new language of commerce, manners, and politeness.”⁸ Pocock explained that, in his study of Anglophone neo-Machiavellianism in the period leading up to the American Revolution, he would “allot a crucial role to neither the justification of the Revolution of 1688 itself nor the political writings of John Locke.”⁹ The same went for Filmer, who “has not been made to appear a key figure in any party’s tradition or to have articulated positions central or enduring in English [*sic*] thought.”¹⁰

The consequence of both the pre- and the post-Laslett historiography is the near invisibility of a century-long argument about the fundamental principles of government which made continual reference to Locke and Lockean ideas on the one hand, and to Filmer and Filmerian ideas on the other. This was an argument about what the eighteenth century called “the origin of government,” between those who ascribed the origin of government to men, and those who ascribed it to God.¹¹ It was not, of course, really a historical question.¹² Rather, it was a question about the source of sovereign political authority, and about the basis – and limits – of the duty of allegiance. Work done on the period between 1688 and 1714 has shown the persistence of fundamental political argument immediately after the Glorious Revolution, and the persistence of Filmerian ideas among Tories as well as among Non-Jurors and Jacobites.¹³ In Section 2 of this article, I take the Hanoverian succession as my point of departure, and present an outline account of what I take to be the mainstream eighteenth-century debate about the origin of government, up to and including the aftermath of the French Revolution. This debate was conducted in terms taken, sometimes implicitly, sometimes explicitly, from Locke and from Filmer. It played out largely in sermons and occasional pamphlets written by individuals who, for the most part, did not acquire significant reputations even in their own age. Then, in Section 3, I direct the reader’s attention to a succession of more familiar writers, from Hume to Burke, who sought to transform argument about the source of political legitimacy by abandoning the question of the origins of government in favour, usually, of considerations of utility. The tendency of this approach to political legitimacy was to turn the question of the origin of government into a properly historical question, with no direct bearing on the practical problem of the basis and limits of allegiance. What I especially want to bring out is how, as they attempted to change the terms of debate about the principles of government, these writers made constructive use of ideas and arguments usually associated with Filmer. In the development of “scientific” Whiggism, there was an important role for notions of natural subjection and of the development of government out of the power structures of the family.¹⁴

2. The mainstream debate about the origin of government

1716 saw the anonymous publication of a short book with the title *Whig and Tory Principles of Government Fairly Stated, In a Dialogue between an Oxford Scholar and a Whig Parson*. The way in which Whig and Tory principles are stated in the course of the dialogue makes it plain that the author was a Tory. The Whig Parson is depicted as frequently at a loss in the face of the Oxford Scholar’s arguments, and has little to say in the face of a flood of Tory polemic that takes up more than three quarters of the text. The conversation is described as taking place in the aftermath of “the late Insurrection,” meaning the Jacobite rising of 1715, and one of the interesting things about this text is that the Oxford Scholar says nothing that betrays hostility to the Hanoverian king whose accession to the throne had provoked that rebellion.¹⁵ This is not a re-run of the Sacheverell trial. With regard to 1688, the Oxford Scholar restricts himself to arguing that William III’s title had had nothing to do with an act of resistance on the part of the English people, that this had been made plain by both the king himself and by the Convention Parliament, and that there had been therefore all the difference in the world between 1688 and 1649. The war waged by Parliamentarians in the 1640s

had been an act of resistance, and so had, inevitably, been disastrous for the country as a whole.¹⁶ This argument between a Whig and a Tory, then, is not an argument for or against a particular regime, but is about “Obligation to Government” as such. It is an argument about how to understand “political Power” and “the Magistrate[']s Right of Dominion.” The question for both parties is where the right of dominion comes from. “I begin then with the Original of Government,” says the Whig Parson as he starts to lay out his position, which is that political power “flows from the People, for Parliaments as well as Kings are accountable to them, as deriving their authority from the People.”¹⁷ Human beings are “naturally” in a state of freedom and equality – as is proven by “Instances of People in the uncivilized Parts of the World, without any established Civil Government” – with the consequence that a magistrate’s right of dominion can only come “from the People by mutual Compact and Agreement.”¹⁸

In reply, the Oxford Scholar asserts that the authority of the magistrate is acquired “[b]y the positive Institution of God and the Dictate of Nature.”¹⁹ The positive institution of God is necessary to explain how it is that one man might have a power of life and death over another; meaning not the capacity to take life, but the *right* to do so. The right to take human life is necessary to any government, but it is a right that no human being has. We are, after all, under an absolute injunction not to take the lives either of others or of ourselves. Only God, as our creator, has the right to take back the life that he gives; and so, where there is a right to take life, as there must be in the case of the magistrate, that right must come from God. Furthermore, there could be no strict authority to obey the magistrate if the magistrate’s authority were derived from the consent of naturally free beings, for naturally free beings must always retain the capacity to withdraw their consent. No magistrate could have the power to bind the conscience to perfect obedience, and the state of government would always be liable to revert to a state of anarchy.²⁰ To these arguments for the need for positive divine institution the Oxford Scholar adds considerations drawn from the dictates of nature, which is to say from the natural subjection of wives to husbands, and children to fathers. There is and can be no such state as a state of free and equal beings. “Hell it self,” the Oxford Scholar claims, “could not subsist without government.”²¹ From the very beginning, human beings have lived in relations of subordination and government on which the possibility of society depends. There is no distinction in kind between familial and political society. For all of human history, magisterial power has been passed down from father to son: “the first Man that was born, was born under Civil Government, and so of all that ever were born since.”²²

Whig and Tory Principles of Government Fairly Stated lays out the basic framework of the eighteenth-century British debate about the origin of government and the source of sovereign political power. One way of characterising that debate is as a series of reiterations of the encounter between John Locke and Sir Robert Filmer.²³ Plainly, the Whig Parson’s ideas have much in common with Locke’s, just as the Oxford Scholar’s have much in common with Filmer’s. The Whig Parson, however, never mentions Locke by name, and the Oxford Scholar never mentions Filmer.²⁴ At this point in the century, Locke, where he was known to have been the author of *Two Treatises of Government*, was associated with a more radical brand of Whiggism than the average parson would have averred.²⁵ Filmer, for his part, was linked with precisely the hostility to 1688 and to the Hanoverian succession that the Oxford Scholar appears keen to distance himself from. In the years that followed, Locke’s theory of government was adopted in an

