

Algernon Sidney's Discourses Concerning Government: Textbook of Revolution

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This cartoon, published in the *Political Register* (London, 1769), shows the Americans using the ideas of Sidney and other writers as weapons against the English government in the controversy over the creation of an American episcopate.

# Algernon Sidney's *Discourses Concerning Government*: Textbook of Revolution

Caroline Robbins\*

*Manus Haec Inimica Tyrannis  
Ense petit placidam sub Libertate Quietam*

This hand to tyrants ever sworn the foe,  
For freedom only deals the deadly blow,  
Then sheathes in calm repose the vengeful blade,  
For gentle peace in freedom's hallowed shade.

*J. Q. Adams, January, 1842<sup>1</sup>*

## I.

“**B**LOOD of the martyrs is seed of the church” and is equally the inspiration of revolutionary movements. When Massachusetts reorganized its government at Watertown in the summer of 1775 one of the first cares of the Council and House was to adopt a new seal. The seal chosen showed “an English American, holding a Sword in the Right Hand, and Magna Charta in the Left Hand, with the Words, ‘Magna Charta,’ imprinted on it.” The device, as every good New Englander knows, was *Ense petit placidam sub libertate*, the second line of the Latin tag printed at the head of this essay and familiar to the eighteenth century as the motto of one of the most famous victims of Stuart tyranny.

Both Algernon Sidney's *Discourses* and the story of his devotion to

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<sup>1</sup> The Latin motto is taken from the frontispiece to *Discourses Concerning Government* by Algernon Sidney, Son to Robert Earl of Leicester, and Ambassador from the Commonwealth of England to Charles Gustavus King of Sweden. Published from an Original Manuscript. The Second Edition carefully corrected. To which is Added. The Paper He deliver'd to the Sheriffs immediately before his Death. And an Alphabetical Table. *Dulce et decorum est pro Patria mori*. Hor. (London, MDCCIV.) All quotations from the *Discourses* or the *Paper* which follow are taken from this edition, the first to contain the portrait frontispiece. Winthrop gives the translation quoted above and the story of its composition. R. C. Winthrop, *A Lecture delivered before the Boston Mercantile Library Association, 21 Dec. 1853* (Boston, 1854). Z. S. Fink, *The Classical Republicans* (Evanston, Ill., 1945) provides a fully documented account of Sidney's political ideas and discusses briefly a few of the problems connected with his career.

the good old cause of liberty against tyrants was well known, and there can be very little doubt that the committee chose the phrase as being appropriate to the Revolution then in progress and reminiscent of the seventeenth-century hero and martyr. Not only was Sidney's story to be found in all the popular history books, but Sidney's writings, portrait and motto had been spread about in the years preceding the Revolution by the benefactions of Thomas Hollis of Lincoln's Inn. This eccentric English republican made it a lifelong duty to send the works of Milton, Harrington, Sidney, Ludlow, Marvell, Locke and others to American friends and especially to Harvard College where they were to become, as William Jenks later described them, "the political text-books" of that "favoured seminary." Hollis liked to inscribe his gifts with quotations, a favorite among which was Sidney's watchword. In recalling Sidney's influence and importance during these momentous years, R. C. Winthrop, descendant of one of this Massachusetts committee, was to reveal the degree of success Hollis achieved. "I can," he says, "hardly consider the name of Algernon Sidney as other than an American name—American in all its associations, and American in all its influences."<sup>2</sup> Winthrop made this statement because he believed Sidney's ideas had had great influence during the Revolutionary years and furthermore, because he observed that too few of his contemporaries realized this fact. Since he spoke ninety-five years have passed and, in spite of his efforts, Sidney's life, writings and the nature of his influence in America have been little studied. Here, an attempt will be made to show the extent of that in-

<sup>2</sup> C. N. Greenough, "Sidney and the Motto of Massachusetts," *Massachusetts Historical Society Proceedings* (1917-1918), LI, 259 ff., describes the adoption of the motto and lists the committee responsible for its selection. He used both Archdeacon Francis Blackburne's *Memoirs of Thomas Hollis* (London, 1780), and unpublished material in the Massachusetts Historical Society. It is curious that he does not seem to have been familiar with R. C. Winthrop's earlier lecture (see n.1 above) from which the last quotation is taken and which, as a matter of fact, seems to provide additional proof of Mr. Greenough's own suggestion that John Winthrop chose the motto. However, a good case could also be made out for Colonel James Otis of Barnstable, another member of the committee, whose more famous son received books from Hollis, who called him "asserter of liberty," and who, after his death, was compared with the martyr—

"The fire of freedom flew from man to man  
His pen, like Sydney's made the doctrine known"

(*Ode*, by T. Dawes, 1783). See W. Tudor, *Life of James Otis* (Boston, 1823), 487, and 214n for Hollis' tribute. Much information about Major Joseph Hawley, a third member of this group, is also to be found in Tudor.

fluence, and, very briefly, to suggest some explanation for it. A re-examination of a once well-known story and of many familiar facts may result in a fresh appreciation of men whose works are seldom read today and whose activities have been almost forgotten.

Yet two examples at least may be cited to show the importance once attached to Sidney's *Discourses*. Under Jefferson's guidance, the board of visitors of the University of Virginia determined to pay special attention to "the principles of government which shall be inculcated therein." On the fourth of March, 1825, it was

Resolved, that it is the opinion of this Board that as to the general principles of liberty and the rights of man, in nature and in society, the doctrines of Locke, in his "Essay concerning the true original extent and end of civil government", and of Sidney in his "Discourses on Government", may be considered as those generally approved by your fellow citizens of this, and the United States, and that on the distinctive principles of the government of our State and of that of the United States, the best guides are to be found in, 1. The Declaration of Independence . . . 2. The book known by the title "The Federalist" . . . 3. The Resolutions of the General Assembly of Virginia in 1799 . . . 4. The valedictory address of President Washington, as conveying political lessons of peculiar value. And that in the branch of the school of law, which is to treat on the subject of civil polity, these shall be used as the text and documents of the school.<sup>3</sup>

Five years later in the prospectus to the *Liberator* of 1830, William Lloyd Garrison refers more briefly to his basic texts as "*Algernon Sidney's Discourses on Government—the Declaration of American Independence, The Constitutions and Bills of Rights of the several States* etc. etc."<sup>4</sup>

The *Discourses* appear in many earlier American lists of political classics. Franklin recommends Tillotson, Addison, Pope, Algernon Sidney and *Cato's Letters*.<sup>5</sup> Andrew Eliot, minister of the North Church, Boston, and later of Fairfield, Connecticut, maintained that it was "that

<sup>3</sup> S. K. Padover, *The Complete Jefferson* (New York, 1943), IIII2. It would be interesting to know how long these six items were required texts.

<sup>4</sup> V. L. Parrington, *Main Currents of American Thought* (New York, 1927), II, 354.

<sup>5</sup> Jared Sparks, ed., *The Works of Benjamin Franklin* (Boston, 1840), I, 572. See also, *ibid.*, II, 293-299, where he refers to "Sidney, the British Brutus, the warm, the steady friend to liberty, who from a defusive love of mankind left them that invaluable legacy his immortal 'Discourses on Government.'"

martyr to Civil Liberty," Algernon Sidney, who first taught him "to form any just sentiments on government."<sup>6</sup> Josiah Quincy, Jr. left in his will,

To my son when he shall arrive to the age of fifteen years, Algernon Sidney's works, John Locke's works, Lord Bacon's works, Gordon's *Tacitus*, and *Cato's letters*. May the spirit of liberty rest upon him!<sup>7</sup>

John Adams not only used Sidney's example to inspire his countrymen, he reprinted extracts from the *Discourses*, and associated Sidney's name on one occasion with those of "Locke, Hoadley, Trenchard, Gordon, *Plato Redivivus*" and on another with Aristotle and Plato, Livy and Cicero, Harrington and Locke.<sup>8</sup> Late in life he wrote to Jefferson that he was rereading Sidney. "As often as I have read it," he declared, "it now excites fresh admiration that this work has excited so little interest in the literary world."<sup>9</sup> Jonathan Mayhew (1720-1766), alumnus of Harvard and minister of the West Church, Boston, presented a splendid copy of the 1751 edition of the *Discourses* to his alma mater. Mayhew himself was a "revolutionary author" and wrote *A Discourse Concerning Unlimited Submission and Non-Resistance to the Higher Powers* (1750) and *The Snare Broken* (1766). In the latter he notes that doctrines of civil liberty had been derived by him in youth from Plato, Demosthenes, Cicero, Sidney, Milton, Locke, and Benjamin Hoadley.<sup>10</sup> John Taylor of Caroline praised Sidney as one "who stands as a witness that talents and truth may be outfaced by ignorance and error."<sup>11</sup>

<sup>6</sup> Eliot is not noticed in the *Dictionary of American Biography*, but at least three of his sermons were published, 1759-1766, and material about him may be found in the Hollis Letters, no. 109, Manuscript Collections of the Massachusetts Historical Society, and he is mentioned by A. M. Baldwin, *New England Clergy and the American Revolution* (New Haven, 1936). He was a distinguished minister in his day.

