

# Discourses

CONCERNING GOVERNMENT



*Algernon Sidney*

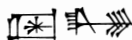


# Discourses

CONCERNING GOVERNMENT

*by Algernon Sidney*

EDITED BY THOMAS G. WEST



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The cuneiform inscription that serves as the design motif for our endpapers is the earliest-known written appearance of the word “freedom” (*ama-gi*), or “liberty.” It is taken from a clay document written about 2300 B.C. in the Sumerian city-state of Lagash.

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## FOREWORD



**T**HOMAS JEFFERSON regarded John Locke and Algernon Sidney as the two leading sources for the American understanding of the principles of political liberty and the rights of humanity.<sup>1</sup> Locke's *Second Treatise* is readily available, but since 1805 only one major reprint of Sidney's *Discourses Concerning Government* has appeared until now.<sup>2</sup> This neglect is as undeserved today as it was when John Adams wrote to Jefferson in 1823:

I have lately undertaken to read Algernon Sidney on government. . . . As often as I have read it, and fumbled it over, it now excites fresh admiration [i.e., wonder] that this work has excited so little interest in the literary world. As splendid an edition of it as the art of printing can produce—as well for the intrinsic merit of the work, as for the proof it brings of the bitter sufferings of the advocates of liberty from that time to this, and to show the slow progress of moral, philosophical, and political illumination in the world—ought to be now published in America.<sup>3</sup>

<sup>1</sup> "From the Minutes of the Board of Visitors, University of Virginia," March 4, 1825, in Thomas Jefferson, *Writings* (New York: Library of America, 1984), p. 479.

<sup>2</sup> New York: Arno, 1979. This is a hard-to-read facsimile reprint of the 1698 edition. A limited reprint of the 1751 edition appeared in 1968 (see Bibliography).

<sup>3</sup> Letter of September 17, 1823, in Lester J. Cappon, ed., *The Adams-Jefferson Letters* (New York: Simon & Schuster, 1971), p. 598.

## Foreword

Sidney (or Sydney, as it was sometimes spelled) was once a popular hero. Like Socrates, he was famous for his controversial doctrines on government and for a nobility of character displayed during a dramatic trial and execution that was widely regarded as judicial murder. Unlike Socrates, Sidney was emphatically a political man and a partisan of republicanism. For a century and more he was celebrated as a martyr to free government, as Socrates is still celebrated as a martyr to the philosophic way of life. Socrates died the defiant inquirer, who knew only that he did not know the most important things. Sidney, in contrast, the defiant republican, kept getting into trouble for his democratic political views and projects. Asked to sign an inscription in the visitor's book at the University of Copenhagen, Sidney wrote, with typical spirit,

*Manus haec inimica tyrannis  
Einse petit placidam cum libertate quietem.*

(This hand, enemy to tyrants,  
By the sword seeks calm peacefulness with liberty.)

Eighteenth-century editors of Sidney's *Discourses* printed this beneath the frontispiece, and it remains the official motto of the state of Massachusetts to this day.

Sidney fell out of fashion during the nineteenth century. The educated began to favor statesmen like Cromwell and Napoleon, who relished the exercise of unrestrained power for grand projects in the service of mankind. Scholars have recently shown renewed interest in Sidney as an object of research. But in spite of twentieth-century tyrannies more terrible than any Sidney experienced or read about, he still fails to satisfy the taste of most contemporary intellectuals. This new edition of *Discourses Concerning Government* may provide an occasion for students of political liberty to reassess Sidney's eclipse.

## *The Argument of Sidney's Discourses*

Sidney wrote *Discourses Concerning Government* in response to a book by Sir Robert Filmer defending the divine and natural right of kings to absolute rule. Filmer's book, *Patriarcha: A Defence of the Natural Power of Kings against the Unnatural Liberty of the People*, was first published in 1680, though it had been written much earlier.

## Foreword

Sidney appears to have written the *Discourses* between 1681 and 1683. The manuscript was first published in 1698, fifteen years after Sidney's death. The *Discourses* as we have it is a nearly complete draft of a chapter-by-chapter refutation of Filmer. It is therefore helpful to know something of Filmer's argument and its context before reading Sidney.

### FILMER'S POSITION ON POLITICAL POWER

Why should one obey the law? In pre-Christian times, the answer most often given was: The gods gave us our laws. The gods of the ancient polis were the gods of a particular political community. As a religion for all mankind, however, the Christian faith endorsed no particular legal code. The things of Caesar were not the things of God. As a practical matter, Roman Catholicism did support governments by giving them its sanction. But the universal claim of the Church undercut the authority of politics and, consequently, there was endless rivalry between priests and kings.