open and unequivocal fashion only by those willing to advertise their commitment to “Revolution Principles,” which nominally the Whig government under George I and George II was in danger of betraying. The campaign waged by John Trenchard and Thomas Gordon in *Cato’s Letters* for triennial parliaments was conducted with constant appeal to Lockean political theory. Number 60, for example, published on 6 January 1722, had the title “All Government proved to be instituted by Men, and only to intend the general Good of Men.” It argued from the principle that “[g]overnment ... can have no power, but such as men can give” directly to the need for repeal of the Septennial Act.²⁶ Subsequently, Bolingbroke, in his campaign against Walpole, would use the same Lockean language in order to legitimate the politics of opposition.²⁷ In Scotland, Lockean political thought was taught by professors of moral philosophy, such as Gershom Carmichael and Francis Hutcheson, as a means of reminding students what had been achieved in 1688 and what needed to be preserved in the interests of freedom and virtue.²⁸ More or less pure Filmerianism, on the other hand, was to be found only in the texts of Jacobites and Non-Jurors.²⁹ Andrew Michael Ramsay, for example, began his case for hereditary right and non-resistance in *An Essay on Government* with a rejection of ideas of natural equality and an assertion of the need for all political authority to be derived from the divine will. Not even Ramsay, though, was willing to name Filmer as an influence. He claimed, instead, to be expounding “the bright Sentiments of the late *Messire Francis de Salignac de la Mothe-Fenelon*, Arch-Bishop of Cambray.”³⁰

Other writers articulated a compromise position, combining elements of Lockeanism with elements of Filmerianism. In *An Essay on Government*, published in the same year as *Whig and Tory Principles of Government Fairly Stated*, Thomas Burnett argued that it was neither purely “by the Appointment of God” nor purely by “the Agreement, and Contrivance of Men” that mankind had “happn’d to fall into this Method of securing their Properties, which we call Government.”³¹ There was no need to look to divine revelation to explain either the origin of government as such or the choice of a particular form of government on the part of a particular people. But the *authority* of government, its power to take human life, and its power to bind the conscience even where the subject does not approve of a given law, could only come from God. This left scope for a right of resistance, where it could be claimed that the magistrate had misused the divine power he had been given by his people. Such a position, argued Francis Squire in 1717, “preserves the *Natural Liberty* of Mankind from the Oppression of ambitious and tyrannical Princes ... [and] defends the Dignity of the Magistrate, and preserves his Honour and Person inviolable (under Pain of God’s Wrath) from the rude Populace.”³² The appeal of this line of thought was that it made good sense of what had happened in 1688, in so far as it was always for the people to choose its governors, but without in any way weakening the obligation of subjects to obey the current magistrate. Henry Grove, another exponent of the compromise view, allowed that

[w]hen Men are taught to look not only upon the Magistrate, but upon Magistracy as their Creature, and to believe that their Princes and Rulers have no Power but what they have graciously given them, the more unthinking sort will be apt, upon the least Resentment, to treat them with very little ceremony.³³

That was why it was necessary to see that “all Power is directly from God, not by his positive Appointment; but, as he is pleas’d to signify his Sovereign Will by the Nature of things.”³⁴ It was not only Jacobites, then, who were able to depict the duty of allegiance as having a religious basis. On the contrary, the religious basis of allegiance could be turned *against* the Jacobites, and used as part of the argument for submission to the current regime.

This position enabled it to be asserted in response to the Jacobite rising of 1745 that “it is undeniably the duty of subjects, to behave themselves as children to [their] father,” and that “Good magistrates are the ministers of God,” without there being any association of these principles with “stale, and long since exploded doctrines of passive obedience and non-resistance.”³⁵ In the eyes of some writers, even so, the return to armed conflict over the succession question necessitated a return to Whig fundamentals. This was perhaps especially the case in Scotland, where, as noted above, Lockeianism had been taught in the universities by influential professors since the early decades of the century. An anonymous attack on Jacobitism published in Edinburgh in 1746 reasserted the principles of natural liberty, political authority as a trust, and the dependence of the monarch’s possession of his powers “on the Consent of the People and their Representatives.”³⁶ It might well have been Scottish reversion to doctrinaire Lockeianism that prompted the scepticism of Hume’s “Of the Original Contract” and “Of the Protestant Succession.” A further expression of the impulse to regain the spirit of the Revolution was, presumably, the republication at this time of works by Whig heroes like Henry Neville and Algernon Sidney.³⁷ At the same time, though, there was some rethinking of the core of the anti-Jacobite position. In an interesting return to a Hobbesian version of contract theory, Thomas Pownall argued in 1750 that there was a dangerous error contained in the idea that the origin of government lay in an agreement between the magistrate and *the people*. That idea inevitably held within it the seeds of conflict between “the People, as the Party on one hand, and the King, as on the other.” The truth was that government was brought into existence by a “Compact Deed” between *individuals*, with no implication that a majority of those individuals had the right to call themselves “the people,” empowered as a result to act on behalf of everyone.³⁸ That was the source of factionalism, sedition, and civil war. Peace depended, instead, on a recognition of national unity, along with a natural balance of power resting on the distribution of property.

Another crisis – the one that started in America in the 1760s – generated further restatement of Lockeian principles, in the form notably of James Otis’s 1764 *The Rights of the British Colonies Asserted and Proved*. Otis began the introduction to this condemnation of the Stamp Act with a consideration “Of the Origin of Government.” The only viable theory on this score, he claimed, was that dominion is founded on compact. Those wanting an answer to the objections routinely made to contract theory “may consult Mr. Locke’s discourses on government, M. De Vattel’s law of nature and nations, and their own consciences.” Government depends on the existence of supreme, absolute, and uncontrollable power, and that power is “*originally* and *ultimately* in the people.”³⁹ Otis was the first, so far I have been able to establish, to call opponents of this position “Filmerians,” committed, according to Otis, to Adam’s having been the first king, to the need for all rightful princes to be able to trace their descent through eldest sons of eldest sons back to Adam, to the possession by all kings of the absolute, arbitrary, and unlimited power supposedly possessed by a father over his children, and

so on.⁴⁰ In their criticisms of British policy in America, Joseph Priestley, James Burgh, and Richard Price all followed Otis in taking the primary question to be that of the origin of government, and all asserted uncompromising versions of the claim that, in Burgh's words, "[a]ll lawful authority, legislative, and executive, originates from the people."⁴¹ Power in the people is like the sun, Burgh continued, but in governors it may be compared to the reflected light of the moon. Price followed Otis also in claiming that the only alternative was to "embrace Sir Robert Filmer's Patriarchal scheme."⁴²