<sup>7</sup> Eliot and Quincy are quoted by R. C. Winthrop as well as by Greenough. Quincy's will was printed by his son, Josiah Quincy, in *Memoirs of Josiah Quincy, Jr.* (Boston, 1825), 350.

<sup>8</sup> *William and Mary Quarterly*, ser. 3, III (1946), 610; Charles Francis Adams, ed., *Works of John Adams* (Boston, 1850-1856), IV, 15, 420-423, and VI, 4. See also "Correspondence between John Adams and Mercy Warren," *Massachusetts Historical Society Collections*. 5th ser. (Boston, 1878), IV, 324.

<sup>9</sup> Letter dated Sept. 17, 1823, in *Works*, X, 410.

<sup>10</sup> See *Dictionary of American Biography*; Greenough, *passim*; and Mayhew's sermon, *The Snare Broken*, 35. This sermon was dedicated to William Pitt.

<sup>11</sup> *An Inquiry into the Principles and Policy of the Government of the United States* (Fredericksburg, Va., 1814). Taylor (1753-1824), a wealthy Virginian, educated at the College of William and Mary and fighter in the revolutionary wars,



Further confirmation of Sidney's reputation might be found in the names of persons or places, for example, Algernon Sydney Logan (1791-1835), son of George Logan, noted Quaker radical and friend of Jefferson, and Hampden-Sydney College.<sup>12</sup> There are at least thirteen towns named Sidney in the United States and search might reveal more; but local tradition does not always separate the republican hero from the Elizabethan poet, nor indeed, is it always to be relied on.<sup>13</sup>

A good many polemical writers have used "Sidney" as a pseudonym. Judge Spencer Roane was thought by Jefferson to have "pulverized" John Marshall's words in the case of *Cohen v. The State of Virginia*, when in 1821 under the signature of Sidney he wrote a series of articles for the *Examiner*.<sup>14</sup> Gideon Granger, anti-Federalist boss of Connecticut (1767-1822), used the same signature both in his defense of Jefferson in 1803 and of the Union in 1808. Benjamin Watkins Leigh (1781-1849), a native of Virginia and an alumnus of the College of William and Mary, attacked Jackson in the *Richmond Examiner* in 1819-1820 with his *Letters of Algernon Sydney in Defence of Civil Liberty*. The founder of

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is one of the most interesting radical writers of his time. His work attracted the attention of Adams with whom he was to wage a long but not unfriendly controversy. A recent monograph by E. T. Mudge, *The Social Philosophy of John Taylor of Caroline, a Study in Jeffersonian Democracy* (New York, 1939), provides an excellent introduction to his theories.

<sup>12</sup> Another Algernon Sidney Logan is listed in Samuel Austin Allibone's *A Critical Dictionary of English Literature and British and American Authors* as publishing poetry in the 1880's. The spelling of Hampden-Sydney was changed (substituting a "y" for an "i") within the last generation.

<sup>13</sup> Sidney, Ohio, is said to be named for the poet; about the Sidney of Indiana County, Pennsylvania, Delaware County, New York, or Kennebec County, Maine, and the Sidneys in Illinois, Indiana, Iowa, Kentucky, Michigan, Montana, Nebraska, North Carolina, and Texas I am uncertain. It should be noticed perhaps that neither Algernon nor Sidney has become a popular American name like Milton. "Sidney" is familiar enough, however, to be listed, with no hint as to its derivation, in the 1943 edition of *Webster's Collegiate Dictionary* in the list of "Common English Christian Names" under both men's and women's names.

EDITOR'S NOTE: In one Virginia family the complete name, Algernon Sidney, was regularly used as a boy's Christian name until the middle of the nineteenth century. At that time the Algernon disappeared, but Sidney remained either as a boy's or girl's name. In the immediate family today there are two males and one female named Sidney Adair, and one Katharine Sidney. The family today has ceased to attach any historical significance to "Sidney," merely considering it as a family name. At least one other instance of this same process (the dropping of Algernon, and the bisexual use of Sidney) has been noted.

<sup>14</sup> Padover, 320.

the *Southern Quarterly*, D. Kimball Whitaker (1801-1881), wrote *Sidney's Letters to William E. Channing* in 1837. John Allen (1797-1871), a representative for Virginia in 1833 and author of *An Essay on the Policy of Appropriations Being Made for Purchasing . . . Liberated . . . Slaves* (1826), also used the alias as did Salma Hale (1787-1866), author of *The Administration and the Opposition*, 1826. Others could no doubt be added to this list.<sup>15</sup>

Many historians couple Sidney's name with Locke's,<sup>16</sup> but seldom offer an explanation of his importance or influence. It is doubtful if the *Discourses* stands by the *Essays* on any modern shelf of required reading. Yet Frederick von Genz could, in the age of the French Revolution, express horrified surprise that Karl Wilhelm von Humboldt was ignorant of Sidney. "Just imagine," Genz wrote, "he does not even know Algernon Sidney's name! What would he say if we did not know of Xenophon or Hesiod."<sup>17</sup>

Today ignorance, if not of Sidney's name, certainly of his writings, is widespread. Not only he, but his English successors and admirers, are almost forgotten. These were men who clung to something like republicanism when the other heirs of the Revolution of 1688 had turned away from the popular theories of their party. The Whigs who effected the settlement of 1689 were not Commonwealth men; but certain eighteenth-century politicians who called themselves Whig, Robert Molesworth, John Toland, Thomas Gordon, John Trenchard, Richard Baron and Thomas Hollis, for example, considered themselves disciples to a greater

<sup>15</sup> These titles are taken from the Library of Congress Catalog. Allen is hard to identify among the many with that name; Hale is not in the *Dictionary of American Biography*. At the Huntington Library is a four-page pamphlet, *Modern Toleration in Disguise*, published in 1816, decrying the persecution of Presbyterians by office seekers and the continuance of party politics in Connecticut, signed "Sidney." About the authorship of another tract that appeared in 1831 under Sidney's signature I know nothing. In *Essays on the American System, its Principle and Object* (Philadelphia, 1831), "Sidney" points out the evils of the tariff favoring a few at the general expense.

<sup>16</sup> John Fiske, *The Critical Period* (New York and Boston, 1888), 66.

<sup>17</sup> G. P. Gooch, *Germany and the French Revolution* (London and New York, 1920), 117. See also p. 62, where a quotation from Heibühr is given. "This day [December 7, 1794] is the anniversary of Algernon Sidney's death, 111 years ago, and hence it is, in my eyes, a consecrated day, especially as I have just been studying his noble life again." German translations of the *Discourses* appeared in 1705 and 1793. For French knowledge of Sidney and use of the name, see A. Aulard, *French Revolution* (New York, 1910), I, iii.



or lesser degree of those supporters of the Commonwealth, Sidney, Milton, Harrington, Marchmont Nedham and Henry Neville. None of them through their writings brought about any considerable constitutional change in eighteenth-century England. Like their seventeenth-century exemplars the radical Whigs fired "paper shot" which made very little difference to the practical politicians of their period. Nor did they make those demands for social and economic equality which give to the Diggers and Winstanley so considerable an interest for a post-Marxian world. Trenchard, Gordon, Hollis and the rest did, however, keep alive some seventeenth-century theories which were to influence the American Revolution. These theories in turn were immensely strengthened by the success of the new republic, and after 1815 recrossed the Atlantic to revive English radicalism and help to end the long reaction in Britain. The debt of English reformers to America, and of America to the men who failed to impose their ideas on England in 1689, has not yet been properly assessed. English and American intellectual history from 1640 to 1840 needs rewriting between the covers of one book.

## II.

Sidney's reputation in his own lifetime and thereafter rests on the impression made by his character and personality rather than on the success attending his political activities. He was born in 1622, one of the fifteen children of the second Earl of Leicester. Part of his childhood was spent at Penshurst, ancestral home of the Sidneys, and part with his father abroad on embassies to Denmark and France. In Paris he attracted attention for "a huge deal of wit and much sweetness of nature."<sup>18</sup> After an unsuccessful attempt to place him in the service of the House of Orange his family seem to have sent both Algernon and his eldest brother, Philip Lord Lisle, to Ireland where they fought the Irish. Recalled in

<sup>18</sup> Arthur Collins, *Letters and Memorials* (London, 1746). Though the 1763 and 1772 editions of the *Discourses* reprint Algernon Sidney's letters, much is still to be gleaned about his family, their plans for him, and so on, from Collins. Unless specifically noted, materials for Sidney's life used in this article may be found in the sketch prepared by C. H. Firth for the *Dictionary of National Biography*. A. Ewald, *Life and Times* (London, 1873) must be used with caution, though it is the last full-length biography and reprints useful documents. The Historical Manuscripts Commission Reports published since Firth and Ewald wrote contain much new Sidney material, as do more recent studies of his contemporaries. See, for example, F. R. Harris, *Life of Edward Montagu, Earl of Sandwich* (London, 1912).