The Protestant Reformation solved that problem by overthrowing the political pretensions not only of the Pope but of all clergy. But if the Church no longer sanctified country and law, what did? England wrestled with this question for a century and a half after Henry VIII declared his religious independence from Rome in 1532. The question was theoretical, but the consequences were bloody. Men of good will sought a principled answer in authoritative books, practical experience, and through their own reasonings. In the end it was settled by force of arms.

Most of Protestant England believed unquestioning obedience to the king was not only the old but the best way. The view that the king has a divine right to rule that comes directly from God seemed to provide "the only means, which could preserve the civil, from being swallowed by the ecclesiastical powers."<sup>4</sup> In its traditional, pre-Filmer form, the divine right claim was qualified by the requirement that the king must obey the laws and customs of the kingdom.

But the logic of divine right did not stop there. If the king alone has his authority from God, why should there be any limit on what he might do? This radical conclusion was drawn by Sir Robert Filmer, whose *Patriarcha* defends absolute monarchical power, no matter how lawless, cruel, or tyrannical it might be. Like other royalists, Filmer argued on the basis of the Bible as well as of experience and reason unassisted by

<sup>4</sup> *The Works of James Wilson*, ed. Robert Green McCloskey (Cambridge: Harvard University Press, 1967), vol. 1, p. 120, from Wilson's 1790-91 lectures on Law.

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faith. Unlike other royalists, Filmer liberated his king from all earthly restraint.<sup>5</sup>

Filmer maintained in *Patriarcha* that kings rule by right of birth. They inherit this right ultimately from Adam, to whom God gave sovereign power over the world. Men are born neither free nor equal. He thought monarchy the most natural form of government because it is based on the most natural of all relations, the family, in which the father rules. Both the natural law and the Bible, Filmer says, teach us to obey our parents. A king is a father writ large, *patriarch* of his country. Therefore, the king is not subject to any human law, including even the English common law. He is himself the source of law.

Filmer's radicalization of the theory of royalism might have been harmless enough had practical developments in England not made the threat of absolute monarchy quite real. The old nobility had entirely lost its former armed strength.<sup>6</sup> There was evidence that King Charles II and his brother, the future James II, were trying to impose upon England a government modeled on Louis XIV's France: state Catholicism with no Parliament. (Filmer himself, an Anglican, was strongly anti-Catholic, to be sure.) Unchecked by the nobles or by Parliament, the government threatened to become more absolute than any medieval monarchy.

A revolutionary ferment was occasioned by this threat, and in the early 1680s three Whig writers wrote books attacking Filmer: James Tyrrell's *Patriarcha non Monarcha* was published in 1681; John Locke's *Two Treatises of Government* appeared in 1689 and Algernon Sidney's *Discourses Concerning Government* in 1698.

### SIDNEY'S RESPONSE

Filmer's *Patriarcha* was divided, in the 1680 edition that Sidney read, into three chapters with these titles:

- I. That the first Kings were Fathers of Families.
- II. It is unnatural for the People to Govern, or Choose Governours.
- III. Positive Laws do not infringe the Natural and Fatherly Power of Kings.

<sup>5</sup> On pre- and post-Christian political obligation, Harry V. Jaffa, *Original Intent and the Framers of the U.S. Constitution* (Washington: Regnery Gateway, 1994), pp. 313–317. On Filmer and English royalist writing, Alan Craig Houston, *Algernon Sidney and the Republican Heritage in England and America* (Princeton: Princeton University Press, 1991), ch. 2, and Nathan Tarcov, *Locke's Education for Liberty* (Chicago: University of Chicago Press, 1984), ch. 1.

<sup>6</sup> Addressed in *Discourses Concerning Government*, ch. 3, section 37.

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Accordingly, Sidney's reply in the *Discourses* is also divided into three (untitled) chapters, which argue that:

- I. Paternal power is entirely different from political power.
- II. The people choose their governors by virtue of their natural right to liberty, and that government with a strong popular element is the best.
- III. Kings are entirely subject to the law, which in England means the Parliament.

Sidney sarcastically summed up Filmer's argument in this way: God "caused some to be born with crowns upon their heads, and all others with saddles upon their backs." Sidney (and Tyrrell and Locke) argued the opposite, that "men are naturally free," equal liberty being "the gift of God and nature." However, "Man cannot continue in the . . . liberty that God hath given him. The liberty of one is thwarted by that of another; and whilst they are all equal, none will yield to any, otherwise than by a general consent. This is the ground of all just government." Not birth but free choice determines men's rightful rulers (I.10, III.33).

But in Sidney *liberty* can be an equivocal term. In one sense it means the complete absence of external restraint: "liberty solely consists in an independency upon the will of another" (I.5). "Liberty without restraint," however, is undesirable, "being inconsistent with any government, and the good which man naturally desires for himself, children, and friends" (II.20).

