

“God is our lord by right of creation, and our only lord, because he only hath created us.”
–Algernon Sidney, *Discourses Concerning Government*¹

Algernon Sidney’s *Discourses Concerning Government* sits squarely in the liberal tradition that so strongly influenced the American Revolution and Founding. Like his contemporary, John Locke, and his predecessor, John Milton, Sidney argues that good government must be founded upon the consent of the governed. Like Locke, Sidney strongly stresses the individual’s right to liberty. For Sidney, liberty means a natural equality of authority, of an “independency upon the will of another.”² Unlike Locke, however, who is far more a modernist, Sidney’s thought harkens back to the classical philosophers in that he criticizes “liberty without restraint” (licentiousness³) as being “inconsistent with any government, and the good which man naturally desires for himself, children, and friends.”⁴ Rational liberty is supported by virtue, and consequently, good government, contra Locke, does not merely protect liberty but reward virtue and punish vice.⁵ The form of government that best performs these functions, Sidney argues, is a mixed government, a republic, consisting not only of monarchic elements but also of aristocratic and democratic. While reading the *Discourses*, however, one must keep in mind that it was written as a response to Sir Robert Filmer’s *Patriarcha* in which absolute monarchy is championed.

¹ Algernon Sidney, *Discourses Concerning Government*, (Indianapolis: Liberty Fund, 1996), II.9, p. 131.

² *Ibid.*, I.5, p. 17.

³ *Ibid.*, I.2, p. 9

⁴ *Ibid.*, II.20, p. 191-2.

⁵ *Ibid.*, I.20.

Sidney's *Discourses* is a chapter by chapter refutation of Filmer's *Patriarcha* and, while not as colorful as Milton's writings, nevertheless displays a biting wit and a talent for the *reductio ad absurdum*. In *Patriarcha*, Filmer argues that kings rule by right of birth and are sanctioned by God, that the king is the source of law and so must have absolute and unrestrained power, and that monarchy is the natural form of government for man.

From whence comes the unrestrained "*Royal Charter* granted to kings by God"⁶ as conceived by Filmer? Filmer justifies his absolute monarchy in an interesting manner, by equating the patriarchal power of fathers with kingship. The kings are, metaphorically at least, fathers of their people and have the same power over them that a father has over his wife and children. He attempts to prove that the first kings were fathers of families. The eldest man of the eldest line, going back to Adam himself, ought to be king and his will ought to be the law to which the people are subjected.⁷

Sidney begins his refutation by criticizing blind faith, arguing instead for the importance of reasoning from first principles,⁸ though his arguments make liberal use of reason, Scripture, and historical experience. "We cannot distinguish truth from falsehood, right from wrong, or know what obedience we owe to the magistrate, or what we may justly expect from him, unless we know what he is, why he is, and by whom he is made to be what he is."⁹

What sort of king might we expect out of a hereditary, absolute monarch? As the nature of the ruler will be hit upon by chance rather than by merit, the king might be

⁶ Ibid., I.1, p. 6.

⁷ Ibid., I.6, p. 23.

⁸ Ibid., I.3.

⁹ Ibid., p. 13.

virtuous or vicious, benevolent or tyrannical, intelligent or dense, educated or ignorant, old and senile, immature and a slave to his passions, or literally a child. With no restraint on his power and his will as law, most men would succumb to the temptation to grasp after ever more power. Moreover, such a king's rule would be precarious and he would find it in his interest to encourage vice in the people to distract them and tie them to his side.

And what of the hereditary birthright of this monarch? "This paternal right to regality, if there be anything in it, is divisible or indivisible; if indivisible, as Adam hath but one heir, one man is rightly lord of the whole world, and neither Nimrod nor any of his successors could ever have been kings[!]"¹⁰ The absurdity of an indivisible paternal right descending from Adam to the eldest of each generation consists not only in there being only one rightful king of the entire world but also in the nearly certain impossibility of finding this single heir, to say nothing of the likelihood of his meriting his inherited position. If the paternal right is divisible, then every father is a king and so none has authority over another.¹¹ But Sidney shows that the "first kings were not fathers, nor the first fathers kings."¹²

If not by birthright, how does a man become a king or any other kind of ruler? Sidney identifies two means: by force, or by consent.¹³ The former is incompatible with human nature. He appeals to the common sense notion of liberty, "that man is naturally free: that he cannot justly be deprived of that liberty without cause, and that he doth not resign it, or any part of it, unless it be in consideration of a greater good, which he

¹⁰ Ibid., I.12, p. 33.