1643 by the King, they were seized in August by the Roundhead command and decided to fight on that side in the civil war. Sidney was wounded at Marston Moor in 1644, served briefly as military governor of Chichester and of Dublin, and rather longer in the same capacity at Dover. He was elected to Parliament by the city of Cardiff in 1646, achieved the rank of colonel during the following years and attained sufficient eminence to be nominated one of the commissioners to try Charles in January, 1649. Sidney disapproved of the method adopted of deposing the King, though not of the principle of deposition, and retired to Penshurst during the critical days, January 22-29. He returned, however, to London after Charles' execution to play a prominent part in the political life of the young republic.

To this point there is little evidence of his character but that afforded by the bare recital of his activities.<sup>19</sup> From this moment testimony multiplies—his own letters, his father's journal, the records of the Commons, comments of men like Bulstrode Whitelocke, who remarked his "overruling temper" and Milton who dubbed him "illustrious."<sup>20</sup> Sidney was now one of that small, distinguished band of republicans which included Henry Marten, Sir Henry Vane, Jr., Sir Arthur Haselrigg and Henry Neville. They feared equally a military dictatorship and a royalist restoration. They saw in their own retention of power the only hope of nursing the infant commonwealth through its critical early days and feared the dangers to it a general election might bring. The Long Parliament, decimated by expulsion or retirement of royalist and Presbyterian members, was now a Rump of less than a hundred. But those remaining felt that on them a "sacred trust" had devolved which might not be abandoned whatever the temporary illogicalities in representation might be. As victories against Irish, Scotch and Dutch strengthened their position, these men, like Cromwell himself, felt justified by God and the achievements of a free people.

Immediately after the execution of Charles and the proclamation of

<sup>19</sup> There is a hint of difficulties over the appointment at Dublin but in Parliament when the question was discussed the young soldier's gallant record was noted.

<sup>20</sup> Bulstrode Whitelocke, *Memorials* (London, 1732), 680. See also accounts (*ibid.*, 452, 487) of Sidney's rumored differences with his officers at Dover and of his quarrel with the Earl of Oxford. Milton, *Second Defence* (New York, 1931), 235. R. W. Blencowe in the *Sydney Papers* (London, 1825) printed Leicester's journal and some of the letters, though many of these may be found in Collins and in the 1763 and 1772 editions of the *Discourses*.

the republic a move was made to impose an oath of approbation for all that had been done at the trial on members of Parliament and officials. Sidney, back from his retirement at Penshurst, provoked a "hot debate" and the lasting enmity of Cromwell, Colonel Thomas Harrison, and others, by his remark that this "would prove a snare to many a honest man but every knave would slip through." By this he meant that men like himself and Vane, who had disliked the trial, were honest. Only the ready tact of Marten extricated him from an impasse. Though absent from time to time on duty at Dover, or on an embassy to the Hague, Sidney served on important parliamentary committees and was elected a member of the Council of State in 1652.

By April, 1653, the republicans and the army had reached a crisis in their relations, a crisis which Cromwell determined to resolve with his customary directness. Clad in sober black and flanked by his men, he entered the House on April 20 and after a pause began to revile the members who still deliberated ways of recruiting their number without a general dissolution. He accused them of drunkenness, corruption and worse vices, and singled out Harry Vane for particular attack. Then he ordered the mace carried away. His minions had to threaten violence before the speaker would leave and Sidney, seated at the right of the chair, waited until Harrison and Charles Worsley laid hands on his shoulders before he, too, went to the door.<sup>21</sup>

The next five years Sidney spent with his father in retirement. Tradition has him playing the part of Brutus in *Julius Caesar* and thereby offending both the Protector and his own brother Philip, now a Cromwellian courtier.<sup>22</sup> With the death of Oliver and the withdrawal of Richard

<sup>21</sup> W. C. Abbott, *Writings and Speeches of Oliver Cromwell* (Cambridge, Mass., 1939), II, chap. xvi, contains the best analysis of the party issues involved and reprints all important accounts of this famous scene.

<sup>22</sup> Blencowe, *Sydney Papers*, 269, note D, notes a letter from Philip complaining of his brother's activities but not specifying the play acted. Both contemporary and later writers have, however, remarked a resemblance in Sidney to Brutus. Gilbert Burnet, in his *History of My Own Time* (Oxford, 1897), II, 405, says Sidney modeled his career on the Roman's. See, too, J. Adams, *Works*, II, 299. The epitaph was probably based on *Reformation, a Satyr* (1684) which says

"How Roman like did our old Rebel die  
With his last breath profaning majesty."

See Franklin, n. 5, above. So general was the admiration for Brutus in late eighteenth-century America that Fisher Ames thought it worth protesting, Seth Ames, ed., *Works of Fisher Ames* (Boston, 1854), II, 91.

Cromwell the republicans had a brief revival of influence. Sidney was among those nominated to the Council of State in May, 1659, but since he was soon after sent abroad on a mission to make peace between the Danes and the Swedes, negotiations which occupied the better part of a year, he had little to do with domestic events during the Anarchy. The year is notable in his life, however, for his defiant inscription of the motto *Manus haec inimica tyrannis*, ever after associated with him, in the guest book of the University of Copenhagen. The incident helped to make his return to England after the restoration of Charles in May, 1660, impossible in spite of all the efforts of powerful friends. Royalists writing of his republican theories after Sidney's death thought with horror of a man of such sentiments.<sup>23</sup>

Sidney remained abroad until 1677. During his exile he had many adventures. He sought military service in the wars of the time but failed to obtain the necessary permission. He studied. He intrigued. He tried in vain to induce De Witt to aid the republicans by attacking Stuart England, and even approached Louis XIV on the subject. Later he did take a French pension and about this a controversy has raged ever since. Some, like Sam Adams, maintaining that Sir John Dalrymple, who published the French documents in 1771, was merely acting as the tool of "a nefarious Court" in thus blackening the reputation of Whig heroes:<sup>24</sup> some, like Dr. Johnson and Hume, seeing in it merely a confirmation of a long-seated Tory prejudice against the "martyrs." Much trouble could have been saved if the view put forward in 1685 by the author of *The Mischief of Cabals or Faction Expos'd* had been adopted. He suggests

<sup>23</sup> We have the story in Sidney's own words and in his father's. See Blencowe, 205 ff. John Northleigh, *The Triumph of our Monarchy* (London, 1685), uses the tag as a marginal heading for his attack on Sidney's *Last Paper*. This antedates all examples quoted by Greenough by ten years; there is no question the story had wide currency. See also Thomas Long (?), *The Long Compendious History* (London, 1684), 177. "Algernon Sidney's motto was *Manus haec inimica tyrannis*."

<sup>24</sup> "It is the old Game of mischievous Men to strike at the characters of the good and great in order to lessen the weight of their Example and Influence. Such Patriots as Lord Russell and Algernon Sydney of the last Age, have of late been falsely and audaciously charg'd by a Scotch Tool of the most nefarious Como, with having received Bribes from the National Enemy." H. A. Cushing, ed., *The Writings of Samuel Adams* (New York and London, 1904-1908), IV, 73. For the most modern and authoritative account of the French money accepted by Englishmen in this period, see C. L. Grose, "Louis XIV's Financial Relations with Charles II and the English Parliament," *Journal of Modern History*, I (1929), 177-204.

that all Sidney's gang were pensioners but "not from avarice, merely malice," malice, that is to say, towards the Stuart government.

When Sidney returned to England in 1677 to see his father and arrange his private finances, which subsequently involved him in family quarrels,<sup>25</sup> special permission had to be obtained from Charles, and in 1682 when Sidney wished to re-enter England after a brief trip abroad, the same formalities had to be observed. Sidney, in his *Paper* and in his *Apology*, speaks bitterly of the suspicion which dogged his footsteps. He had only to look over a balcony at a city election to be indicted for inciting a riot. But his behavior was not quite so discreet as he made out, though he once in a personal interview convinced the King that it was. In 1678, the year following his return from exile, Sidney stood for Parliament, helped and encouraged by William Penn and other friends.<sup>26</sup> The borough of Guildford, however, in spite of the efforts of Sidney and his circle, returned a man named Delmahoy. The following August Sidney offered himself as a member for Bramber, but withdrew when his brother Henry became a candidate. His third attempt to win a seat in the house was even more disappointing. Elected to represent Agmondesham, Parliament twice declared his election void, once in December, 1680, and again in February of the following year. Ample evidence may be found in the state papers to show that, if the disaffected elements looked to him for

<sup>25</sup> Sidney's relations with Philip had been bad since the Protectorate, with his father, since the Copenhagen incident, and he was not popular with his sister, the Duchess of Sunderland, who writes smugly of her virtue in not quarrelling with brother Algernon even when he made disparaging remarks against her friends. See Blencowe, *Diary of Henry Sidney* (London, 1843), II, 40. Henry, his younger brother and afterwards Earl of Romney, stood against him in the Parliamentary election for Bramber in 1680.

