Virtue, liberty, and justice: 'original principles' in Algernon Sidney's political thought exploration of context and intellectual foundations of the discourses concerning government

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VIRTUE, LIBERTY, AND JUSTICE:
'ORIGINAL PRINCIPLES'
IN ALGERNON SIDNEY'S POLITICAL THOUGHT

EXPLORATION OF CONTEXT AND INTELLECTUAL FOUNDATIONS OF THE *DISCOURSES CONCERNING GOVERNMENT*

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Martin Lenk, **Virtue, Liberty, and Justice: 'Original principles' in Algernon Sidney's political thought. Exploration of context and intellectual foundations of the *Discourses Concerning Government***

This thesis explores significant aspects of Algernon Sidney's political thought that have hitherto been neglected. By closely analysing Sidney's contribution to seventeenth-century discourse this study reveals new sources inherent in his thought, and thus offers the basis for a much wider appreciation and understanding of Sidney's political heritage.

An emphasis is put on Sidney's *Discourses*, written between 1681-1683. Although originally conceived as a polemic against Sir Robert Filmer the *Discourses* contain a political theory that can be considered independently from the immediate intention of the work. As becomes clear in his earlier writings, particularly the *Court Maxims,* Sidney developed a set of political ideas long before the Filmer controversy.

His ideas, however, can be grasped fully only if seen in the context of Ancient Greek philosophy, as this dissertation argues. Sidney's thought is built on three key concepts: virtue, liberty and justice. In his *Discourses* Sidney's manifold references to these concepts convey to the reader that these concepts ought to constitute the foundation of political order. While there are several recognised *conscious concepts*, i.e. direct references to Ancient Greek philosophy, the numerous *implicit concepts* in Sidney's text have remained undiscovered. By revealing these indirect, somewhat hidden references to Ancient Greek philosophy this study demonstrates its significant impact on Sidney's thought. It becomes clear that Aristotle, especially as seen in *Nicomachean Ethics* and *Politics,* as well as Plato constitutes a main source of influence on Sidney.

While taking into account other analyses of Sidney's work this hermeneutical approach towards *Discourses* and its ancient philosophical sources offers the framework for a much wider understanding of Sidney's thought than has hitherto been suggested. It points beyond the limitations of Roman Republican ideas that have so far been regarded as guidelines for the study of his work.

ALGERNON SIDNEY.

OB: 1683.

FROM THE ORIGINAL, IN THE COLLECTION OF

SIR JOHN SHELLEY SIDNEY BART.

JOHN FALLER & COMPANY, LONDON & NEW YORK

Contents

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Foreword

"Ungrateful country, if thou e'er forget
The sons who for thy civil rights have bled!
How, like a Roman, Sidney bowed his head,
And Russel's milder blood the scaffold wet;
But these had fallen for profitless regret."
William Wordsworth[1]

These verses were written by William Wordsworth (1770-1850) about a hundred years after the death of Algernon Sidney (1622-1683): he has fallen and is no more. Nevertheless a great deal is conveyed about the way in which Sidney actually was remembered during the eighteenth and nineteenth centuries. Up until the late eighteenth century, when he was still well known, he was mainly seen as a martyr for the civil rights of England and America. Yet, before dying as a 'martyr', he had led a public life, in which he served as officer, politician, and ambassador, as well as being a contemplative at his family home, Penshurst Place, and during the Restoration, as an exile, to several places on the Continent. There, he devoted himself to reading the great texts of Classical and Early Modern philosophy and, throughout his life, he managed to "employ some time of leisure"[2] in composing political literature:

[1] 'Obligations of civil to religious Liberty', *Ecclastical Sonnets* X. In Series, 1821-22. Part III; in: William Wordsworth, *The Complete Poetical Works of William Wordsworth; with an Introduction by John Morley*, ed. John Morley (London: Macmillan, 1888).

[2] Algernon Sidney, *Discourses Concerning Government*, ed. John Toland (London: Printed and are to be sold by the booksellers of London and Westminster, 1698). For the sake of easy accessibility, all my references are from the latest edition: Algernon Sidney, *Discourses Concerning Government*, ed. Thomas G. West, Rev. ed. (Indianapolis: Liberty Fund, 1996), quoted as *Discourses*; I.1, 5. (The format for all quotations is: chapter. section, page).