To men like Priestley and Price, the logical consequence of assertion of the origin of the government as having been in the people was a purely secular understanding of civil power, and a clean separation of politics from religion, with full toleration accorded to dissent. In reaction against this threat to the Church of England came equally uncompromising assertions of the divine origin of government, and increasing willingness to use the language of Filmerianism in defence of the established political and ecclesiastical order. An early instance was a sermon preached at Oxford by George Horne in 1769, intended to demonstrate the "intimate connection between religion and government."⁴³ Horne rejected natural liberty and equality in favour of natural subjection, and in place of an original contract located the ultimate origin of government in the supreme power of the father over his family. Just like a father – and just like a minister of the church – the civil magistrate derived his authority from a divine source. In a later critique of Locke, Horne repeated the claim that no one can possess power of life and death except by divine right. Horne's sermon set the scene for the many criticisms of the American rebels, and their British apologists, published in the late 1770s. These were often sermons expounding such texts as 1 Peter 2:17 ("Fear God, Honour the King"), Romans 13:1 ("Let every Soul be Subject unto the higher Powers, for there is no Power but of God, the Powers that be, are ordained of God"), and Proverbs 8:16 ("By me Princes Rule, and Nobles, even all the Judges of the Earth"). Like Horne, they dismissed all idea of natural liberty and equality, and of contract, as leading directly to rebellion, republicanism, and anarchy, which was to say as leading directly back to the chaos and bloodshed of the 1640s. John Darwall went so far as to claim that "the Voice of the People is the Voice of the Devil."⁴⁴ Boucher, in his 1775 sermon "On Civil Liberty," was unusual only in his explicitness about his intellectual debts when he attacked Locke in the name of Filmer and the "idea of the patriarchal origin of government." That idea, he claimed, "has not only the most and best authority of history ... but is also by far the most natural, the most consistent, and most rational idea."⁴⁵

In 1780, as if in response to the extremism of the political debate caused by the war in America, Sir John Hawkins attempted to breathe new life into the compromise position that had been sketched by Burnett and Grove. In *A Charge to the Grand Jury of Middlesex*, Hawkins told his audience that he did not "mean to decide upon that controverted Question, whether the Power of the supreme Magistrate be the Grant of God, or the Gift of the People," because there was, so he thought, "a middle Hypothesis that removes all the Difficulties that have hitherto embarrassed this subtle Question." This was the idea "that the Rights, the Power, and Privileges of Dominion are from God, but the Choice of the Person who shall exercise them is the Right of the People."⁴⁶ In the years that followed it continued to be generally – though, as we will see in Section 3, not universally – accepted that the first question for a writer on politics was the origin of government, and whether or not it is true that all government is derived from the

people. In a disquisition, “On Government and Civil Liberty,” Soame Jenyns began with that question, and proceeded to argue that government had no such origin, and that “government itself is of divine institution, as much as eating, and for the same reason, because we cannot subsist without it.” “The natural state of man is a state . . . of society and subordination,” he affirmed, and “submission to authority is essential to humanity.”⁴⁷ Baptist Noel Turner argued that there was simply no evidence for the principle that all government is from the people. Our only evidence concerning the origin of government was provided by the Bible. “We know of no other original author of societies,” in other words, “but God himself.”⁴⁸ Unlike Boucher, however, these writers were keen to distance themselves from what Turner called “the arbitrary system of Sir Robert Filmer.”⁴⁹ Most importantly, it was plain that a tyrant could be resisted. Even one of Jenyns’s critics, writing in vindication of Locke, allowed that Jenyns had not “trifled with Sir Robert Filmer.”⁵⁰

In the fraught circumstances of the aftermath of revolution in France, positions once again hardened into extreme forms. I shall argue in Section 3 that Burke was one of those engaged in trying to change the terms of debate about the origin of sovereign power and the basis of allegiance, but, as we saw above, he was accused of trying to effect a return to a Filmerian conception of absolute subjection. “I cannot comprehend,” wrote George Rous, “how Mr. Burke’s doctrine differs from that of the old exploded fanatics of Slavery.”⁵¹ In reply to Burke, Paine reasserted ideas of natural liberty and contract in their most uncompromising form. “To possess ourselves of a clear idea of what Government is, or ought to be,” Paine argued, “we must trace it to its origin.”⁵² But this was the extent of Paine’s orthodoxy. Not only did government have its origin in the people, but the people also needed to reaffirm their endorsement of their form of government every generation. A mode of government that could genuinely be said to have the people as its source would, Paine insisted, be a mode of government different from that which had been in place in Britain since 1688. Not even the new constitution of revolutionary France was true to the basic principle of natural human equality. There followed many replies to Paine which, like replies to Priestley, Price, and Burgh in the 1770s, vigorously invoked the idea that the duty of allegiance is also a duty to God. God himself, argued Charles Weston, “has both declared the Authority of Governments to proceed himself, and has required Obedience to them, as Service to Himself, denouncing condemnation against the Disobedient.”⁵³ “Whoever credits the inspiration of scripture,” agreed James Roger, “which no reasonable man will deny, must believe government the ordinance of heaven.”⁵⁴ Citing Boucher and John Whitaker, John Bowles rejected the basic Lockean distinction between parental and political power. It was the lesson of the Bible that paternal power grew into patriarchal government, and that the authority of the magistrate remained that of a father over his family.⁵⁵ In notes added to the 1797 republication of “On Civil Liberty,” Boucher worried that Filmer’s work “is now so antiquated, and where known at all, known only through the medium of the answer to it.”⁵⁶ In a long footnote, he therefore recapitulated Locke on the origin of government, and exposed Locke’s failure to discredit Filmer’s leading idea.

This brief account of the eighteenth-century debate about the origin of government suggests that Leslie Stephen was wrong to claim that, even without Locke’s attack in the First Treatise of Government, the arguments of Filmer’s *Patriarcha* would have “died a natural death” in 1688. Few were prepared to endorse every aspect of Filmer’s

thought, and few were prepared to invoke his name, presumably because of its association with the policies of Charles II and James II, but, nevertheless, some of Filmer's central principles remained a key part of mainstream political argument through to the end of the century. So, of course, did some of Locke's central principles. Any account of British political thought in this period that has no place for continued deployment of the ideas and arguments of the *Two Treatises* cannot but be incomplete.⁵⁷ Needless to say, there was more than one kind of Lockeianism current at this time, and not every exponent named Locke himself as the source of their ideas. There was doubtless a sense in which notions of natural liberty and government by consent had become such common currency that their exponents did not need even to have read the *Two Treatises*, or even, perhaps, to have heard of it. As I am using the words here, "Lockeianism" and "Filmerianism" are names for *styles* of political thinking which together constitute the basic dialectical structure of an ongoing argument about the basis and limits of political allegiance. That argument, as we have seen, was constantly revived by political crises which necessarily raised the question of why subjects were obliged to loyalty to the state. Some took the opportunity presented by those crises to affirm a radically secular understanding of political obligation; though their motivations for doing so were, almost always, anything but secular. Most, though, saw crisis as demonstrating the need somehow to ground the allegiance of subjects firmly in principles of religion. The continuing appeal of Filmerianism lay in the connection it made between duties to the sovereign and duties to God. Without some such connection, many in the eighteenth century believed, the state would be left too fragile to survive.