<sup>26</sup> Collins, I, 153, prints Sidney's account of the Guildford election; Ewald, II, 61-62, one of Penn's letters to him. On a further letter, dated October 13, 1681, thought to be addressed to Algernon Sidney and first printed in *Memoirs of The Historical Society of Pennsylvania* (Philadelphia, 1834), III, part I, 285, is based the whole theory supported by W. H. Dixon, *William Penn: An Historical Biography* (Philadelphia, 1851), and refuted by S. M. Janney, *The Life of William Penn* (Philadelphia, 1852), that Sidney helped Penn write the constitution of Pennsylvania. I am indebted to Mr. Albert Cook Myers, the great authority on William Penn, for an opinion that Sidney's influence was much exaggerated by Dixon, that Janney is the more reliable and that more of Penn's ideas came from his Quaker friends than from his political associates of this period. Franklin (*Works*, III, 122) examining the constitution suggests Harrington as a major influence. The whole matter, however, deserves further attention.

aid and encouragement, the court feared his influence and his eloquence.<sup>27</sup> It was doubtless this fear which contributed to his failure to obtain a seat in the House.

It is no wonder then that, though little direct testimony to it was ever uncovered, Sidney's part in some of the conspiracies of 1682-1683 should have been taken for granted by the government as soon as the first information of trouble was received in the spring of 1683. At least five, if not six, plots came to light during that year. The great number of Scotch beggars coming down into England was alarming in view of the Earl of Argyll's well-known disaffection. Meanwhile, in Bristol, James Holloway and his friends planned a change in government, though they were shocked by the assassination plots of certain London malcontents and by the plan to seize the royal brothers as they passed the Rye House owned by Colonel Richard Rumbold, a "one ey'd Hannibal" of Cromwellian fame.<sup>27a</sup> In Lord William Russell's house six very different men talked about the chances of preventing James' accession and of using perhaps the Scotch, perhaps the Dutch, to assist their schemes. Even among these divergences of opinion existed. One or two may have been for William of Orange, or for Monmouth, or Buckingham as a substitute for James. Sidney and possibly the Earl of Essex were for a commonwealth, something as far from Argyll's ideas as from Russell's. Robert Ferguson complained that Sidney was ruining all by "driving designs of his own." Reading the much read trials, state papers and narratives the conviction grows that Sidney's republican enthusiasms were not exaggerated by the government but that his practical ability to induce others to share them was. This is not, however, the place to untangle an extraordinary web of conspiracy nor to weigh the justice of Lord Jeffreys' judgment.

As one would expect, Sidney was intransigent; he was of the stuff of which martyrs are made. He acted, Gilbert Burnet tells us, "only upon the principle of civil liberty." He was, the same authority remarked:

<sup>27</sup> Secretary Jenkins wrote, May 1, 1682, "For God's sake have a strict eye to Mr. S. The Whigs have great expectations from him. *Calendar of State Papers Domestic, 1682* (London, 1932), 190.

<sup>27a</sup> The dying speech of this same Rumbold, who like Sidney died on the block, was later to be paraphrased by Jefferson in the famous statement—the last the Virginian made on democracy—that "the mass of mankind has not been born with saddles on their backs, nor a favored few, booted and spurred, ready to ride them legitimately, by the Grace of God." See: Douglass Adair, "The New Thomas Jefferson," *William and Mary Quarterly*, ser. 3, III (1946), 133.



A man of the most extraordinary courage, a steady man, even to obstinacy, sincere, but of a rough and boisterous temper, that could not bear contradiction, but would give foul language upon it . . . he was stiff to all republican principles . . . Sidney had a particular way of insinuating himself into people that would harken to his notions and not contradict him.<sup>28</sup>

After a brief trial which he maintained was unjust and arbitrary, Sidney was condemned to death by Jeffreys, who was convinced of the former's intentions if not wholly informed about his activities. He died bravely, being executed on Tower Hill, December 7, 1683. Two weeks later versions of his "dying speech," the *Last Paper* delivered to the sheriffs, began to appear and at the same time under a total misapprehension of the likely results Jeffreys allowed the trial proceedings to be printed. Thus Sidney's ideas gained currency.

Would Sidney have been as little quoted as Ludlow if he had gone or been sent into exile instead of gaining a martyr's crown? He had been more republican than Whig, but his legend now became important to the latter party. In 1689 a small volume came out under this title:

Sidney Redivivus; or the Opinion of the Late Honourable Collonel Sidney as to Civil Government. Wherein is Asserted and Clearly Proved, that the Power of Kings is Founded in the consent of the People; who have a right to call them to an Account for Male-Administration, and to restore themselves to their native Liberty. By which the late Proceedings of the Nation against James the II are justified. . . .

These ideas became, in fact, the valued commonplaces of English political thought. Sidney could be cited whenever the revolution was in question. The gradual penetration of a "doctrine of resistance," as M. Halévy has called it,<sup>29</sup> into English practice must have owed much to the circulation of tracts like this, and to the famous *Discourses Concerning Government* after its appearance in 1698. Sidney's influence in England if traced throughout the eighteenth century declines with the gradual disappearance of the little group of radicals who were his disciples and successors.

<sup>28</sup> Burnet, I, 120; II, 354-355. For the plots see T. B. Howell, *State Trials* (London, 1809-1826), particularly volumes IX, X, XI *passim.*; *Calendar of State Papers Domestic*, 1682-84; Thomas Sprat, *A True Account* (London, 1685); Forde Lord Grey, *Secret History of the Rye-House Plot* . . . (London, 1754), written 1685 but printed 1754; James Ferguson, *Robert Ferguson the Plotter* . . . (Edinburgh, 1887).

<sup>29</sup> Elie Halévy, *History of the English People* (London, n.d.), 130f.

To these the first appearance of the *Discourses* is probably due, and to them its continued re-issue can be traced. In America its "revolutionary principles" gained currency as they weakened in England. Dr. Johnson pronounced Sidney "a rascal" just as the events in the colonies brought his transatlantic reputation to its height.

### III.

Sidney's posthumously published book was timely. He voiced clearly the popular theory of government against the divine rights of anyone. Other writers developed similar constitutional views, and wrote of government more clearly, or more subtly; but few adorned their work with such a wealth of illustration from history—"That inexhaustible mine, out of which political knowledge is to be brought up."<sup>30</sup> In one massive tome could be found all the arguments necessary to support rebellion against tyranny. Sidney proved that free governments were more stable, reasonable and successful than others. At the beginning of a revolutionary war it is comforting to be told that free men, unless faced with overwhelming odds, always win. Sidney justified rebellion. He considered change inevitable as men develop new skills and habits. At the same time he stated clearly certain human rights which are inalienable, chief of which, of course, is the right to choose one's own ruler and the laws under which ruler and ruled will live. No unjust law is legal to Sidney and perhaps Jonathan Mayhew, who read his work, was thinking of his arguments when he wrote his *Discourse on Unlimited Submission* (published significantly January 30, 1749/50, the anniversary of the execution of Charles I) and enthusiastically received by his English friend, Thomas Hollis.<sup>31</sup> Sidney maintained that no one can demand unlimited submission from those to whom they owe their position.

There is a further implication in the *Discourses* of importance in studying its American influence. Sidney, like Jefferson and John Taylor, and unlike most of his Whig compatriots, wanted a check on any kind of sovereignty. True, he quoted Lord Burleigh's famous phrase on the supremacy of Parliament, but Parliament, as Sidney pictured it, would be constantly referring important decisions back to the electors.<sup>32</sup> His

<sup>30</sup> J. Burgh, *Political Disquisitions* (Philadelphia, 1775), I, vi.

<sup>31</sup> Blackburne, *Memoirs of Thomas Hollis*, II, 763, wherein Hollis quotes Mayhew's descriptions of Charles as a *lawless* tyrant.

<sup>32</sup> The passages used are from *Discourses*, III, sections xviii, xx, and xlv. J. Burgh, I, 191-192, on Sidney's account of the relations of elected and elector.

M. P.'s are "delegates." Power corrupts those entrusted with it and safeguards against too much power are necessary.<sup>33</sup> Precisely what form his republic would have taken was probably unknown even to him. He denied planning any Utopia. The *Discourses* certainly presents no such blueprint for the future. He believed that the wise should rule, that they should be chosen by the people, but details of the franchise are ignored. John Adams read into his work a theory of aristocracy, but a much more radical philosophy could also be derived from it. Sidney was concerned with justification of rebellion against arbitrary rule. He disregarded social and economic problems. His *Discourses* was, in short, rather about the necessity for changing or overthrowing government than about government in a peaceful age.