the *Court Maxims*[3], the *Just and modest vindication of the proceedings of the two last parliaments*[4], and the once famous *Discourses Concerning Government*, which has stirred up some minds in all times, and cost him his head on the scaffold on 7th December 1683, sixty years after his birth. Unlike today, his writings were well known in the eighteenth century. For some time, he was even better known than John Locke.[5] There were two main reasons for the great interest in his writings. First, Sidney's name was much glorified by Parliamentarians as well as by favourers of America's Independence, and so Sidney became something of a celebrity, and was hailed as a hero of liberty and justified resistance. Secondly, Sidney's main work is more than just philosophical discussion. It moves between pure polemics and the discussion of the problems of European absolutism, and between philosophical and theological deliberations. Pamphleteers loved to quote the *Discourses* to justify revolutionary activity, while more learned politicians appreciated Sidney's ability to bridge the gulf between polemics and the political discussion against absolutism. They also appreciated his references to the great philosophical authors, from classical antiquity to the seventeenth century.

Charles-Louis de Secondat de Montesquieu (1685-1755), Jean Jaques Rousseau (1712-1778) and Thomas Jefferson (1743-1826) are some of the names that came under Sidney's far reaching intellectual influence.[6]

[3] Algernon Sidney, *Court Maxims*, ed. H. W. Blom, E. O. G. Haitsma Mulier, and Ronald Janse, *Cambridge Texts in the History of Political Thought* (New York: Cambridge University Press, 1996). Only recently, a copy of this work, a dialogue in platonic style, was discovered by Blair Worden in Warwick Castle.

[4] William Jones et al., *A Just and Modest Vindication of the Proceedings of the Two Last Parliaments* (London: s.n., 1681).

[5] Jonathan Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683, Cambridge Studies in Early Modern British History* (Cambridge: Cambridge University Press, 1991), 210.

[6] About Sidney's influence cf. Paulette Carrive, *La Pensée Politique D' Algernon Sidney, 1622-1683: La Querelle De L'absolutisme, Collection "Philosophie"* (Paris: Méridiens

Reference made to Sidney in early American constitutional debates illustrates his influence,[7] while references to him during the French Revolution indicate his role as a revolutionary hero. Of course, this popularity produced legends and anecdotes, which have hidden much of the true character of this seventeenth-century hero and his work. Like so many great figures, Sidney finally lost his country's admiration. Since then a long silence has fallen over the life and work of Algernon Sidney. However, two hundred years after his death, Blair Worden, Paulette Carrive, Jonathan Scott and John Carswell have cut through the mist which has surrounded Sidney's life, work, and deeds.[8]

Sidney's intellectual context is considered to be early modern republicanism, a subject that since the 1970s has met with renewed curiosity on the part of historians and political philosophers, pivotally through John Pocock's *Machiavellian Moment*,[9] which stimulated research on republicanism's humanist and particularly Machiavellian sources. Machiavelli's influence is also discernible in Sidney's main work, the *Discourses Concerning Government*, although it is not the main intellectual influence on this. Frequent citations from Aristotle in the *Discourses* give evidence of the pre-eminent role ancient Greek philosophy played in the work. Aristotle, it is generally believed, stands for the *vita antiqua*, or the traditional

Klincksieck, 1989), 220-2. Alan Craig Houston, *Algernon Sidney and the Republican Heritage in England and America* (Princeton, N.J.: Princeton University Press, 1991), 231-68. Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683*, 13-21. Pocock remarks that a history of Sidney's influence is still wanting J. G. A. Pocock, "England's Cato: The Virtues and Fortunes of Algernon Sidney," *The Historical Journal* 37, no. 4 (1994): 933-5.

7 Carrive, *La Pensée Politique D' Algernon Sidney, 1622-1683: La Querelle De L'absolutisme*. For a good account of eighteenth-century interest in Sidney see also: Blair Worden, "The Commonwealth Kidney of Algernon Sidney," *Journal of British Studies*, no. 24 (1985).

8 See introduction, 4: "Discourse on the *Discourses*".

9 J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition, Limited Paperback Editions.* (Princeton, N.J.: Princeton University Press, 1975).

philosophy of the time, yet in Sidney's thought his political and moral thought appears in conjunction with such ideas as the social contract and a justification of rebellion.

As we shall see in the main part of the thesis, Sidney's political theory developed in a unique way. I hold that it is built on the foundation of original principles – the concepts of liberty, virtue and justice are in the foreground – and that, among other influences, the impact of ancient Greek virtue ethics is pre-eminent. This intellectual inheritance has hitherto received limited attention, but plays a key role for understanding the nature of Sidney's political thought, in particular as the concepts of justice and goodness derived from Aristotelian Platonic thought have, as I shall discuss, significance for Sidney's ideas concerning human nature and its relationship to the state.

