

Algernon Sidney and “Discourses Concerning Government”

Thomas Jefferson cited Algernon Sidney's writings as one of the sources for the “authority” of the Declaration of Independence. He endorsed Sidney's "Discourses Concerning Government" as *"a rich treasure of republican principles"* and *"probably the best elementary book of the principles of government, as founded in natural right which has ever been published in any language."*¹ In 1825, as "Father of the University of Virginia"² and rector of its Board of Visitors, Jefferson, together with James Madison, stated that *"the general principles of liberty and the rights of man, in nature and society"* were to be found in Locke's "Second Treatise" and in Sidney's "Discourses Concerning Government."³ Jefferson's sentiments reflected those mutually shared by John Adams -- 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 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."⁴

In the late 18th Century, Sidney was a popular hero, whose life, death and writings were well-known to all of the Founding Fathers and to the American public in general at the time of the revolution.⁵ Yet in our day -- while Locke is generally well-known and is cited in many textbooks on American History and Government (and on the Internet) as a source of the principles of liberty and of the Declaration of Independence -- Sidney is not. Who was this man celebrated for over a century as a "true martyr of liberty"?⁶ And, what relevance does "Discourses Concerning Government" have to the modern study of American liberty?

Algernon Sidney was born in Kent, England ten years before Locke, in 1622. He lived for six years in France with his father, the Earl of Leicester, who served there as Ambassador. Later, as a Colonel in the army, he joined the fight for parliamentary government, taking up arms against King and fought gallantly in the battle of Marston Moor in 1644. Sidney was elected to

¹ Thomas Jefferson to John Trumbull, 18 January 1789, in "The Papers of Thomas Jefferson," ed. Julian P. Boyd (Princeton: Princeton University Press, 1950), 14:467-68; Thomas Jefferson to Mason Locke Weems, 13 December 1804, in "Catalogue of the Library of Thomas Jefferson," ed. W. Millicent Sowbery (Washington, DC: Library of Congress, 1953), 3:13.

² Thomas Jefferson, "Epitaph," in "Writings," ed. Merrill D. Peterson (New York: Library of America, 1984), 706.

³ Thomas Jefferson, "Minutes of the Board of Visitors of the University of Virginia," 4 March 1825, in "Public and Private Papers," (New York: Library of America, 1990), 153.

⁴ Letter of 17 September 1823, in "The Adams-Jefferson Letters," ed. Lester J. Cappon (New York: Simon & Schuster, 1971), 598.

⁵ c.f. generally, Alan Craig Houston, "Algernon Sidney and the Republican Heritage in England and America" (Princeton: Princeton University Press, 1991), 223-278.

⁶ c.f. Algernon Sidney, "Discourses Concerning Government," ed. Thomas G. West (Indianapolis: Liberty Fund, Inc., 1996), Introduction, xvi (cited as "West").

the famous Long Parliament in 1646. He opposed Cromwell's reign in 1653; and in 1660, after a brief restoration to the Rump Parliament, he chose voluntary exile in Europe when the Commonwealth collapsed under Charles II. It was during this exile that Sidney penned his "Discourses Concerning Government."

After wandering about Europe for nearly twenty years, Sidney returned to England and soon worked in cooperation with William Penn to achieve greater freedom of religion in England. Finally, he pursued with other Whigs a strategy to restore an independent Parliament to England under the reign of Charles II. In 1681, after King Charles dismissed Parliament, Sidney joined in a revolutionary plot to restore representative government and was eventually captured, charged with treason and imprisoned in the Tower of London. John Locke, who never worked closely with Sidney, and who was alleged to be part of the same plot, fled from the English continent when the conspiracy was exposed. Sidney was not so fortunate. After a long and illegally administered trial, he was ultimately convicted and beheaded on December 7, 1683.

After the successful revolution of 1688 in England, which drove out King James and restored Parliament under William of Orange, such high "regard was had for Sidney's innocence, and the justice due to his memory," that the new Parliament on February 13, 1689, made it one of their first acts to repeal his conviction and to expunge all of the trial proceedings from the public record.⁷ Sidney's "Discourses Concerning Government" was first published in England in 1698 (with several later printings), and was first published in America in 1805. The most recent edition of "Discourses" printed in 1990 (Liberty Fund) represents the first reprint in America.