Popular neglect of the *Discourses* both in England and America once the revolutionary period was over needs little explanation. Had the Reform Bill of 1832 precipitated an armed struggle Sidney's work might perhaps have been reprinted. As it was, however, no English edition appeared after 1772 and no American edition after 1805. In that year the *Discourses* was printed for Richard Lee in New York and for Parson Weems in Philadelphia. It would be interesting to know how many copies the indefatigable clergyman sold to his clients.

Sidney may be read at Harvard in the volumes sent there by Mayhew and by Hollis or in the Library of Congress which now holds Jefferson's copy. None of the editions or reprints is hard to find.<sup>34</sup> To modern

<sup>33</sup> *Discourses*, II, xix, 131. See also Taylor, *An Inquiry*, 191 and *passim*.

<sup>34</sup> A detailed bibliographical study of Sidney would throw much light on his reputation, friends, and influence. Such a study would

1. Establish the number of editions and reprints of the *Discourses*. It first appeared in 1698, was published in a second edition with portrait, 1704, and, possibly, reprinted the following year. There is some doubt about the next printing but the *Dictionary of National Biography* gives 1740. A Scotch edition appeared in 1750 in two volumes. Baron brought out a new edition in 1751, Hollis in 1763 and Robertson, largely at Hollis' suggestion, one in 1772. Though some corrections of names and references may be traced, all these editions and reprints are substantially the same. The American reprints followed the English text. At least three French translations appeared, 1702, 1755, 1789, and two German, 1705, 1793. Extracts from the *Discourses* were reprinted in various biographies, of which the latest is Ewald's *Life and Times*, see n.17 above. Adams' reprinting has already been noticed. A biography of the *Trial* and the *Paper* together with the controversy started by them would contribute greatly to our knowledge of pre-Revolutionary theories and the making of a legend.
2. Establish the date at which Sidney wrote the *Discourses*. At his trial he suggests that it was mostly done "twenty years since," but references to recent

readers the ideas seem familiar, the classical and historical illustrations tedious or meaningless. Martyrs and saints have less significance today whether they be Greek or Roman, Whig or Tory. The *Discourses* is long, more than twice as long as Locke's *Essays* and, though Coleridge admired its style, Sir William Temple long before wondered at "its readers' patience."<sup>35</sup> Yet it is immensely significant to the historian of ideas. Sidney's sources, his history, his racial theories are all worth studying for themselves, certainly for an understanding of the "climate of opinion." His doctrine of resistance and of restricted sovereignty must be understood if the histories of English and American radicalism are to be properly related.

The *Discourses*, like Locke's *Essays on Government*, was written to detect what John Taylor calls the "ridiculous imposture" of the divine right of kings.<sup>36</sup> Its arguments were also directed against the theories of Thomas Hobbes. Sidney sometimes ran his opinions of both together in a way hardly fair to either. In his *Paper* he said :

That all Men are born under a necessity deriv'd from the Laws of God and Nature, to submit to an Absolute Kingly Government, which could be restricted by no law, or Oath ; and that he that has the Power, whether he came to it by Creation, Election, Inheritance, Usurpation, or any other way, had the Right ; and that none must oppose his Will, but the Persons and Estates of his subjects must be indispensably subject to it.<sup>37</sup>

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events belie the claim. Fink, pp. 149-150, has a long discussion of this and uses the fact that Robert Filmer's *Patriarcha* was "published" to clinch an argument that "the *Discourses* were essentially a product of 1680-1."

3. Discover the whereabouts of the original manuscript and perhaps supply the three *lacunae* in the text : I, ix—a refutation of Filmer on inheritance ; II, iii—an elaboration of the statement that public power is a burden ; II, xxxii—most of a chapter on the social contract. Into these gaps the extracts read at the trial do not fit, though the chapter headings (inaccurately recorded if the printed version be correct) may be recognized.
4. Identify the original editor. The British Museum catalogue suggests I. Littlebury. John Toland is most frequently credited with the job, but in *An Historical Account of the Life . . . of John Toland*, published in London in 1772 just after his death, there is no mention of the *Discourses*.
5. Identify Sidney's other work.

<sup>35</sup> Temple is quoted in a note from the Earl of Dartmouth to Burnet (*History of My Own Time*, I, 352). Coleridge remarked, "Read Algernon Sidney ; his style reminds you as little of books as of blackguards. What a gentleman he was." W. G. J. Shedd, ed., *The Complete Works of Samuel Taylor Coleridge* (New York, 1856).

<sup>36</sup> Taylor, *An Inquiry*, 61.

<sup>37</sup> *Paper*, 422.

Sidney denied this "necessity." He denied the divine right of any ruler or form of government. God had not revealed his wishes in the matter. Men are left to their own choice. We enter society because we cannot endure solitude, barbarity, weakness, want and dangers. And we judge "how far tis good for us to recede from our natural liberty."<sup>38</sup> Conquest no more than inheritance can give a right to govern without regard to human rights. He quoted Las Casas' admonitions to Charles V to the effect that not even papal authority could justify the latter's rule over the conquered Indians, if he ruled not according to justice.<sup>39</sup> Sidney found no support in history, ancient or modern, for the theories of Sir Robert Filmer on the origin of government or the doctrine of absolutism put forward by both Filmer and Hobbes. Sidney examined the laws of succession with a wearisome amount of illustration. He nowhere found a paternal ancestry for rulers. Governments' origins are to be found in the desire of free men for order and protection. The Greeks sought not the most ancient but the most worthy to rule over them. In Rome men chose the most vigorous.<sup>40</sup> Ability and strength give a far sounder title to power than birth or conquest. The consent of free men alone gives validity to the magistrates, whatever the form of government may be.<sup>41</sup> Further, magistrates must abide by the laws. There is neither a divinely appointed ruler nor any one pattern for government. Reason and common sense show us the fundamental fact that men choose whatever they think best for themselves.<sup>42</sup> Sometimes they lose interest or occasionally fall prey to wicked and corrupt men among them. These must always be a minority, as the people cannot oppress themselves. Sidney's contract is an agreement, tacit or expressed, between governor and governed. The former must rule well, that is, by known laws. He is always liable to removal if he does not perform his function.

There is nothing very original about this theory except the repeated denial that a people can ever permanently give away its liberty, or even a part of it. They cannot be bound by their ancestors or even by their own past acts, if once they decide the government under which they live does not suit their interests.

<sup>38</sup> *Discourses*, I, vi, x.

<sup>39</sup> *Ibid.*, I, xvii, 34. Sidney quoted several times from Las Casas. He was more interested in the Spanish than the English colonies, which he did not mention.

<sup>40</sup> *Ibid.*, I, xvi.

<sup>41</sup> *Ibid.*, II, v, 67,

<sup>42</sup> *Ibid.*, II, x.

More significant is Sidney's rebuttal of the claim made by supporters of absolute rule that unqualified sovereignty is necessary to avert chaos and anarchy. Everywhere civil disturbance shadowed the popular theories of the seventeenth century. Sidney was anxious to show that more stability resulted from the establishment of free states—even those set up by revolution and violence—than from the rule of monarchs unrestrained by laws of reason and justice and subject to the whims and fancies of court favorites, or, in the case of *de facto* kings, to the claims of pretenders. More violence and passion result from absolutism, the rule of one man, than has “hitherto raged in the hearts of the most unruly.”<sup>43</sup> Without law or ready redress of grievance, men are more likely to revolt. Some malcontents indeed may be encouraged to take up arms if by successful usurpation, they may establish themselves as rulers to whom absolute obedience is due.<sup>44</sup>

A free government produces better men to rule it. Greece and Rome never lacked men while their virtue, that is their freedom, lasted.<sup>45</sup> To depend on one man even if he is a Henry V or a Gustavus is more uncertain than to rely on the “stream of brave and valiant men” produced by republics:

*Rome* did not fall back into slavery when *Brutus* was kill'd, who had led them to recover their liberty: Others like to him pursu'd the same ends; and notwithstanding the loss of so many great Commanders consum'd in their almost continual Wars, they never lack'd such as were fit to execute whatever they could design. A well govern'd State is as fruitful to all good Purposes as the seven-headed Serpent is said to have bin in evil; when one head is cut off, many rise up in the place of it. Good Order being once establish'd makes good men; and as long as it lasts, such as are fit for the greatest employments will never be wanting.<sup>46</sup>

Sidney attached the greatest importance to success in war. “That is the best government which best provides for war.” Not only do tyrannies fail to maintain order and stability, but they compare unfavorably with commonwealths when it comes to fighting. The strongest states in war are those which are free. Sidney, says Taylor, “has proved that the ardour

<sup>43</sup> *Paper*, 422.

<sup>44</sup> *Discourses*, II, 11.

<sup>45</sup> *Ibid.*, III, xl, 393; II, xi *passim*; II, xxvi, 185; II, xxviii, 195. Is this an adaptation of Machiavelli's famous thesis?