Beside this intellectual tradition, other influences that have already received some scholarly attention imprinted themselves on Sidney's political thought. Among them are Roman republican and Machiavellian ideas on liberty; neo-stoic ideas on stability and virtue; and the Early Modern idea of the social contract. Stimulated through this variety of intellectual sources, Sidney responded to the demands of the political climate though an attack on the posthumously published absolutist treatise *Patriarcha,* by Sir Robert Filmer (1588-1653). This work served as a catalyst for Sidney to put his own political thought on paper as part of his polemics against Filmer's absolutism, and stimulated him to discuss a number of issues that were at stake in late seventeenth-century political debate. The centrepiece of Sidney's political thought, however, is an idealistic appeal to virtue as an opposition to the conservative appeal to a divine right of kings. This approach distinguishes him from other contemporary authors such as James Tyrrell and John Locke, who wrote with the same polemical intention.

As can be seen, it is not only Sidney's active life that deserves attention, but his unique political theory that has hitherto received little attention as such. The research on Sidney to date focuses to a large extent on his life. John Pocock hints that it does so too much:

"Without the *Discourses* it is unlikely that we should be giving more attention to Sidney – extraordinary man though he was – than to John Wildman, or Richard Rumbold; without the *Discourses,* to which Jeffrey affixed the new-coined maxim *scribere est agere,* it might have been harder for the court to find him guilty of treason."[10]

The discussion will now turn to the allegedly treasonous text and the political philosophy it expresses, through a consideration of the biographical, intellectual, and historical context; and to the backbone of his theory, which I consider as the virtue-centred discussion of what to Sidney are the related concepts of liberty and justice. This will be followed by an exploration of the ancient Greek sources to establish the thesis of the fundamental value of this impact on the basic concepts of Sidney's political thought and their relationship to his teleological idea of human nature as a foundation of his political ideas.

[10] Pocock, "England's Cato: The Virtues and Fortunes of Algernon Sidney," 927.

Introduction

1. General relevance of the topic

An understanding of Algernon Sidney's political thought, and the context in which his ideas were developed, is crucial to understanding the political and moral ideas that shape a great deal of everyday life in the contemporary western world. To understand these, we need to familiarise ourselves with their origin and the circumstances in which they emerged. Constitutional ideas, in particular in regard to their emphasis on justice and liberty, are considered to owe a great deal to John Locke. The origin and the circumstances in which Locke's ideas emerged are also considered, though undeservedly, to be similar to those of Sidney's ideas.

Nowadays, Sidney's thought is highly underrated as it has been overshadowed by his contemporary John Locke; this was different throughout the eighteenth century. Regarded as a founding father of constitutional ideas and moral principles, Locke's *Two Treatises of Government* has made it to most reading lists for political theory. His political thought is generally used as a source of modern parliamentarian ideas in classroom discussion. Yet Jonathan Scott's research suggests that Sidney's political thought must have been of an equal, if not greater importance for the eighteenth century, which is the period in which the constitutional reality of our time emerged. Several examples underline the far-reaching influence: First, the work was published in thirteen editions, "in three languages (English, French and German) and in six countries (England, Scotland, France, the Netherlands, Germany, and America)"[11]. Secondly, it became a political classic in eighteenth-century America; the *Discourses* developed to a key text on Harvard College and

[11] Jonathan Scott, *Algernon Sidney and the English Republic, 1623-1677, Cambridge Studies in Early Modern British History* (Cambridge: Cambridge University Press, 1988), 6.

University of Virginia reading lists.[12] Thirdly, the influence of the *Discourses* is reflected in their impact on such later political classics as the writings of Montesquieu, Rousseau, Condorcet and Jefferson.[13] These points indicate that Sidney has shaped more of current constitutional and moral ideas than he is credited with, even if he finally disappeared from the bookshelves during the late eighteenth century. His contemporary John Locke rose to become a political classic and remained so up until our time, while Sidney lost his due recognition.

The text of the *Discourses* that has been transmitted to posterity is a nearly complete draft. The first edition was published by John Toland in 1698, which Blair Worden considered a fairly adequate copy. The manuscript reproduced in this edition must have been composed between 1681 and 1683.[14] Toland's edition has often been used as the standard reference to Sidney as well as an edition of the *Discourses* and other writings that has been published by Joseph Robertson. The most recent edition of the *Discourses* is by Thomas G. West. It is based on Toland's edition. West modernized capitalisation in the body of the text, retained italics except for proper names, changed the spelling if the original version seemed inconsistent and corrected typographical errors.[15] During my research I used all three versions, but decided to quote from the latest edition owing to its better accessibility.