3. The debate transformed

The previous section of this paper makes it unsurprising that Hume's response to the Wilkite riots, which, along with the American crisis, dominated the political scene in the final decade of his life, took the form of an essay on the origin of government.⁵⁸ But in this essay Hume did not address the question of whether government's origin is human or divine. Rather, he set side by side with each other two accounts of how men might have invented means of securing adherence to the rules of justice, one given in terms of ingenuity, foresight, and agreement, the other in terms of conquest and submission. The second account is the more historically plausible, Hume suggested, but really it does not matter which is the right one. Either way, the authority of government now does not depend on choice. Obedience is a matter of habit, and the important thing is that habitual submission is not disturbed by the dangerous idea that governments should be judged entirely in terms of the liberty that they afford their subjects. When read in the context of what I have called the mainstream debate about the origin of government, Hume's essay is noteworthy precisely because it makes no mention of the idea that government might originate in God. The deeper point, though, was that the question of the origin of government only mattered in so far as it was a source of misapprehensions about the purpose of government in the present day. What Hume was doing, in effect, was to try to re-orient inquiry into the grounds of allegiance away from the past altogether. He had begun this attempt to transform political argument forty years previously, in the sections of *A Treatise of Human Nature* on the duty of allegiance.⁵⁹ There he had argued that Lockeian consent theory was both incapable of explaining

the obligation of allegiance and unnecessary to proving a right of resistance. Both could be explicated in terms of “interest” and “the advantages of government”: that is, in terms of the present and future, not the past. In the *Treatise* and, at greater length, in essays that he wrote immediately after 1745, Hume was prepared to apply the point to the Hanoverian regime. Its legitimacy did not depend on anything that had or had not happened in 1688. What answered the Jacobite was the simple fact that the settlement of the crown in the house of Hanover had taken place, that it had been supported by parliament, and that George I and II had “displayed in all their actions, the utmost mildness, equity, and regard to the laws and constitution.”⁶⁰

My proposal here is that Hume’s analysis of the moral authority of the magistrate should be seen as the first in a series of attempts to move political argument on beyond the debate about the origin of government, apparently interminable as it was, described in Section 2. It needs to be recognised, however, that not every aspect of that debate was decisively abandoned. Hume’s assault on the notion of an original contract was influential on all the writers to be discussed in what follows, giving rise to a common willingness to discard Lockeianism altogether. They had no sympathy with what I have been calling “Filmerianism” either. None of them sought to give the obligation of allegiance a religious basis. Instead, they sought to show that the question of the ground of allegiance was an entirely different question from that of the origin of government. The result was that the question of the origin of government could become a properly historical question rather than being a means of solving a problem in political morality. And when the question of the origin of government was conceived in that way, then it could be accepted, indeed insisted, that there was a considerable amount of Filmer’s political thought that deserved to be taken seriously. This is not to say that these writers all described themselves as being in agreement with Filmer about the historical question. Bentham did, as will be seen below, but most either repeated standard Whig abuse of Filmer, or never mentioned him at all. However, their histories of government – their alternatives to stories of original contracts made in a state of nature, and of naturally free and stateless beings incurring political obligations by way of consent – have markedly Filmerian characteristics. This is so primarily with respect to the place of the family, and of patriarchal power, in these histories of government; and with respect to the role of natural subjection in explaining general acceptance of the structures of political authority.

The alternative to contract or divine sanction as the moral basis of the authority of the magistrate was “advantage,” or utility. It was not generally supposed, though, that it was conscious reflection on utility that motivated most subjects in their acquiescence to established political power. Hume claimed in the *Treatise* that most people, if asked whether they had consented to obey their rulers or promised to obey them, would reply that, on the contrary, “they were born to such an obedience.”⁶¹ Elsewhere in the *Treatise*, he explained how it was “that riches and power alone, even tho’ unemploy’d, naturally cause esteem and respect.”⁶² In his Glasgow lectures on jurisprudence, Smith developed Hume’s conception of natural obedience into a complex account of what he termed “the principle of authority,” different and distinct from, and much more important than, the “principle of utility” that actuated the reflective minority in their acceptance of the authority of the magistrate. Whatever the foundation of government actually is, Smith told his students, a natural disposition to respect established authority

“has a great effect.” We grow up under the authority of magistrates, and so as a matter of course come to accept “the propriety of obeying and the unreasonableness of disobeying.” “There is the same propriety in submitting to them as to a father,” Smith added, “as all of those in authority are either naturally or by the will of the state who lend them their power placed far above you.”⁶³ Here, probably needless to say, Smith was not endorsing the Filmerian claim that magistrates had the same right over their subjects as fathers had over their children. Rather, like Hume, he was exploring what we might call the psychology of subjecthood.⁶⁴ His question was how it is, as a matter of fact, that regimes gain the allegiance of their subjects, and how what Hume had earlier termed “opinion of right” is formed in and acquires traction on the human mind.⁶⁵ And in this connection, a Filmerian interest in the power dynamics of the family, and in how a child’s habitual obedience to their father is transformed into habitual obedience to the magistracy, turned out to be rather more fruitful than Lockeian notions of implicit consent.

Smith was also interested in the history of government as such, and proposed, as an alternative to the idea of an original contract, a sophisticated account structured by stages in the transition of human societies from primitive modes of subsistence to the complexities of modern commercial society. The authority of patriarchs over their families in early human history was part of Smith’s story here, as was patriarch’s acquisition of influence over the rest, along with the development of ideas of hereditary chieftainship.⁶⁶ Smith’s explanatory schema would be filled out, with careful attention to historical and anthropological detail, in his pupil John Millar’s *The Origin of the Distinction of Ranks*, which could be read as a comprehensive assault on the Lockeian notion of natural human equality.⁶⁷ An important part of Millar’s “natural history of mankind” was the chapter “Of the jurisdiction and authority of a father over his children.” Towards the end of that chapter, Millar remarked that

The opinion of Sir Robert Filmer, who founds the doctrine of passive obedience to a monarch, upon the unlimited submission which children owe to their father, seems, at this day, unworthy of the serious refutation which it has met with, and could only have gained reputation when men were just beginning to reflect upon the first principles of government.