<sup>46</sup> *Ibid.*, II, xxiii, 148.



of conviction is preferable in War.”<sup>47</sup> Filmer’s contention that good order and stability produce strength is endorsed by Sidney and applied to his own theme:

If Monarchy there excel in them, Absolute Monarchyes should be of more strength than those that are limited, . . . and those limited Monarchies in like proportion more strong than popular Governments or Commonwealths. If this be so, I wonder how a few of *those giddy Greeks who*, according to our Author, *had learn’d only enough to make them seditious*, came to overthrow the vast Armys of the Persians.

In other words, Sidney refuted Filmer’s idea that the political theories of the Greeks led them only into riots and confusion by pointing out that these same Greeks defeated the absolute monarchy of the Persians.

More recent history was also cited to point his moral: he asked “whether good Order and Stability be wanted in Venice” or “whether it were easy work to conquer Switzerland.” He mentioned in addition the prosperity of Holland after escaping the tyranny of Spain and the success of the English republic against Scotch, Irish and Dutch in the five years after 1648.<sup>48</sup>

A good part of the *Discourses* is filled with analyses of various states and of their virtues and vices. Sidney’s strongest argument was the strength of the popular tradition in Europe. He had, Burnet related, “studied government in all its branches beyond any man” the Bishop ever knew.<sup>49</sup> Those studies convinced Sidney that while Africans and Asiatics might be “slaves by nature”<sup>50</sup> Europeans normally developed under free governments. Where that freedom had declined, as in Spain under the house of Austria, the happiness and reputation of the country suffered. The people had lost the freedom noticed by Livy.<sup>51</sup> Sidney’s chief interest was in those northern or “Gothick” nations, England,

<sup>47</sup> Taylor, *An Inquiry*, 628.

<sup>48</sup> *Discourses*, II, xii, 97-99.

<sup>49</sup> Burnet, II, 353. Sidney used Aristotle, the Bible, Caesar, Cicero, Josephus, Juvenal, Livy, Lucian, Plato, Plutarch, Polybius, Salust, Seneca, Suetonius, Tacitus, Tertullian, Thucydides, Xenophon, Sir Edward Coke, Richard Hooker, Sir Mathew Hales, Sir Henry Spellman, and Sir Walter Raleigh. Warns against the ideas of Filmer and Hobbes, James I, Peter Heylin, Roger Mainwaring, and Robert Siphthorp. He also referred to F. de Bassompierre, R. F. R. Bellarmine, Las Casas, L. C. Davilla, Guicciardini, Machiavelli, F. Suarez, J.-A. de Thou, La Rochefoucauld.

<sup>50</sup> *Discourses*, III, viii, 262 and *passim*, xii, 256.

<sup>51</sup> *Ibid.*, II, xxiii, 151.

the Empire, Denmark<sup>52</sup> (before the *coup d'état* of 1660), Sweden, Poland, and Bohemia, who were the heirs of that German liberty described by Tacitus:

The success of Tacitus as a political propagandist in his own day may have been doubtful, but like Sidney, Harrington and their contemporaries, he enjoyed a posthumous triumph. From him the seventeenth and eighteenth centuries derived their conception of early German free institutions which was of immense significance in English and American political theory.<sup>53</sup> Sidney thought that the English climate may have tempered, that is to say, increased the old Saxon love of liberty. He suggested that the ancient Britons were republicans when Caesar saw them.<sup>54</sup> In all "Gothick" polities, the sovereign power resided in assemblies. Many have had officers to ensure that kings did not overstep their powers.

Of this sort were the *Ephori* of *Sparta*, the *Maires du Palais* and afterwards the Constable of *France*, the *Justicia* in *Aragon*; the *Rijschomeister* in *Denmark*, the High Steward in *England*.<sup>55</sup>

Kings were often elected as in Sweden, in Denmark before 1660, in Hungary and Bohemia till the Austrians came in,<sup>56</sup> in Aragon in the days of Perez. This custom became rare, Sidney noted, and the balance of power of the "antient Northern Kingdoms" was broken, kings seemed

<sup>52</sup> The rise of despotism in Denmark attracted much contemporary attention. Robert Molesworth, 1st Viscount Molesworth (1656-1725), wrote *An Account of Denmark* (4th ed., London, 1738) which started a bitter controversy at the time and later became an important Whig "classic." Hollis sent twenty copies of it to his friends. It may have been among the books rejected by the Russians (Blackburne, *Memoirs of Hollis*, 235, 444; and see 126-127 for other attempts by Hollis to educate Europeans in the "language of liberty"). Molesworth's translation of Francis Hotman's *Franco-Gallia* (London, 1721), with its famous definition of a Whig, was another favorite with Hollis (*Memoirs*, 58, 92-93, 118-119, 235, etc.). He presented a copy of it to Harvard in 1764 (Greenough, 268, n.2).

<sup>53</sup> Thomas Gordon's *Tacitus*, it may be recalled, was like the *Discourses*—a political "classic" of the eighteenth century. Gordon was the co-author with Trenchard of *Cato's Letters* (London, 1720) and the *Independent Whig* (London, 1720/1).

<sup>54</sup> *Discourses*, III, xxv, 331 (on the Britons), xxxiii, 371 (on climate). References to the German liberties of the early English can be multiplied, see, for example, III, ix, 263, xxviii, *passim*.

<sup>55</sup> *Ibid.*, II, xvi, 116. See also *ibid.*, II, xxx, 211 where he lists the "german" popular assemblies, cortes, estates, diets, etc.; and III, xxxiv, 373 where the contrast between the grandiloquent title and the actual powers of the German emperors is noted.

<sup>56</sup> *Ibid.*, II, v, 68.

better able to do what they pleased. He warned that they may find their subjects less amenable when the latter realize that the foundations of government are gone.<sup>57</sup> Elsewhere Sidney cited the misfortunes which befell the Italian cities as they lost their free constitutions.

In fact similar examples from his pages could be multiplied almost indefinitely. They show his intense realization of the central fact of his time—the disappearance of medieval constitutionalism. “We are,” said Sir Robert Phelips in 1629 in the House of Commons, “the last people in Europe to retain our ancient liberties.” Between the time he spoke and the period when the *Discourses* was written, the English civil war had been fought, on the part of men like Sidney at least, to secure those liberties. Watching events from exile during the sixties, studying the growth of absolutism on his return, or learning the fate of his friends as he lay in jail awaiting his trial, Sidney must have renewed his conviction that conspiracy and even war might be necessary to combat authoritarianism. At Oxford, on the very day his friend Lord William Russell was executed, the University authorities condemned a number of popular tenets including the doctrine that all power came from the people. During the controversy roused by Sidney’s *Paper*, delivered to the sheriffs immediately before his death on the block and sold a fortnight later throughout the country, Thomas Hunt, Edmund Bohun and Roger L’Estrange exhausted their ingenuity attempting to confound that same popular doctrine restated by Sidney with such vigor. They, together with a host of other royalist pamphleteers, preached an absolutism which could well have altered English history in the century which followed. A very moderate constitutionalism won in the end. The English Revolution of 1688 was after all as much religious as political in motive and the settlement was bound to be a compromise; but the menace to the very basis of parliamentary institutions had been greater than Tory apologists have sometimes allowed. Sidney’s fears were well founded,<sup>58</sup> if his actions were ineffective, or sometimes misguided.

<sup>57</sup> *Ibid.*, II, xxx, 219.

<sup>58</sup> See a précis of the Oxford decree in the *Fourteenth Report of the Historical Manuscripts Commission* (London, 1894), Kenyon MSS, Appendix, part IV, 184. See, *ibid.*, 163, Sir Edward Herbert on the *Hales v. Godden* case, and p. 225, a dying statement by John Lake, Bishop of Chichester, affirming his belief in passive obedience and non-resistance.

Sidney devoted less space to religious controversy than most of his contemporaries but in the *Discourses*, III, xliii, he accused Filmer of conspiring to abolish

Sidney everywhere contradicted Filmer's reading of history and denied his interpretation of the English constitution. In particular, he contended that Filmer made foolish inferences from Bracton<sup>59</sup> and falsified the latter's words into a support for absolutism. England is a monarchy but a monarchy where the "kings do not judge but are judged."<sup>60</sup> The king's powers are limited. His name is used in the processes of justice but he can "speak no otherwise than the law speaks and is always present as the law requires." It is contrary to truth to maintain that all proceedings at law depend upon his will.<sup>61</sup> If power comes into the hands of one man, evils and calamities break in like a flood.<sup>62</sup> Under an absolute king unfettered by law nothing and no one is safe:

But as Liberty consists only in being subject to no man's will, and nothing denotes a Slave but a dependence upon the will of another; if there be no other Law in a Kingdom than the will of a Prince, there is no such thing as Liberty. Property also is an appendage to Liberty; and 'tis as impossible for a man to have a right to lands 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 depriv'd of them.<sup>63</sup>

Sidney brushed aside Filmer's interpretation of Bracton and returned again and again to the instability of royal government.

