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UDC 94:323:34(44+410)

**THE IDEA OF PATRIARCHAL POWER IN FRENCH AND ENGLISH  
POLITICAL AND LEGAL THOUGHT IN THE EARLY PART OF THE  
EARLY MODERN PERIOD\***

*SUMMARY. The article focuses on the idea of patriarchic authority in the works of Jean Bodin and Robert Filmer. It also examines the development and interrelation of two key approaches to this issue which prevailed in Western Europe in the XVI-XVIIth centuries. The transformation of this idea in the early modern period is of interest in the context of the emergence of nation-states and their approval of the monarch's absolute power principle. Bodin and Filmer appeal to the idea of the patriarch's power due to the general trend, but the origin of the concepts belongs to different traditions. The authors seek to identify a number of similarities and differences in approaches to the formation of the absolute power theory through patriarchal concepts — legal (rationalistic) with reference to the existing laws and religious (in this case — Christian) which is based on Scripture and divine law. The existence of these approaches led to the idea of the peculiarities of perception of the absolute monarchy in England and France.*

*KEY WORDS. Bodin, Filmer, patriarchal authority, absolutism, divine law, Decalogue.*

In the political and legal thought of the early part of the Early Modern Period the idea of patriarchal power has a special place. The idea of the power of the father, the patriarch, emerges in several traditions — the Old Judaic, Old Roman, and later the Christian. However, its revival in the 16<sup>th</sup>-17<sup>th</sup> centuries was connected with the establishment of the absolute monarchy in the countries of Western Europe.

The classical theory of absolute power was presented by the French lawyer Jean Bodin in his treatise “Six Books of the Commonwealth” in the 16<sup>th</sup> century. The researcher admits that Bodin’s ideas influenced the English variant of absolutism.

In this article, the author tries to trace the development of patriarchal power in the works of French and English thinkers, taking the example of Jean Bodin’s and Robert Filmer’s writings.

Jean Bodin addresses the problem of paternal power in the first chapters of “Six Books of the Commonwealth”. Having defined the notion of “commonwealth”, he dwells upon the notion of power: “Any state, any corporation or collegium and any

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\* Publication prepared with the support of the Russian Board of Education and Science in the framework of the federal target program: “The scientific and pedagogical specialists of innovative Russia” for 2009-2013. (2012-1.2.1-12.000-3001-017; agreement number: 14B37.21.0956).

household is governed by order and submission, when the natural freedom one person possesses and enjoys in life, is ordered under the power of another, in public and private” [2; L.II; 60]. Two basic definitions of power — order and submission — are given in this quotation. Obviously, power has an element of compulsion in it.

Bodin singled out two types of power — public and private. Public power is fulfilled by the head of the state. Usually this is either a sovereign monarch or a city council. They govern the state by means of implementing laws (a sovereign monarch only) and the submission of the lower city councils and other members of society. Besides, Bodin singles out private power, which should be given firstly, as it is the basis of the public power. Private power belongs to the heads of households, as well as to corporations and collegiums. For its part, the power of the master has four types: “husband over wife, father over children, liege over slaves, and master over hired workers” [2; L.I; 51]. Thus, we may single out four basic ways of having power: male power (*puissance maritale*), paternal power (*puissance paternelle*), liege power (*puissance seigneuriale*), and sovereign power (*puissance souveraine*).

In Bodin’s opinion, power, like every phenomenon, has its sources in God. On the macrocosmic level there is the superior and universal power of God the Father. That is why it is natural that every power should be coordinated with His will [3], [4; 103-120]. Bodin considers the first domination\* to be the domination of mind over the animal instinct, as ancient people did [2; L.I; 52]. The second divine establishment is the domination of husband over wife. As the family presents the basis of the Republic, the submission of a wife to her lawful husband is the basis of public power in the Republic. This submission possesses a political and even moral sense, as Scripture ascribes such features as greed purely to women [2; L.I; 52]. Having described the opinions of ancient authors on women’s nature, Bodin dwells upon the political understanding of masculine power and its meaning. Masculine power (*puissance maritale*) “presents the source and the beginning of every human society” [2; L.I; 52]. It should be mentioned that masculine power firstly means the domination of husband over wife. A woman must obey her father, then her lawful spouse if he is the head of the household, if not she must be obedient to her father-in-law’s power then. Customs existing in different societies, Roman legislation and Scripture share the opinion that woman must have no power over man [2; L.I; 54].

Another type of power Bodin pays attention to is the paternal power (*puissance paternelle*). In Bodin’s classification it is separated from masculine power, though the thinker himself considers it to be practically the same. “The right ruling of a father and children is based upon the use of the power God gave to a father over his own children or the law concerning children-in-law and upon the submission, love and respect of children to their fathers” [2; L.I; 63]. This understanding of the father is based upon the Biblical “Ten Commandments”. In his opinion, paternal power in its shape and nature is the closest to divine power. That is why Bodin calls it absolute

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\* Bodin uses the word “commandment” (in M.J. Tooley’s translation), which we consider possible to replace by “domination” or “ruling”.

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power more than occasionally. Masculine power is restricted by certain conditions and laws Bodin mentions in the corresponding chapter. Paternal power is understood by him as unrestricted. He speaks a lot about the father's right over children's life and death, quoting a number of Roman authors and lawyers, and in his usual way, Roman laws. Baudrillard wrote that Bodin "recalls the Laws of the Twelve Tables and the Decalogue, but forgets the Gospel" [5; 251].