“To say that a king ought to enjoy absolute power because a father has enjoyed it,” Millar pointed out, “is to defend one system of oppression by the example of another.”⁶⁸ This, though, did not stop it being the case that the father was the “original governor,” and, like Smith, Millar described the authority of kings as developing out of patriarchal power, through the mutation of the tribal chiefship into sovereign monarchy.⁶⁹

No one in the eighteenth century was clearer about the difference between a history of government, on the one hand, and an understanding of the moral basis of political and legal authority, on the other, than Bentham. One of Bentham’s principal complaints about Blackstone’s *Commentaries on the Laws of England* was that Blackstone had “confounded” the job of the “censor” with the job of the historian. The proper concern of the censor was with duty and what *ought* to be the case, whereas the concern of the historian was with explaining what, as a matter of fact, *is* the case.⁷⁰ A writer on law was, or should be, only occupied with what ought to be the case. For Bentham, of course, what ought to be the case was completely determined by considerations of general utility, and the first

chapter of *A Fragment of Government* was intended to make it clear that the origin of government was quite irrelevant to understanding political obligation and its limits. If the question of the origin of government were posed, however, it was clear to Bentham that Filmer had got much closer to the truth than Locke. In manuscript notes probably dating from the early 1770s, Bentham observed that

Filmer's scheme/origin/ of government is exemplified every where: Locke's scheme of government has not ever, to the knowledge of any body, been exemplified any where. In every family there is government: the father is sovereign: the mother and young children, subjects: in every family there is subjection – {and subjection of the most absolute kind}.

In the family, then, we are “inured to subjection” and “trained up into the habit of obedience/subjection/.” The origin of political society lies in the transferring of this habit from one object to another. Filmer's system thus afforded “a compleat refutation/confutation/ to the doctrine of universal and perpetual equality.”⁷¹ In political society, as in the family, there was subjection to an absolute sovereign. But there was, even so, an important difference between subjection within the family and in political society. Whereas Filmer understood the object of allegiance to be a human individual, Bentham argued in the *Fragment* that it had to be something of “an *indefinite* duration.”⁷² The object of allegiance was not a king but rather the state.

What we see in Hume, in Smith, in Millar, and in Bentham is an insistence, against Locke and contract theory more generally, upon the naturalness of human society and its relations of superiority and subordination. Contrary to what Locke had been at pains to establish in his answer to Filmer, there was no sharp divide between the family and civil society, and it also was not born out by experience that subjection to a particular national government was a matter of choice on the part of individuals born into a condition of stateless freedom. These criticisms of Locke were recapitulated and further developed in the first book-length critique of the arguments of the Second Treatise, Josiah Tucker's *Treatise concerning Civil Government*. It had not yet been fully considered, according to Tucker, “whether the Inclinations of Mankind are *naturally* and *spontaneously* turned towards Society and the Subordinations of Civil Society, or towards living in a State of perfect Equality, and Independence.”⁷³ In order to prove that subordination was natural, Tucker set out a thought experiment involving a hundred “Adams and Eves,” designed to show how a combination of natural gregariousness and inevitable inequality of mental and physical endowments, along with a disposition to help others, would naturally produce a differentiation of rank and station. Like Bentham, though, Tucker refrained from claiming that natural social stratification was indistinguishable from distinctively political society. He was at pains to make it clear that “no Man is born the *political* Subject of another”, and used the legal notion of “quasi-contract” – a contract *implied* but not *expressed*, and, in this case, implied in public acclamation at a coronation – to explain the origin of political obligation.⁷⁴ He also echoed Locke in describing political power as a *trust*. Tucker, it could be said, tried to have it both ways. He wanted moderately Lockean conclusions from moderately Filmerian premises. He was insistent on the difference between his position and “the *Patriarchal System*, and the *indefeasible Right-Lined Monarchy* of Sir Robert Filmer.”⁷⁵ Yet he shared the Filmerian's worries about the political consequences of ideas of natural liberty and equality. Specifically, he feared the notion of popular sovereignty, and a

tyranny of the people that would be just as terrible, if not more so, than the tyranny of a king. This was sufficient for his radical critic Joseph Towers to claim, in *A Vindication of the Political Principles of Mr. Locke*, that “[h]ad Dr. Tucker lived in the days of Filmer, he would probably have been one of his disciples.”⁷⁶

Tucker’s work more generally provided the theoretical foundations of William Paley’s highly successful work of popularisation, *The Principles of Moral and Political Philosophy*. Paley, though, was more thoroughgoing in his rejection of Lockeianism than Tucker had been. He echoed Bentham in marking a categorical distinction between the moral basis of allegiance and the source of habits of subjection. “[T]he motives which *actually* produce civil obedience,” he remarked, “may be, and often are, very different from the reasons which make that obedience a duty.”⁷⁷ The ground of a subject’s obligation to allegiance was utility, or “THE WILL OF GOD AS COLLECTED FROM EXPEDIENCY.”⁷⁸ The origin of government played no role, therefore, in explicating allegiance. As government developed, it did so on the basis of the authority of the father in the family. Political power was originally monarchical, and hereditary. Paley did not go on to argue that political subjection involved the transfer of habits of obedience from the father to the state. Instead, he struck out in a markedly Humean direction, not only in taking an original contract to be incapable of explaining what makes obedience a duty, but also in his account of how subjection to civil government is maintained.⁷⁹ Like Hume, he regarded it as extraordinary, and as something needing to be explained, that the many accept the rule of the few. The physical strength of the governed always vastly exceeds that of their governors. It followed that,

[i]n what manner opinion thus prevails over strength, or how power, which naturally belongs to superior force, is maintained in opposition to it; in other words, by what motives the many are induced to submit to the few, becomes an inquiry which lies at the root of almost every political speculation.⁸⁰

According to Paley, the solution to this puzzle lay in three different kinds of character: there were those who obeyed from prejudice and an ingrained belief in the right of their governors, those who obeyed from reason and considerations of general utility, and those who obeyed from self-interest. Of these three motives to obedience, the first was the most powerful and prevalent, and gave a further reason to dispense with the question of the origin of government. For the basis of opinion of right was *prescription*. Authority, according to this line of thought, was, like property, acquired simply by means of the passage of time. It did not matter how it had originally been acquired.