That rule must always be uncertain and subject to be distort'd, which depends upon the fancy of a man. He always fluctuates. And every passion that arises in his mind, or is infus'd by others disorders him. The good of a People ought to be establish'd upon a more solid foundation. For this reason the law is establish'd, which no passion can disturb. 'Tis void of desire and fear, lust and anger. 'Tis *mens sine affectu*, written Reason, retaining some measure of the Divine Perfection. It does not

liberty under a popish successor and in chapter xl, iv, wrote bitterly of the "fatherly care" of the Valois towards Protestants and the "sweetness and apostolical meekness of the Inquisition." See, too, *ibid.*, iii, v, and vi.

<sup>59</sup> *Ibid.*, III, ix.

<sup>60</sup> *Ibid.*, III, xxvi, 338.

<sup>61</sup> Sidney called this the "general proposition" of his opponents and the torturous legal arguments of the royalist writers Thomas Hunt, Bartholomew Shower and Edmund Bohun would bear out his contentions. He denied utterly that the king can stop any suit, invalidate any judgment or even release a debt of ten shillings. *Discourses*, III, xliii, 403.

<sup>62</sup> *Ibid.*, II, xxx, 219.

<sup>63</sup> *Ibid.*, III, xvi, 290. Note the casual reference to property, a word seldom used by Sidney.

enjoin that which pleases a weak, frail, man, but without any regard to Persons commands that which is good, and punishes evil in all whether rich or poor, high or low. 'Tis deaf, inexorable, inflexible.<sup>64</sup>

English kings should rule by law and with the cooperation of the people:

We owe none but what we freely give. None is or can be impos'd upon us, unless by ourselves. We measure our Grants according to our own Will, or the present Occasions, for our own Safety.<sup>65</sup>

In England, therefore, the supreme power rests in the people represented in Parliament.<sup>66</sup> "Our own Laws confirm us in the enjoyment of our native rights." Whatever the inequalities and inconsistencies of the electoral system the power of Parliament derives not from charters given by king and council, but from the whole people who delegates to it the right of making laws. None but a small primitive state can expect to meet as a whole, but regardless of the particular legislative form developed by a nation at any given time, that person, or those persons, who legislates does so as representative of the governed. The people retain more power in themselves than they give up, and the closer the connection between legislator and people the more glorious the nation.<sup>67</sup> There are always dangers in a monarchy, even one that is limited, the chances of finding the proper administrators small. Power corrupts those who enjoy it.<sup>68</sup> This is, of course, a chief reason for the people retaining their right to change magistrates.

The proportion of "Wisdom, moderation of Spirit and Justice" in any state is at all times small.<sup>69</sup> Sidney noticed a general "change of manner" in England. Kings and commoners had lost the cement that bound them—that is the nobility were court creatures and besides:

<sup>64</sup> *Ibid.*, III, xv, 288. Sidney's criticism of English rulers followed the conventional pattern of the Parliamentary side. His reservations about Elizabeth because of her pressure on the judges were more original. For commentary on English rulers, see *ibid.*, II, xxiv, III, xxii, 323.

<sup>65</sup> *Ibid.*, III, viii, 262.

<sup>66</sup> *Ibid.*, III, xlv, 412. Here he quoted Lord Burleigh, "The Parliament could do anything but turn a man into a woman."

<sup>67</sup> *Ibid.*, III, xxxviii and xlv *passim*.

<sup>68</sup> Kate Mason Rowland, *The Life of Charles Carroll of Carrollton, 1737-1832* (New York, 1898), 341. Taylor throughout the *Inquiry* emphasizes this, see 171, 191. See, too, Tudor, *Life of James Otis*, 394n, on limited monarchy and its dangers.

<sup>69</sup> *Discourses*, II, xix, 130-131.

Have neither the interest nor the estate requir'd for so great a work [that is, of binding commons and king together]. Those who have Estates at rack-Rent have no dependents. Their tenants when they have paid what is agreed, owe them nothing; and knowing that they shall be turn'd out of their Tenements as soon as any other will give a little more, they look upon their Lords as men who receive more from them than they confer upon them.<sup>70</sup>

Mr. Tawney used this discussion as proof that Sidney saw the social roots of the political crisis of his age<sup>71</sup> but Sidney certainly was less interested in social evils than in Stuart interference with English political and juridical rights. He blamed a general degeneracy on the growth of absolutism, if one may transfer his explanation of Roman decline to the English scene, and he also criticized the individuals who have helped that process.

We are beholden to H-de, Cliff-rd and Danby, for all that has bin done of that kind. They found a Parliament full of leud young men chosen by a furious People in spite of the Puritans, whose severity had distast'd them. The weakest of all Ministers had wit enough to understand that such as these might be easily delud'd, corrupt'd or brib'd. Some were fond of their seats in Parliament, . . . Others prefered the cajolery of the Court before the honour of performing their duty to the Country that employ'd them. Some fought to relieve their ruined fortunes, . . . ; others were glad of a temporary protection against their creditors. Many knew not what they did when they annul'd the Triennial Act, voted the Militia to be in the King, gave him the Excise, Customs and Chimney Money, made the Act for Corporations, by which the greatest part of the Nation was brought under the power of the worst men in it; drunk or sober passed the Five Mile Act, and that for Uniformity in the Church. This embolden'd the Court to think of making Parliaments to be the instruments of our Slavery which had in all Ages past bin the firmest pillar of our Liberty.<sup>72</sup>

The argument comes around again to the statement that absolute power produces states that lack the proper statesmen. Because these latter are scarce and courtiers corrupt, even those who should represent the people are degenerate. The remedy then is to change the government by peaceful means, if possible, but, if not, with the sword.

<sup>70</sup> *Ibid.*, III, xxvi, 380-382.

<sup>71</sup> R. H. Tawney, "Harrington's Interpretation of his Age," *Proceedings of the British Academy*, XXVII (1941), 222.

<sup>72</sup> *Discourses*, III, xlv, 415.



Sidney did not underestimate the task. Political science was to him the most difficult of studies. "Truth is comprehended by examining principles." We may regret the loss of older liberties but we must not hesitate to seek new forms. "We might as well require a man," said Jefferson, "to wear still the coat which fitted him when a boy as civilized society to remain forever under the regimen of their barbarous ancestors,"<sup>73</sup> and Sidney dwelt at length on the necessity for change.

We may as reasonably affirm that Mankind is for ever oblig'd to use no other clothes than leather Breeches, like *Adam*; to live in hollow Trees and eat Acorns, or to seek after the Model of his House for a Habitation; and to use no Arms except such as were known to the Patriarchs; as to think all Nations for ever oblig'd to be govern'd as they govern'd their familys.<sup>74</sup>

Good governments must allow of change so long as the foundation of liberty is retained. They may, however, vary from age to age and from clime to clime. It would be as silly to expect all nations and all ages to have the same form of government as to use the same medicine for all disorders.<sup>75</sup> Nevertheless, natural law or, to use Sidney's term for it, common sense, shows that the work of magistrates is always and everywhere the same, "the doing of justice, procuring the welfare of those that create them."<sup>76</sup> It will, consequently, require no tribunal but that of the people to decide when change is necessary.<sup>77</sup>

Once that decision is taken the means may have to be violent. Sidney was much more insistent on this than, for example, Locke, who surrounded his justification of revolution with reservations, and who never throughout the long concluding passage of chapter eighteen in the second *Essay on Government* said that change is lawful, though he did suggest that in some cases a drowning man may save himself.<sup>78</sup> James Otis, in-

<sup>73</sup> Padover, 291.

<sup>74</sup> *Discourses*, I, vi, 13; and III, vii, 256. "If men are not oblig'd to live in Caves and hollow Trees, to eat Acorns, and go naked, why should they be for ever oblig'd to continue under the same form of Government that their Ancestors happen'd to set up in the time of their ignorance?"

<sup>75</sup> *Ibid.*, II, vii, xvii, xxii; III, xxxvi.

<sup>76</sup> *Ibid.*, I, xix, 48.

<sup>77</sup> *Ibid.*, III, xxv, 332-333.