Sidney alludes to a different understanding of liberty when he speaks of "one who is transported by his own passions or follies, a slave to his lusts and vices" (III.25 end). Following Aristotle, Sidney calls human beings who are incapable of self-control "slaves by nature" (I.2). In this sense liberty is acting in accord with reason, not passion.

Rational liberty, in either sense, involves some restraint. Liberty needs virtue as its support. More important, men need virtue if they are going to be masters of themselves. The purpose of government therefore goes beyond the protection of mere liberty; it must reward excellence and punish vice (I.20). "If the publick safety be provided, liberty and propriety secured, justice administered, virtue encouraged, vice suppressed, and the true interest of the nation advanced, the ends of government are accomplished," Sidney wrote (III.21).

Of course, the purpose of government, discovered by reason, is to protect the people in their natural liberty as far as that is prudent. In the ordinary course of providing for their families and subsistence, the people ought to be left alone (III.41). Government therefore must protect the people's rights to their "lands, goods, lives, and liberties" (III.16).



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Governments are first formed when the people make an agreement with each other to give up some of their natural liberty. They contract to obey their rulers on condition that their rulers contract with them to rule for the sake of the ends for which government is constituted (II.32). Therefore all government should be limited to those ends.

The ends of government are determined by the *natural law*, by which Sidney meant something simple: the rules of conduct that common sense derives from reflecting on the nature of man. In Sidney's view, natural law teaches us, among other things, that human beings are born free, that fathers are to be obeyed, that injuries are to be repelled and avenged, that those best qualified ought to rule, and that one ought not to be a slave to one's passions. "Nothing but the plain and certain dictates of reason can be generally applicable to all men as the law of their nature; and they who, according to the best of their understanding, provide for the good of themselves and their posterity, do all equally observe it" (II.20).

Just government being instituted by the consent of the governed and for ends limited by the natural law and by the original contract, it follows that the people have a right to overthrow their government when it violates these limits. This right to revolution was the most controversial part of Sidney's teaching. It was denounced at his trial and led directly to his conviction and execution.

Since all human beings are subject to passion and inclined to self-interest, the good of the people is best secured through the rule of law. In a passage that John Adams liked to quote, Sidney says law is "void of desire and fear, lust and anger. 'Tis *mens sine affectu* [mind without passion], written reason, retaining some measure of the divine perfection" (III.15, paraphrasing Aristotle). In Sidney's strict use here, the term *law* excludes that which serves the private interest of the ruler. For "That which is not just is not law, and that which is not law ought not to be obeyed" (III.11 section title).

Of the several forms of government, Sidney unsurprisingly likes monarchy least. But it is not immediately evident whether his principles provide clear guidance as to the best form of government. (The question also arises in regard to the American Declaration of Independence.) It might seem that the people may consent to any form of government they please. However, it becomes clear as Sidney proceeds that partly or wholly democratic governments are his preference. They are most consistent with the liberty we are born to and provide the greatest opportunity for merit to receive its due reward and for wisdom to prevail in the public business (II.20, 21, III.16).

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Prudence dictates that political constitutions are to some extent relative to the particular circumstances of a people (II.17). Rome became so corrupt that “the best men found it . . . impossible to restore liberty to the city” (II.19). But Sidney was not a relativist. The principles of government are eternally true; only their application varies with the times.

Sidney opposed hereditary monarchy not only because it denies liberty, but because it denies equal opportunity for merit. Unlike some other writers whose political theories were based upon man’s natural liberty, Sidney accepted the principle, taught by Plato and Aristotle, that the most virtuous ought to rule. “*Detur digniori* [let it be given to the worthier] is the voice of nature; all her most sacred laws are perverted, if this be not observed in the disposition of the governments of mankind” (I.16). Sidney was even willing to admit, with Aristotle, the right of a godlike prince to rule without the consent of the governed. “When such a man is found, he is by nature a king.” But Sidney went on to deny, in Aristotle’s name, that any such being could be found among imperfect human beings. Thus the apparently aristocratic Aristotle turns out to be a teacher of republicanism (III.23). From this argument we may better understand why Thomas Jefferson said the Declaration of Independence was based on “the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, &c.” and why the monarchical philosopher Thomas Hobbes complained that the ancient Greek and Roman authors taught Englishmen that democracy was the best form of government.<sup>7</sup>

A leading difficulty in Sidney’s argument lies in his simultaneous assertion that the right to rule derives from consent (from man’s natural liberty) and that it derives from merit (from the sacred law of *detur digniori*). As a practical matter Sidney was confident that the people—if they are not corrupt—would recognize and elevate those most deserving of political power. For in a republic no accidents of birth can stand in the way of the people’s honoring whoever is best. Further, Sidney was sure that corruption and absolute monarchy always go together in practice. But what if the people err and place fools or villains in power? Do we abandon democracy or merit? Which is more fundamental *in principle*: consent or virtue?