¹¹ Ibid., I.9.

¹² Ibid., I.14, p. 39. See also sections I.7, 8, & 13.

¹³ Ibid., I.11.

proposes to himself.”¹⁴ The laws of natural liberty, discovered by reason, inform us that a man who is dependent upon the will of another, “who can neither dispose of his person nor his goods, but enjoys all at the will of his master,” is a slave.¹⁵ In response to Filmer’s assertion that “the greatest liberty in the world is for a people to live under [an absolute] monarch,” Sidney sarcastically remarks, “If it be liberty to live under such a government, I desire to know what is slavery.”¹⁶

God has “given to all men in some degree a capacity of judging what is good for themselves, he hath granted to all likewise a liberty of inventing such forms [of government] as please them best, without favouring one more than another.”¹⁷ Men consent to form governments in order to protect their liberty by restraining it to some degree. A government that protects individual liberty equally must be by rule of law, not of the arbitrary whims of men. Obvious implications of this are that the power of rulers must be restrained to operate only within the law. One of the best means of doing this is to have a mixed government, in which each part – monarchic, aristocratic, and democratic – guards against the power of each. Yet men who succumb to their passions are slaves by nature and a government, even a republic, will not long remain just if its people are not virtuous. For this reason, Sidney, like the ancient Greeks, sees the purpose of good government as not merely to protect liberty but to reward virtue and punish vice. This begs the question, however, of the content the laws that would accomplish this and the power required by government officials to enforce such laws. Is government even effective, or rather, perhaps even counterproductive, in this regard?

¹⁴ Ibid., I.2, p. 8.

¹⁵ Ibid., I.5, p. 17.

¹⁶ Ibid.

¹⁷ Ibid., I.6, p. 20.

Another implication of individual liberty and of government resting upon popular consent – one that should be obvious and is spelled out by Sidney – is that the people have a right to abrogate a government formed by them for them. “If the multitude therefore do institute, the multitude may abrogate; and they themselves, or those who succeed in the same right, can only be fit judges of the performance of the end of the institution.”¹⁸ This is the right to revolution, and also the right to secession. If a government becomes unjust, the people have a right to overthrow it or leave it, and form a better one. There remains a further implication that is either implied in the first two chapters of the *Discourses*, or rejected and therefore not made explicit. The natural equality of authority of all men with their natural right to liberty, taken to its logical conclusion, implies that the right to abrogate an unjust government rests not merely in the people as a whole (that is, in the will of the majority) but in the individual. In other words, the right to resist or ignore, and the right to secede from, an unjust government, is not a collective right but an individual one.¹⁹

In *Patriarcha*, Filmer does not champion monarchy as such but rather a particular form of it: absolute monarchy. In response, Sidney seeks to refute Filmer’s claims and, in so doing, sets up an equally idealized picture of *his* favored form of government: a mixed government, or republic. Filmer’s absolute monarchy resembles more an actual or incipient tyranny than a classical monarchy; and Sidney’s republic is properly understood as an idealized virtuous republic, still young and full of the purpose of its founding, not yet experiencing the corruption and decay that inevitably comes with age to any form of government, even well-crafted republics. Two centuries of democratic government in the

¹⁸ Ibid.

¹⁹ Indeed, there is no such thing as collective rights.

West leads one to doubt Sidney's optimistic assertions that popular governments will produce the most virtuous and meritorious leaders. Indeed, the reality seems to be rather the opposite, as to be a successful politician one must become increasingly good at being bad. It could be argued that a large part of the problem is that individual rights in general, and the right to secede in particular, are not respected.