Written in argument against Filmer's "Patriarcha" (which stood for the divine right of kings to rule -- without popular consent), "Discourses" reviews the history, strengths and weaknesses of governments from Biblical through Greek and Roman times, to the European and English eras. A contemporary of Sidney, Bishop Burnett, stated that Sidney "*studied the history of government in all its branches, beyond any man I ever knew.*"⁸ Sidney's primary arguments in "Discourses" are: (1) political power is different from paternal power, and kings do not have an inherited or divine right to rule; (2) people have the divine (natural) right of liberty which includes the right to choose their governors, (3) a popular, republican form of government is best; (3) virtue is necessary for rulers and the populace to maintain a prosperous and free society; and (4) kings and magistrates are subject to the common laws.⁹

Sidney's frequent references to Biblical, Greek and Roman characters and history ideally call for the reader to have a working knowledge of the Bible and certain classical texts or particular events. Also, because he wrote in response to Filmer's "Patriarcha," Sidney presumes that the reader is familiar with Filmer's arguments. Nevertheless, one may peruse "Discourses" and glean significant points and principles without such background knowledge. Although impractical as a text for secondary schools, excerpts and quotes are invaluable for consideration and classroom discussion. Surely, Sidney still belongs alongside Locke in the study of the principles of the American republic.

⁷ "Memoirs of Algernon Sidney, Esq." in "Discourses Concerning Government" (London: A. Millar, 1751), xxviii (cited as "Memoirs").

⁸ "Memoirs" xxviii. Sidney's father was a scholar in his own right, and maintained an extraordinary library containing several thousand volumes, including philosophical, political, historical and religious writings, ancient and modern, to which Sidney had access from his early years. "West" xxviii.

⁹ "West" xix.

SELECTED QUOTES FROM SIDNEY'S
DISCOURSES CONCERNING GOVERNMENT

LIBERTY

"[T]he principle of liberty in which God created us . . . includes the chief advantages of the life we enjoy, as well as the greatest helps towards felicity, that is the end of our hopes in the other." I:2:5

"[L]iberty . . . is not a licentiousness of doing what is pleasing to every one against the command of God; but an exemption from all human laws, to which they have not given their assent." I:2:6

"[T]he whole fabric of tyranny will be much weakened, if we prove, that nations have a right to make their own laws, constitute their own magistrates; and that such as are so constituted owe an account of their actions to those by whom, and for whom, they are appointed." I:2:8

"[T]hat exemption from the dominion of another, which we call liberty . . . is the gift of God and nature." I:17:44.

"Property is also an appendage to liberty; and it is impossible for a man to have a right to land or goods, if he has no liberty, and enjoys his life only at the pleasure of another, as it is to enjoy either, when he is deprived of them." III:16:318.

LAW AND GOVERNMENT

"[A] civil society is composed of equals, and fortified by mutual compacts." II:2:68

"[G]overnments are not set up for the advantage, profit, pleasure or glory of one or a few men, but for the good of the society." II:3:70

"Those multitudes that enter into such contracts, and thereupon form civil societies, act according to their own will: Those that are engaged in none, take their authority from the law of nature; their rights cannot be limited or diminished by any one man, or number of men; and consequently whoever does it, or attempts the doing of it, violates the most sacred laws of God and nature." II:5:81.

"[F]or if the liberty of one man cannot be limited or diminished by one, or any number of men [unless by common justice for crimes], and none can give away the right of another, 'tis plain that the ambition of one man, or of any faction of citizens, or the mutiny of an army, cannot give a right to any over the liberties of a whole nation." II:5:82.

"[T]hose who have no sense of right, reason or religion, have a natural propensity to make use of their strength to the destruction of such as are weaker than they . . ." II:8:95.

"[T]hey who admit of no participants in power, and acknowledge no rule but their own will, set up an interest in themselves against that of their own people, lose their affections, which is their most important treasure, and incur their hatred, from whence results their greatest danger." II:30:242.

"[If] force be the root of the right that is pretended, another force, by the same rule, may overturn, extinguish, or transfer it to another hand. If contracts have intervened, the force ceases; and the right that afterwards doth accrue to the persons, must proceed from, and be regulated according to those contracts." II:31:245.

" Every man ought to be just, true, and charitable; and if they were so, laws would be of no use . .
." III:1:254.

"If the public 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 . . ." III:21:351.

"[L]aws are made to keep things in good order without the necessity of having recourse to force." III:13:306.

"[L]aw must be given to all, and the good can be no otherwise distinguished from the bad, and the wise from the foolish, than by the observation or violation of it." III:13:307.