In *Thoughts on the Cause of the Present Discontents*, Burke gave voice to what in Section 2 I called the mainstream position concerning the origin of government. “[A]lthough Government certainly is an institution of Divine authority,” he asserted, “yet its forms, and the persons who administer it, all originate from the people.”⁸¹ In the face of the resurgent, radicalised Lockeianism of Priestley and Price, Burke would significantly refine his conception of what it meant for a form of government, along with its administration, to originate from the people. Popular control of parliament was not to be understood in terms of delegation; and there was no legitimating connection to be made between an original contractual moment and the current system of administration. To Burke, in his 1784 speech on parliamentary reform, it was obvious that “[o]ur Constitution is a prescriptive Constitution,” “a Constitution whose sole authority is that it has existed time out of mind,” and that “[p]rescription is the most solid of all titles, not only to property,

but, which is to secure that property, to Government.”⁸² On this way of thinking, government was given authority precisely by the fact that it had no origin. It followed that, for Burke as for Hume, there was no need to ground Hanoverian – and Whig – rule in the events of 1688. In truth, Burke claimed in the 1790 *Speech on the Army Estimates* that 1688 had seen “a revolution, not made, but prevented.”⁸³ Yet, contrary to what his many critics claimed, Burke did not believe that political legitimacy was conferred simply by absence of change through time. *Reflections on the Revolution in France* was not an argument against reform as such. Rather, it was an argument against reform based on what Burke regarded as the nonsense of abstract principles of universal right. Like the rest of the theorists of politics considered in the present section of this article, Burke emphasised the need to place political obligation in the context of a much larger network of relations: familial, moral, and religious. The great error of the revolutionaries in France was to try to impose a form of politics that had no relation with customary ways of living and feeling. It was important to Burke, though, that the political was not confused with the natural. Everything about the arrangements and institutions of a civil society was, he insisted, conventional and artificial. Those conventions and artifices had taken shape through time as means of providing for human wants, and it followed that they could be judged, and altered where necessary, in order to provide for those wants better. It is far from obvious that it is a mistake to regard utility as a central category of Burke’s political thinking.⁸⁴

In this section, I have described a number of what can be regarded as attempts to change the terms in which the obligation to allegiance was understood. All of the writers I have considered were more or less explicitly critical of what I have called “Lockeanism,” but none was disposed to characterise allegiance as a duty to God. This is, of course, not to say that they should all be characterised as secular political thinkers. That would certainly be a complete misrepresentation of Tucker, Paley, and Burke. It is more illuminating to see them as intent on separating the question of the moral basis of political authority from the question of the origin of government. The tendency of their answer to the first question was utilitarian. It prioritised the needs and wants of the present and future over what might or might not have happened in the past. That made it possible for the second question to become a properly historical object of investigation. There were two dimensions to that investigation. One took the form of a history of civil society as such. This was the concern of Smith and those who followed his lead in Scotland, notably Millar. The other took the form of what I have called a psychology of subjection. It was an exploration of how human beings came to take themselves to be under distinctively political obligations. My suggestion is that it is not thoroughly misleading to see this dimension of the history of government as “Filmerian” in character, insofar as it attached particular importance to the power dynamics within the family, and to connecting experience of subjection in the family with the experience of subjection to government. The guiding thought here was Filmer’s: that ideas of natural liberty and voluntary citizenship left political society without a secure basis. These writers could not accept that government was, in Tucker’s words, “that vague, unsettled, precarious Thing, which the Lockian System represents it to be; without any better Foundation to rest upon, than the Breath and Caprice of every Individual.”⁸⁵

4. Conclusion

The source of government's sovereign authority, and the basis of the duty of allegiance, was a constantly and vigorously debated question in Britain for the duration of the eighteenth century. It was not a question to which Locke was supposed to have given a definitive answer in *Two Treatises of Government* or a question discussed in a merely speculative spirit. In the decades that followed 1688, the persistence of Jacobitism made it vital, for the security of the British state, that the claim to the throne first of William of Orange and then of the House of Hanover be understood to rest on something more than *de facto* possession. Partly this was a matter of trying to persuade those tempted by Jacobitism. Partly, and perhaps more importantly, it was a matter of trying to make matters clear to those who had no inclination to doubt the legitimacy of the Revolution and its constitutional settlement, but who were genuinely confused as to how to understand its moral foundation. To a significant extent, it was also a debate about what *needed* to be generally believed if peace and stability were to be preserved. One did not have to be disposed to Jacobitism to worry that Lockean ideas of natural freedom and subjection through voluntary consent did not provide government with a sufficiently secure grounding in the opinions and sentiments of the governed. Characteristically seventeenth-century concerns about the fragility of government and the constant proximity of anarchy and violence are seldom far below the surface of eighteenth-century political argument. This, I suggested in Section 2, was the source of a widely felt need to find a religious source for the origin of government and the duty of allegiance. For many, the growing confidence of Dissent, closely connected as it was with Lockeanism and a maximally secular theory of political authority, only made this need more acute. The writers considered in Section 3 were also deeply concerned about the fragility of civil society. Their response was that the divisive and insoluble question of the origin of government should be set to one side in favour of the more tractable business of measuring the utility of current arrangements against conceivable alternatives.

The question of the source of the sovereign authority of the state does not lend itself to discussion in terms provided by the encounter between “republicanism” and “liberalism.” In *The Machiavellian Moment* and other work of the same period, Pocock's claim was that *Two Treatises of Government* marked “an end rather than a beginning.”⁸⁶ The “central question” for Anglophone political thought between 1688 and the American crisis “was not whether a ruler might be resisted for misconduct, but whether a regime founded on patronage, public debt, and professionalization of the armed forces did not corrupt both governors and governed.”⁸⁷ The set of concerns out of which emerged the thought that a ruler might be resisted for misconduct was not the set of concerns that actuated Pocock's neo-Machiavellians. “The deposition of James II,” Pocock explained, “could of its nature give rise to little more than a re-examination of the conditionality of political authority, which in the Machiavellian tradition had always appeared as a feature of the contingent world.”⁸⁸ Jacobitism, arguably the single most pressing problem in British politics from 1688 until 1750, does not feature in the index to *The Machiavellian Moment*. This is not, of course, to say that resistance and the conditionality of political authority was the distinctive concern of “liberal” political thinkers excluded from the republican narrative. For one thing, it is by now highly doubtful whether anything worth calling “liberalism” actually existed in the eighteenth century.

Plainly, neither Locke nor any of those eighteenth-century writers who thought of themselves as Locke's intellectual heirs *called* themselves liberals; and recent work has made clear that there was little affinity between Lockeianism and those who coined the term "liberalism" in the second decade of the nineteenth century.⁸⁹ More importantly, though, eighteenth-century discussion of the origin of government was conducted, not between Lockeians – whether liberal or not – and republicans, but between Lockeians and those who remained beholden, consciously or unconsciously, to at least some of the ideas of Sir Robert Filmer. The historiographical dispute between proponents of liberalism and of republicanism makes this discussion, and the dozens of contributors to it, hard to see.