When inquiring into the philosophical context of Sidney's political thought, it springs to mind that the seventeenth century, often identified as the important link between the philosophy of the *vita antiqua* and the *vita moderna,* ushered in a shift in political philosophy: from scholastic Aristotelianism to rationalism and empirical natural law theory. Hobbes'

[12] Caroline Robbins, "Algernon Sidney's Discourses Concerning Government: Textbook of Revolution," *William and Mary Quarterly* 4, no. 3 (1947): 268-9.

[13] Scott, *Algernon Sidney and the English Republic, 1623-1677*, 5. Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683*, 143, 210-11.

[14] Worden, "The Commonwealth Kidney of Algernon Sidney," 39.

[15] Sidney, *Discourses Concerning Government.*

thought echoed this shift and Rousseau and Kant later developed it further in the contractual tradition. These apparently diverging traditions, however, coexisted for a much longer time than is often assumed.[16] Sidney's *Discourses* provide an example of this coexistence as they combine Classical Greek and Roman ideas, such as political Aristotelianism and Platonic metaphysics, with modern modes of thought, like contractualism and empirical approaches to political argument. It is interesting to see how Sidney combined traditional ideas with the 'new' thoughts of his time, i.e. Virtue Ethics with contractual ideas. Despite being a traditional concept of moral philosophy, in Sidney's political thought virtue ethics advances to an innovative status through its combination with such contemporary ideas as the social contract. In addition to the political and philosophical implications indicated above, the historical aspects are central to the current project. To understand the answers Sidney provides to the questions of his time the broader context out of which these questions were grown deserves attention.

An exploration of Sidney's key political concepts and their relation to their context leads to four main questions. First, what kind of background had Sidney, and whether it prepared him for a virtue centred political thought. Secondly, what the intellectual climate was, in which Sidney's political ideas developed. Thirdly, what impact Filmer's absolutism in particular had on the formation of Sidney's *Discourses*. Fourthly, what relation Sidney's fundamental concepts have as part of an independent theory and why virtue has such a pre-eminent position in his thought, and finally, whether the ancient Greek influence may contribute to an understanding of the core of Sidney's political theory.

In the course of the exploration of these questions I hope to contribute to the ongoing discussion of the nature of seventeenth-century constitutional and

[16] Cf. Charles B. Schmitt, *John Case and Aristotelianism in Renaissance England, Mcgill-Queen's Studies in the History of Ideas; 5* (Kingston [Ont.]: McGill-Queen's University Press, 1983). Schmitt gives a good example for the perpetual influence of Aritistotelianism in the Seventeenth Century.

particularly republican thought. This will be achieved by looking in depth at classical Greek political concepts, an aspect of Sidney's political writings that has been named as fundamental alongside many other influences, but never been explored in depth. With this approach I am taking up the suggestions that the classical Greek ideas had an influence, and substantiate this influence in regard to the virtue centred aspects of Sidney's political thought.

The focus of this exploration will be on the *Discourses concerning government,* which Sidney wrote between 1681-1683. This was about the same time in which Locke composed the *Second Treatise of Government*, and in which Whigs turned to become radical. This development found expression in the well-known pamphlet, *A Just and Modest Vindication.*[17]

As Jonathan Scott's research has shown, there are many crucial links between Sidney's life and his political thought. This is also the case in terms of Sidney's concepts, and I shall therefore begin the presentation of the context of Sidney's political thought with a biographical introduction (I.1). Particular attention will be devoted to the relation between Sidney's emphasis on virtue, his family background and his personality. Furthermore I shall introduce his political activities, which emphasise that Sidney's *Discourses* are not only theoretical deliberations, but also the expression of reasoning on politics that had developed on the foundation of personal experience. The following section (I.2) will consider the biography of Sir Robert Filmer, Sidney's intellectual adversary. In the course of this section, I aim to familiarise the reader with Filmer's political writings as a starting point for the exploration of the intellectual climate in which Sidney developed his own political ideas (I.3). After introducing the reactions to political instability, I shall refer to the role of Catholicism as well as to further issues that influenced contemporary political thought. In section I.3 I hope to communicate the

[17] Jones et al., *A Just and Modest Vindication of the Proceedings of the Two Last Parliaments*. The Historian Burnet had stated that Sidney had a hand in it. Blair Worden doubts this, but points out, that one passage of it appears in the *Discourses.* Worden, "The Commonwealth Kidney of Algernon Sidney," 15.