"It is not therefore the king that makes the law, but the law that makes the king." III:14:310.
"No law made by man can be perfect, and there must be in every nation a power of correcting such defects as in time may arise or be discovered." III:22:357.

"Whatsoever therefore proceeds not from the consent of the people, must be 'de facto' only, that is, void of all right; and it is impossible there should be a right of destroying that which is grounded upon none; and by the same rule that one man enjoys what he gained by violence, another may take it from him." III:31:403.

"[T]hose who delegate powers, do always retain to themselves more than they give, they [the people] who send these men [representatives], do not give them an absolute power of doing whatsoever they please, but retain to themselves more than they confer upon their deputies: they must therefore be accountable to their principals . . ." III:38:423.

"The legislative power is always arbitrary, and not to be trusted in the hands of any who are not bound to obey the laws they make." III:45:455.

VIRTUE

"Machiavel, discoursing on these matters, finds virtue to be so essentially necessary to the establishment and preservation of liberty, that he thinks it impossible for a corrupted people to set up a good government, or for a tyranny to be introduced if they be virtuous; and makes this conclusion, 'That where the matter (that is, the body of the people) is not corrupted, tumults and disorders do not hurt; and where it is corrupted, good laws do no good:' which being confirmed by reason and experience, I think no wise man has ever contradicted him." II:11:104-105.

"[A]ll things in nature have their continuance from a principle in nature suitable to their original: all tyrannies have had their beginnings from corruption. . . . The contrary is seen in all popular and well-mixed governments: they are ever established by wise and good men, and can never be upheld otherwise than by virtue: the worst men always conspiring against them, they must fall, if the best have not power to preserve them. . . ." II:19:146 -147.

"[C]orruption will always reign most, where those who have the power do most favour it, where the rewards of such crimes are greatest, easiest, and most valued, and where the punishment of them is least feared. . . . liberty cannot be preserved, if the manners of the people are corrupted . . ." II:25:201.

"Like effects will ever proceed from the like causes. When vanity, luxury, and prodigality are in fashion, the desire for riches must necessarily increase in proportion to them: and when the power is in the hands of base mercenary persons, they will always (to use the courtiers phrase) make as much profit of their places as they can. Not only matters of favour, but of justice too, will be exposed to sale; and no way will be open to honors or magistracies, but by paying largely for them. He that gets an office by these means, will not execute it gratis: he thinks he may sell what he has bought: and would not have entered by corrupt ways, if he had not intended to deal corruptly." II:25:203.

"Virtue is the dictate of reason, or the remains of divine light, by which men are made beneficent and beneficial to each other. Religion proceeds from the same spring; and tends to the same end; and the good of mankind so entirely depends upon the two, that no people ever enjoyed anything worth desiring that was not the product of them; and whatsoever any have suffered that [which] deserves to be abhorred and feared, has proceeded either from the defect of these, or the wrath of God against them. If any [leader] therefore has been an enemy to virtue and religion, he must also have been an enemy to mankind, and most especially to the people under him." II:27:212.

"Fruits are always of the same nature with the seeds and roots from which they come, and trees are known by the fruits they bear: as a man begets a man, and a beast a beast, that society of men which constitutes a government upon the foundation of justice, virtue, and the common good, will always have men to promote those ends; and that which intends the advancement of one man's desire and vanity, will abound in those that will foment them. All men follow that which seems advantageous to themselves. Such as are bred under a good discipline, and see that all benefits, procured to their country by virtuous actions, redound to the honor and advantage of themselves, their children, friends, and relations, contract, from their infancy, a love to the public, and look upon the common concerns as their own. When they have learnt to be virtuous, and see that virtue is in esteem, they seek no other preferments than such as may be obtained that way; and no country ever wanted great numbers of excellent men, where this method was established." II:28:218.

"[I]f vice and corruption prevail, liberty cannot subsist; but if virtue have the advantage, arbitrary power cannot be established." II:30:241-242. [Copied in *Jefferson's Commonplace Book*]

"Men are naturally propense to corruption; and if he, whose will and interest it is to corrupt them, be furnished with the means, he will never fail to do it. Power, honor, riches, and the pleasures that attend them, are the baits by which men are drawn to prefer a personal interest before the public good; and the number of those who covet them, is so great, that he who abounds in them will be able to gain so many to his service as shall be sufficient to subdue the rest. It is hard to find a tyranny in the world that has not been introduced in this way; for no man by his own strength could ever subdue a multitude" III:6:275.

"As no man can serve two masters, no man can pursue two contrary interests . . ." III:7:281.