The third type of power is liege power. Bodin characterizes it as the power of a liege over slaves, of a master over servants [2; L.I; 85]. Here we meet once again the understanding of slavery in two meanings. Slaves are at the same time a sort of commodity, a thing, which was characteristic of Roman law, and as the members of a patriarchal family, including (except wife and blood relatives of the head of the household) servants and slaves, which was characteristic of early barbarian societies.

That is why, according to Bodin, the attitude of the head of the family is quite tender, even fatherly: "And Seneca, willing to show how a sire must be tender towards his slaves, states that the ancients call him the head of the family, the father of the family, not a sire" [2; L.I; 85]. These are private forms of authority. It would not be an exaggeration to say the main feature of it is interfamily relations. Private, patriarchal power in various forms appears to be the basis of public authority in the Republic. According to Bodin, the head of the family exercises sovereign power within the family in the same manner as the head of the State does within the Republic. But outside his house, the head of the family loses his absolute power and becomes a subject in relation to the head of the Republic: "So, when the head of the family comes out of his house, where he rules, to negotiate and to agree upon what concerns all the heads of other families, he is deprived of his title of master, sire, as he is an equal companion and unites with others. He leaves his family and home affairs and goes to a city to agree on public affairs. And instead of being called 'sire', he is now called 'citizen', or a free subject of a person who holds sovereignty" [2; L.I; 111-112].

In the 17<sup>th</sup> century, Robert Filmer addressed the problem of paternal authority and its relation with public authority, and his conceptions are mentioned by some researchers when they speak about the followers of absolute authority in England [6], [7], [8].

Robert Filmer's views are stated in the treatise *Patriarcha: the protection of the natural power of kings against the unnatural freedom of the people*. Here Filmer, like Bodin in his time, defends the idea of the divine origin of kings' power. According to Filmer, the origin of a king's authority cannot be found but in the patriarchal authority of the head of the family: "I see not then how the children of Adam, or of any man else, can be free from subjection to their parents. And this subjection of children being the fountain of all regal authority, by the ordination of God himself; it follows that civil power not only in general is by divine institution" [8; 91].

God bestowed dominance over all living beings on the first man, Adam. And, therefore, Adam was the first king of the earth. And monarchy itself finds its confirmation in the Decalogue, in the commandment "honour thy father" who,

according to Filmer, is the king in relation to his subjects. After Adam's authority was handed down to his sons, all the heirs of his bloodline became monarchs. "Indeed, not only Adam but the succeeding patriarchs had... royal authority over their children" through the right of paternity [9; 28]. Filmer claims that Noah divided the territories of Asia, Europe and Africa between his sons and gave them a ready-made earth, inhabited by human beings [9; 28].

Filmer, identifying a king in his kingdom with the head of the family, projects this function onto his place in the governmental and administrative apparatus. Everybody turns to the monarch as an umpire who is able to regulate any conflictual situation, and he himself ruling the country cannot bear ill will to his people, just as a father cannot do harm to his family intentionally although his decisions may seem incomprehensible to younger members [6]. Thus, Filmer as well as Bodin deduces public authority from private: "If we compare the natural rights of a father with those of a king, we find them all one, without any difference at all but only in the latitude or extent of them: as the father over one family, so the king, as father over many families... His war, his peace, his courts of justice, and all his acts of sovereignty, tend only to preserve and distribute to every subordinate and inferior father, and to their children their rights and privileges, so that all the duties of a king are summed up in an universal fatherly care of his people" [9; 28].

It should be mentioned that Robert Filmer is not only quite close to Bodin's ideas, but he also spoke of him as a "great political thinker" [7]. However, it is important to point out that despite the apparent similarity between the ideas of Filmer and Bodin, their conceptions originated from different traditions.

Undoubtedly, Filmer dwells upon paternal authority from the viewpoint of Christian tradition, actively guided by Scripture. Public rhetoric of the pre-revolutionary time required reference to a Christian background. Filmer accepted the monarch as eminent over any earthly institution's figure with authority of divine origin. The king is responsible for his actions only before God. Only the king, having God as his adviser, could know for real what is really indispensable for the nation's prosperity. It is the king who is regarded by Filmer as a standard of true justice and his decisions are always right and beneficial for the kingdom [6]. It is known that the main critic of Filmer, Algernon Sidney, revealed numerous factual inaccuracies in the composition by Filmer and debated with him on the question of the origin of authority [8].

Bodin considers matters from the viewpoint of the ancient Roman juridical tradition, referring, first of all, to existing laws. The definitions of various forms of authority given by Bodin, their classification and analysis point to the rational approach of the thinker. Scripture and the Decalogue are also regarded by him as laws of divine order. In contrast to Filmer, Bodin could not be practically accused of inaccuracies. Moreover, he himself was a strict critic of his opponents.

Thus, we may trace two approaches in the formation of the theory of absolute power on the basis of the patriarchal concept: juridical (which is rational) and religious (in this case, Christian). The existence of these approaches determines the peculiarities of understanding of the ideas of absolute monarchy in France and in England. In the

17<sup>th</sup> century in France, the idea of patriarchal authority would be supported by J.-B. Bossuet [10], and its religious component developed by him; in England the idea of Filmer would resonate with the political theory of T. Hobbes [11], based on the Carthusian spirit.

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