A similar question may be asked of his twofold conception of liberty. If one must choose, which form of liberty counts most: freedom from dependence on the will of a ruler one has not consented to, or freedom from enslavement to one’s base passions? For practical purposes, experi-

<sup>7</sup> Thomas Jefferson to Henry Lee, May 8, 1825 in *Writings*, p. 1501. Hobbes makes this assertion in *Behemoth, or the Long Parliament*, ed. Ferdinand Tönnies (New York: Barnes and Noble, 1969), pp. 43, 56, 158.

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ence solves the question for Sidney. A people unable to control its passions will not long retain its political freedom. But in principle the question may remain unresolved.

One characteristic feature of Sidney's book associates him with Machiavelli. That is his celebration of warlike virtue and foreign conquest. Like Machiavelli, Sidney prefers imperialist Rome to nonexpansionist Sparta. He asserts that "That is the best government, which best provides for war." Popular governments do this best, for their citizens are hardy and spirited, and there is a mutual rivalry for the honor that anyone may earn (II.15, II.22-23). But unlike Machiavelli, Sidney qualifies his imperialism with the requirement that a war of acquisition be a just war, carried on for a just cause and by just means.

The *Discourses* includes a vast amount of historical material. Some of Sidney's readers have inferred that his republicanism rests more on the prescriptive lessons of English history than on principles discovered by reason. That is not so. Sidney did believe that "the English nation has always been governed by itself or its representatives."<sup>8</sup> But in the end such evidence cannot be decisive: "time can make nothing lawful or just, that is not so of itself. . . . therefore in matters of the greatest importance, wise and good men do not so much inquire what has been, as what is good and ought to be" (III.28). So "there can be no reason, why a polite people should not relinquish the errors committed by their ancestors in the time of their barbarism and ignorance" (III.25).

Scholars have wondered about the religious dimension of Sidney's thought. The *Discourses* teems with Biblical references. But Sidney invokes the authority of divine revelation to vindicate conclusions reached by reason. At one point, quoting Ecclesiastes, Sidney notes that it "perfectly agrees with what we learn from Plato, and plainly shews, that true philosophy is perfectly conformable with what is taught us by those who were divinely inspired" (II.1). For Sidney, Biblical events are sometimes better explained by man's unaided reason than by religious doctrines. In the traditional view God in his wrath punished the Hebrews for their idolatry after Solomon's death by subjecting them to the rule of absolute monarchs. In Sidney's view the Hebrew "tragedy" actually proceeded "from such causes as are applicable to other nations. . . . [C]husing rather to subject themselves to the will of a man, than to the law of God, they

<sup>8</sup> Sidney's account of the English past has been much criticized by J. G. A. Pocock in *The Ancient Constitution and the Feudal Law* (Cambridge: Cambridge University Press, 1957), ch. 2 and 3, and others, but defended persuasively in James Conniff, "Reason and History in Early Whig Thought: The Case of Algernon Sidney," *Journal of the History of Ideas* 43 (1982), pp. 397-416.

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deservedly suffer'd the evils that naturally follow the worst counsels" (II.24).

Similarly, Sidney meets the objection that his argument, which praises armed resistance to evil, is anti-Christian. "We shall be told, that prayers and tears were the only arms of the first Christians, and that Christ commanded his disciples to pray for those that persecuted them." Sidney responds "that those precepts were merely temporary, and directed to the persons of the apostles, who were armed only with the sword of the spirit; that the primitive Christians used prayers and tears only no longer than whilst they had no other arms" (III.7). Sidney sums up the sturdy spirit of his Christianity in a remark that later became famous: "God helps those who help themselves" (II.23). In this way Sidney defends Christianity against the Machiavellian charge that it celebrates feminine qualities at the expense of manliness and spiritedness and leads to the triumph of bad men over good by teaching nonresistance to evil.

Sidney's (and Locke's) overall argument gave to political obligation a new basis consistent with Christianity's universal claim but independent of any particular religious sect. The God of all mankind could now be the God of a particular political community. For if natural liberty and natural law come from God, only one kind of community will satisfy God's law: a consent-based republic protecting the equal liberty of all. The final stanza of "America" shows that this argument is no mere logical inference but a tenet of faith for the political community that established a representative democracy dedicated to the proposition that all men are created equal:

Our fathers' God, to thee,  
Author of liberty,  
To thee we sing.  
Long may our land be bright  
With freedom's holy light;  
Protect us by thy might,  
Great God our king.

Citizens can fight for their country in good conscience, knowing that the cause of liberty is the cause of God, but free of the fanaticism so often associated with religious sectarianism.<sup>9</sup> The argument was new, but as expressed by Sidney it preserved the heart of the political teaching of the ancients. Politics and life are still understood in light of man's natural purpose: virtue and happiness.

<sup>9</sup> Jaffa, *Original Intent*, pp. 315–316.