<sup>78</sup> Locke had not read Sidney when he wrote the *Essays*, of course; nor had he when he wrote *Some Thoughts Concerning Reading and Study*, see *Works* (London, 1854), II, 500. For Locke's diffidence about rebellion, see F. Pollock, *Science of Politics* (London, 1912), 77-78.

deed, in *A Vindication of the Conduct of the House of Representatives* published in 1762 noted that had he quoted from Colonel Algernon Sidney or any other "British Martyr" the odious epithets "seditious" and "levelling" might have been brought against him and a charge of rebellion would not have been surprising. Consequently, he confined himself to the principles of the wise and moderate Mr. Locke.<sup>79</sup> Sidney, in contrast, was not cautious. Nothing in the nature of monarchy in his opinion obliged nations to bear it when it became tyrannical. No names are recorded in history with more honor than those who got rid of tyrants. Vigorous nations set limits to their patience under wicked kings. No one needs to be subjected to those who seek their ruin nor to observe laws which by being unjust have lost their legality.<sup>80</sup> He cannot see why it is, as Filmer thought, so "desperate" to depose a prince.<sup>81</sup> Why not get rid of tyrants? To Sidney there were so many things worse than resistance it hardly seemed possible that people could deny the right to rebellion. "He that has virtue and power to save a people can never want a right of doing it."<sup>82</sup> Sedition is a word misapplied when people seek their own good. "Swords were given to men that none be slaves but such as knew not how to use them."<sup>83</sup> Turbulence, wrote Jefferson over a hundred years later, is an evil but "weigh this against the oppressions of monarchy and it becomes nothing," and he concluded that rebellion "was a medicine necessary for the sound health of government."<sup>84</sup>

While Sidney also admitted that some civil disorders were caused by malice or by what he called in another place "a little prating,"<sup>85</sup> he denied that all were bad. In one important passage he said:

It may seem strange to some that I mention Seditions, Tumults, and Wars upon just occasion; but I can find no reason to retract the term. God intending that men should live justly with one another, does certainly intend that he or they who do no wrong, should suffer none; and the law that forbids Injurys were of no use if no Penalty might be inflicted on those who will not obey it.

<sup>79</sup> Tudor, 133.

<sup>80</sup> Practically the whole of the *Discourses*, chapter III, that is, nearly half the book, is devoted to variations on this theme. Examples could also be cited from II, xxiv, 159, and elsewhere.

<sup>81</sup> *Ibid.*, I, ii, 4.

<sup>82</sup> *Ibid.*, II, xxiv, 160.

<sup>83</sup> *Ibid.*, III, v, 245.

<sup>84</sup> Letter of January 30, 1787, Padover, 270.

<sup>85</sup> *Discourses*, II, xi, 97.

He continued with a discussion of the work of magistrates and compared the sword of justice put into their hands to the sword of war put into the soldiers' hands to defend the innocent against the lawless within and without the land. He was, moreover, aware of the absurdity of citing

a man to appear before a Tribunal who can awe the judges or has armies to defend him; and impious to think that he . . . should be protected by the enormity of his wickedness . . . . If the Laws of God and Men are therefore of no effect, when the Magistracy is left at liberty to break them, and if the lusts of those who are too strong for the Tribunals of justice cannot be otherwise restrain'd than by Sedition, Tumults and War, those Seditious, Tumults and Wars are justified by the Laws of God and Man.

There were three occasions upon which this principle must be applied: when one or several take upon themselves a rule to which they are not entitled; when they continue in office longer than they should; or when magistrates assume powers not theirs under the laws they administer.<sup>86</sup> In such situations the general revolt of a nation cannot be called a rebellion.

Sidney felt that inconveniences are likely to be small and mistakes unimportant when it is left to the people to judge when the moment for revolt has come. The greatest mischief likely to be produced by their interference with those they suspect of designs on their liberty is after all only the death of "one or a few men."

A People in relation to domestick Affairs can desire nothing but Liberty and neither hate nor fear any but such as do or would they suspect deprive them of that Happiness; Their endeavours to secure that seldom hurt any except such as invade their Rights and if they err, the mistake is discover'd for the most part before it produce any mischief, and the greatest that ever came that way, was the death of one, or a few men.<sup>87</sup>

They who know the law is well defended seldom attempt to subvert it. But if good rules have not been made, then violent remedies are essential:

Let the danger be never so great, there is a possibility of safety whilst men have life, hands, arms, and courage to use them, but the People must certainly perish, who tamely suffer themselves to be opprest either by the injustice cruelty and malice of an ill magistrate, or by those who

<sup>86</sup> *Ibid.*, II, xxiv.

<sup>87</sup> *Ibid.*, II, xxx, 207.

prevail upon the vice and infirmities of weak Princes . . . Civil war in Macchiavel's account is a Desease but Tyranny is the Death of a state.<sup>88</sup>

Where the vigor to wage such wars against tyranny is lacking, as in the Orient, dire are the results, for "wanting that wisdom and valor which is required for the institution of a good government, they languish in perpetual slavery."<sup>89</sup>

#### IV.

No wonder Judge Jeffreys in his summing up of the evidence against Sidney at his trial said:

This book contains all the malice and revenge and treason that mankind can be guilty of; it fixes the sole power in the Parliament and the People; so that he carries on the design still, for their debates of their meetings were to that purpose. And such doctrines suit with their debates; for there a general insurrection was designed, and that was discoursed of in this book, and encouraged. They must not give it an ill name; it must not be called a rebellion, it being the general act of the People. The king, it says, is responsible to them, the King is but their trustee; that he had betrayed his trust, he had misgoverned, and now he is to give it up, that they might all be kings themselves. Gentlemen, I must tell you I think I ought more than ordinarily to press this upon you, because I know the misfortune of the late unhappy rebellion, and the bringing of the late blessed king to the scaffold was begun by such kind of principles; they cried, he had betrayed the trust that was delegated to him from the people.<sup>90</sup>

Sidney protested the judgment against him. He objected to the jury, to the nature of the evidence, the number of witnesses for the prosecution, and to the shortness of the time allowed him for the preparation of his defense. After the Revolution of 1688, the law of treason was altered to meet his objections and his character cleared by act of Parliament. It is not, however, certain that he was innocent of imagining the king's death. It is not difficult to understand why in a troubled age, a royalist judge should, after reading the *Discourses*, cry out in answer to Sidney's

<sup>88</sup> *Ibid.*, III, xl, 395.

<sup>89</sup> *Ibid.*, III, xli, 400.

<sup>90</sup> Thomas Hollis, ed., *Discourses Concerning Government by Algernon Sidney, with His Letters, Trial, Apology, and Some Memoirs of His Life*. . . (London, 1763), 160.

disclaimers: "There is not a line in the book scarce but what is treason." To this the *Paper* delivered on the scaffold replied: "This is an Age which makes truth pass for Treason."

For the radical, rebel, or revolutionary, the passionate and partisan *Discourses* provides an inspiration lacking in Locke's more temperate *Essays*. As times grew settled in England the inspiration lessened and the legend faded, though a Wordsworth or a Lord John Russell might seek to revive it. In a passion for compromise and still more perhaps with a determination to avoid acknowledging the logic of events, Englishmen lost sight of some of Sidney's more valuable principles. In America, however, as the eighteenth century wore on, his stature increased. In the anxious seventies John Adams and Josiah Quincy meditated on his fate. The former wrote to James Warren in June, 1774:

There is one ugly reflection, Brutus and Cassius were conquered and slain. Hampden died in the field, Sidney on the scaffold, Harrington in jail etc. This is cold comfort. Politics are an ordeal among red hot plough-shares.<sup>91</sup>

The same analogy occurred to Quincy when he spoke shortly before his death of the future of his country:

America hath in store her Brutii and Cassii, her Hampdens and Sidneys, patriots and heroes, who will form a band of brothers: men who have memories and feelings, courage and swords.<sup>92</sup>

Sidney's motto was adopted in their state. His principles supported them in their struggle. After a career of singular consistency and devotion to liberty, he, like themselves, had shown that he was not afraid to die for the cause. *Dulce et decorum est pro patria mori*. The familiar line from Horace was printed below Sidney's best known portrait. John Adams twice quoted it—in a letter to Tudor in 1774 and when writing to console Quincy's father for his son's death in 1775. Since Sidney was so constantly in Adams' thoughts at the time, it is hard not to believe that he was consciously making the association between the English republican and the American patriot.<sup>93</sup> That association, plain enough to eighteenth-

<sup>91</sup> John Adams, *Works*, IX, 399. See also, *ibid.*, I, 148.

<sup>92</sup> *Memoirs*, 159.

<sup>93</sup> John Adams, *Works*, IX, 346, 361. See Tudor, 355, for a summary of a speech on this theme from Horace.

EDITOR'S NOTE: Miss Robbins' article on Sidney's *Discourses* is the first

century minds, was subsequently forgotten. Yet a reexamination of the intellectual climate of the Revolution will make apparent the weight of Sidney's influence on the movement. He truly deserved R. C. Winthrop's encomium, quoted earlier in this paper: "I can hardly consider the name of Algernon Sidney as other than an American name—American in all its associations, and American in all its influences."

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of a series of essays that the *Quarterly* plans to publish on the relation between English political "classics" and the eighteenth-century English radicals and the revolutionary principles of the American patriots of 1776. Scheduled for later publication are studies of Hume and the Federal Constitution, Thomas Hollis, "republican bibliophile," Bolingbroke in America, and Whig translators of the Greek and Roman classics.