By the end of the nineteenth century, writers on politics had stopped beginning their pamphlets, sermons, and treatises with disquisitions on the origin of government. But how and when this change took place is unclear. The first chapter of John Stuart Mill's *Considerations on Representative Government*, published in 1860, has the title "To What Extent Forms of Government are a Matter of Choice." It sketches a debate between those who hold that forms of government are works of human artifice, and those who hold that, on the contrary, they are always "a sort of spontaneous product," "a sort of organic growth from the nature and life of [a] people: a product of their habits, instincts, and unconscious wants and desires, scarcely at all of their deliberate purposes."⁹⁰ These two positions, Mill remarks, "correspond to a deep-seated difference between two modes of thought."⁹¹ They sound like nineteenth-century versions of what I have been calling "Lockeianism" on the one hand and "Filmerianism" on the other, albeit with Lockeianism stripped of the language of original contract, and Filmerianism stripped of references to God. Mill himself, moreover, sounds like a nineteenth-century exponent of the line of thought described in Section 3 of this article. He regards both the positions as evidently absurd, and proposes, instead, that the (resolutely non-historical) basic question *should* be "what are the distinctive characteristics of the form of government best fitted to promote the interests of any given society."⁹² It would seem, then, that the beginning of the nineteenth century did not immediately see a wholesale transformation of debate about the origin of political authority. However, in T.H. Green's Oxford lectures on political obligation, given in 1879–1880, there was a quite different approach to the issue, deeply influenced positively by Hegel, and negatively by neo-Hobbesian theories of the absolute sovereignty of parliament. Green had left the eighteenth century behind. One sign of this was that his lectures made no mention at all of the idea that political authority might have its origin in the will of God. Green's Locke is in philosophical dialogue with Hobbes, not Filmer.⁹³

Notes

1. Wyvill, *Defence of Price*, 87.
2. "Trial of Thomas Paine", in Paine, *Works*, 463.
3. Boucher, *View of the Causes and Consequences of the American Revolution*, 526–7.
4. Whitaker, *Real Origin of Government*, 17.
5. Stephen, *History of English Thought in the Eighteenth Century*, vol. II, 135.
6. Stephen, *History of English Thought in the Eighteenth Century*, 136. For a sketch of how Locke was read in nineteenth- and early twentieth-century Britain, see Harris,

- “Interpretation of Locke’s *Two Treatises*”. For an account that emphasises the relative neglect of Locke in nineteenth-century political philosophy, see Bell, “What is Liberalism?”
7. See Laslett, “The English Revolution and Locke’s *Two Treatises of Government*”; and also Laslett’s introduction to his edition of Locke, *Two Treatises of Government*.
 8. Pocock, “Foundations and Moments”, 48.
 9. Pocock, *Machiavellian Moment*, 423. Pocock’s decentering of Locke was prefigured by Dunn, “The Politics of Locke in England and America”.
 10. Pocock, “Varieties of Whiggism”, 222.
 11. For a summary account of the debate, see Castiglione, “The Origin of Civil Government”; but Castiglione makes no mention of the persistence of Filmerian conceptions of political authority throughout the eighteenth century.
 12. As Castiglione puts it, “questioning the ‘origin’ of civil government was a way of addressing its legitimacy, and more generally the normative standing of political authority on which political authority rested” (Castiglione, “The Origin of Civil Government”, 492). Such questioning had a history going back at least to the rise of absolutist theories of sovereignty in the early seventeenth century. Along with post-Bodinian ideas of sovereignty went the question of where such power came from: see Lee, *Popular Sovereignty in Early Modern Constitutional Thought*, chap. 9. Joseph Priestley suggested that the debate was due to sixteenth-century Jesuits who argued against Protestant kings by appealing to the popular origin of civil power, and who were then replied to with the claim that all such power is derived from God: see Priestley, *Essay on the First Principles of Government*, 27–28.
 13. For an outline of post-Revolution political argument, see Kenyon, *Revolution Principles*. Goldie, “Tory Political Thought, 1689–1714”, emphasizes the vitality of anti-Whig intellectual culture, but remarks “a curious absence of avowals of Filmer after 1688 and no explicit defences” (209). It will be seen below that, even so, Filmer’s name is a notable feature of eighteenth-century political argument, especially after 1750. The presence of patriarchalism in English thought in the long eighteenth century is an important theme in Clark, *English Society 1660–1832*, which has been a significant influence on my thinking in this article. There are tentative accounts of Filmer’s influence after 1688 in Schochet, *Patriarchalism and Political Thought*, 192–224; Daly, *Sir Robert Filmer and English Political Thought*, 166–71, but neither sees him as having had much of a role in the development of Hanoverian political thought. An important exception to the general neglect of Filmer’s afterlives is Gunn, “The Spectre at the Feast”.
 14. For the concept of “scientific Whiggism”, see Forbes, “‘Scientific Whiggism’: Adam Smith and John Millar”.
 15. But note the (inadvertent?) reference to “our present Sovereign King James VII” (50).
 16. Anon., *Whig and Tory Principles*, 33–43.
 17. *Ibid.*, 5.
 18. *Ibid.*, 21, 6.
 19. *Ibid.*, 6.
 20. *Ibid.*, 13–20.
 21. *Ibid.*, 23.
 22. *Ibid.*, 31.
 23. The first great reprise of that encounter was the vitriolic dispute between Charles Leslie and Benjamin Hoadly in the first decade of the century.
 24. The only mention of Locke made in the entire text is made by the Oxford Scholar, who remarks that “the celebrated Mr. Lock in his two (very trifling) *Discourses of Government*, printed 1698, (and so admired by the *Whigs*) labours the Point (in *Odium to Monarchy*) that the Powers of the Wife was equal to that of the Husband over their Children, because it was said, *Honour thy Father and Mother*” (7).
 25. As Dickinson puts it, in the aftermath of the Revolution, “it is doubtful whether Locke’s whole case appeared to more than a small minority of the articulate members of the political nation” (Dickinson, *Liberty and Property*, 72). The forms of Whiggism which had majority appeal are described in Kenyon, *Revolution Principles*; Goldie, “Tory Political Argument”.

- Goldie claims that the defence of the Revolution owed very much more to Grotius than it did to Locke.
26. Trenchard and Gordon, *Cato's Letters*, vol. II, 54–63.
 27. On Kramnick's account (in "An Augustan Reply to Locke"), Bolingbroke's use of Lockean language masked a fundamental antipathy to Locke's political philosophy. On the other hand, as Kramnick points out, "Bolingbroke is no Filmer" (Kramnick, "An Augustan Reply to Locke", 578). His point was that Lockeanism did not provide the right principles for a defence of 1688. See also Skjösberg, *Persistence*, chap. 3.
 28. For Carmichael, see Moore and Silverthorne, "Gershom Carmichael", as well as the texts collected in Carmichael, *Natural Rights*; on Hutcheson's political thought, see McBride, "School of Virtue".
 29. Monod, *Jacobitism and the English People*, 18, denies that Jacobite political theory was Filmerian, because Jacobitism was not a defence of arbitrary rule. But there was more to Filmerianism than that.
 30. Ramsay, *An Essay upon Civil Government*, viii. The most recent assessment of Ramsay's thought is Mansfield, *Ideas of Monarchical Reform*. Mansfield is sceptical about Filmer's importance to Ramsay, seeing him as indebted more directly to Leslie, and, more importantly still, to Bossuet.
 31. Burnett, *Essay on Government*, 20.
 32. Squire, *Treatise concerning the Supremacy of the Civil Magistrate*, 7.
 33. Grove, "Essay on the Origin and Extent of Civil Power", 61.
 34. *Ibid.*, 43.
 35. Sandford, *Nature of Government Illustrated*, 18, 19. In like manner, Thomas Burch in 1753 used a composite theory of the origin of government to argue that "Disobedience to the King, and Governors who rule well, is rebelling against God himself" (Burch, *Discourse on the Origin of Civil Government*, 18); and an anonymous summary of Locke's Second Treatise published in the same year purported to show both that "Civil Governments are made by the Contrivance and Consent of Men" and that "the Powers necessary for carrying on this useful Administration ... must be understood as conveyed of God" (Anon., *Of Civil Polity*, 27).
 36. Anon., *Spirit and Principles of the Whigs and Jacobites Compared*, 16.
 37. Neville's *Plato Redivivus* was reissued in 1745, and Sidney's *Discourses concerning Government* in 1750.
 38. Pownall, *Treatise on Government*, 25.
 39. Otis, *Rights of the British Colonies*, 6, 12.
 40. Otis, *Vindication of the British Colonies*, 4 ("the whole performance is truly Filmerian"), and 10–14.
 41. Burgh, *Political Disquisitions*, vol. I, 3–4.
 42. Price, *Additional Observations*, 25.
 43. Horne, "Origin of Civil Government", 328.
 44. Darwall, *Political Lamentation*, 4.
 45. Boucher, "On Civil Liberty", 525–6.
 46. Hawkins, *Charge to the Grand Jury*, 7–8.
 47. Jenyns, *Disquisitions*, 140, 136, 139.
 48. Turner, *Candid Suggestions*, 134.
 49. *Ibid.*, 143.
 50. Watson, *Answer to the Disquisition*, 13.
 51. Rous, *Thoughts on Government*, 28.
 52. Paine, *Rights of Man*, 27.
 53. Weston, *Authority of Government*, 11–12.
 54. Roger, *Essay on Government*, 8. For the same line of argument, see also Francklyn, *Candid Inquiry*; Nares, *Principles of Government*; Shirra, *Church and Civil Government*.
 55. Bowles, "Thoughts on the Origin and Formation of Political Constitutions", 302–3.
 56. Boucher, *View of the Causes and Consequences*, 529 fn.

57. In recent work, Goldie has allowed that scepticism about the place of Locke in eighteenth-century political thought can go too far: see the introduction to Goldie, *The Reception of Locke's Politics*.
58. "Of the Origin of Government" was finished by March 1774, but published posthumously in the 1777 edition of *Essays and Treatises on Several Subjects*: for context, see Harris, *Hume*, 421–33.
59. See Hume, *Treatise*, vol. III, 132–88.
60. Hume, "Of the Protestant Succession", in *Essays and Treatises*, 520. This essay was originally meant to be published with "Of the Original Contract" and "Of Passive Obedience" in 1748, but, for fear of controversy, was held back until 1752 to be included in *Political Discourses*. In the *Treatise*, Hume had hinted that there were reasons to think of William III as a usurper whose power was "at first founded only on injustice and violence" (Hume, *Treatise*, vol. iii, 186–8). It is arguable that, *pace* Forbes's claim that Hume's project was to give the post-1688 regime a viable intellectual foundation (Forbes, *Hume's Philosophical Politics*, 91), Hume's point was that there was nothing other than the passage of time to confer legitimacy on the Hanoverian kings. It is arguable also that the point of Hume's *History of England* was that history was completely irrelevant to questions of political obligation: see Harris, *Hume*, 406–7.
61. Hume, *Treatise*, vol. III, 156.
62. Hume, *Treatise*, vol. II, 147, in the section "Of our esteem for the rich and powerful".
63. Smith, *Lectures on Jurisprudence*, 318.
64. See Harris, "Protection of Rich Against the Poor"; Tegos, "Deference to Authority".
65. In the essay "Of the First Principles of Government", Hume claimed that "[i]t is ... on opinion only that government is founded" (Hume, *Essays and Treatises*, 29). For a full exploration of the implications, see Sagar, *Opinion of Mankind*.
66. Smith, *Lectures on Jurisprudence*, 404–5.
67. Miller sets the scene for his study of Millar by noting that, while "[t]he extremes of Filmer's argument may have been long refuted," "much intellectual work remained to be done in resolving the incoherency between the individual liberalist contention of inborn human equality and conventional appraisals of family life as grounded upon natural hierarchies of power and capacity" (Miller, *John Millar*, 7).
68. Millar, *Origin of the Distinction of Ranks*, 138.
69. The natural next step in the historical examination of political authority was toward the history of *governments* rather than of government as such, and Millar himself took that step in his other great work, Millar, *An Historical View of the English Government*.
70. Bentham, *Fragment on Government*, 187–8.
71. Bentham, "Equality: Filmer and Locke", 108, 113. I am grateful to Philip Schofield for a transcription of this manuscript.
72. Bentham, *Fragment*, 23.
73. Tucker, *Treatise*, 121.
74. *Ibid.*, 1, 139–43.
75. *Ibid.*, 123.
76. Towers, *Vindication*, 31.
77. Paley, *Principles*, 414.
78. *Ibid.*, 423.
79. The role of Hume in Paley's political thought is a theme of O'Flaherty, *Utilitarianism*.
80. Paley, *Principles*, 406–7.
81. Burke, *Thoughts*, 35.
82. Burke, "Parliamentary Reform", 219. On Burke's understanding prescription and its implications, see Lucas, "On Edmund Burke's Doctrine of Prescription".
83. Burke, "Army Estimates", 292.
84. Though care is needed in unpacking what "utility" means for Burke: for a recent account, see Dwan, "Burke and Utility".
85. Tucker, *Treatise*, 49.

86. Pocock, “The Varieties of Whiggism”, 229.
87. Pocock, “Virtues, Rights and Manners”, 48.
88. Pocock, *Machiavellian Moment*, 423. It should be noted, however, that there are places where Pocock offers a more nuanced estimate of Locke’s place in eighteenth-century political thought: see esp. Pocock, “Negative and Positive Aspects”.
89. See Bell, “What is Liberalism?”; Fawcett, *Liberalism*; Rosenblatt, *Lost History*.
90. Mill, *Considerations*, 2.
91. *Ibid.*, 3.
92. *Ibid.*, 17.
93. Green, *Lectures*, 45–5. On the significance of this shift in the understanding of Locke’s intentions, see Harris, “Interpretation”.

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