diversity of the intellectual landscape of the time, as there is a temptation to consider that English political thought of the seventeenth century could simply be categorised in terms of monarchist and parliamentarian beliefs. By indicating the diversity of the period's political positions, I aim to show that it is necessary to take a close look at a political text, like the *Discourses,* before making any statements about its ideological position within seventeenth century political thought. This will be followed by an introduction into the immediate context into the time of the *Discourses'* genesis, the 'Exclusion Crisis'. Chapter I.3.1 will start with an exploration of *Patriarcha*, the work that imprinted its shape on the *Discourses* and stimulated Sidney, as well as James Tyrrell and John Locke, to put their political ideas on paper. *Patriarcha* will be treated rather extensively as this work is crucial for an understanding of the climate in which the *Discourses* developed. Even if my main line of inquiry concerns the essence of the political theory of the work rather than its polemical intention against Filmer, I still take it as important to introduce into this nowadays hardly known work to communicate to the reader an idea of the theory against which Sidney's thought stood as an alternative.

The responses to *Patriarcha*, James Tyrrell's *Patriarcha non monarcha* and John Locke's *Two Treaties on government* will be explored in the consecutive section I.3.2. Through this introduction into the arguments of the other anti-Filmer authors, I shall allow the reader to get a better understanding of the intellectual climate directly linked to the Filmer controversy. This will prepare the ground for the exploration of Sidney's political ideas. Though Sidney's polemics against Filmer are not the principal object of my thesis, but the essence of his thought, I still take it as important to raise awareness of the political thought that Sidney aims to destroy through polemics.

In Chapter II the political ideas of the *Discourses* are in the foreground, and as such, this chapter is clearly the core of my thesis. I shall inquire into the nature of Sidney's most frequently used concepts of virtue, liberty and justice. This will allow an understanding the foundational principles that determine the role of the state. Here, I shall firstly inquire into the meaning of the concept of virtue and its relation to Sidney's concept of human nature and its

significance in political order. This will be followed by Sidney's account of liberty and justice to build up a framework for discussing some details of "Sidney's Commonwealth" (II.4). Through this exploration, I hope to develop an understanding of Sidney's thought from his work itself.

This exploration will serve as the foundation for discussing the Greek, and primarily Aristotelian, influences on Sidney. (III) Through comparing and interpreting Sidney's account of the Greek authors, I shall aim to answer the question of why virtue and the Greek idea of human nature were so important to Sidney and what meaning the other two concepts had. This will finally establish the thesis of virtue as the primary factor that decides on the value of political order and serves as a guide, in conjunction with the concepts of liberty and justice, for developing or re-establishing a political institution.

2. Method

The term concept seems rather vague and needs further clarification. Two types of concepts may be distinguished here: firstly *conscious concepts*, and secondly, *implicit concepts*. By the term *conscious concepts*, I mean ideas which were obvious to contemporaries and could either be accepted or rejected. In Sidney's case, they are the fundamental principles of virtue, liberty and justice. Sidney uses these terms to stand for an idea that has a number of implications that can be derived through an exploration of the text. In regard to Sidney's sources, a *conscious concept* is most obviously where Sidney reveals the sources of an idea he promotes. Thus in II.3 he states "Plato and Aristotle find no more certain way of distinguishing between a lawful king and a tyrant, than that the first seeks to procure the common good, and the other his own pleasure or profit".[18] The reference to Plato and Aristotle reveals to the reader that Sidney is conscious of the impact that the

[18] *Discourses* II.3, 91.

ancient Greek concepts of Kingship and Tyranny have on his own thought, hence it may be called a *conscious concept*. This concept is explicit, as Sidney reveals Plato directly as his source. *Implicit concepts*, on the other hand, will be defined as ideas or streams of thought standing in the background owing to education or interaction in a certain society. For example, Bacon was rejecting Aristotelian ideas but was still building on a framework of Aristotelian argumentation and physics.[19] This means that even if there is no explicit use of a concept taken from, let us say, a philosophical authority, certain concepts or clusters of ideas are so deeply ingrained into the mind of an author, that they occur in such a consistent way that that their presence may be inferred from the text. For example, we see that the *implicit concept* of Roman liberty is present, if we realise that authors like Algernon Sidney or John Milton would never have been tempted to use the term liberty exclusively in the sense of negative liberty as it may be found in twenty-first-century libertarian usage of this concept. Although justifiable doubt might be raised in regard of the accuracy of any statement on *implicit concepts*, it is to be borne in mind that neglecting them altogether would prevent one from encountering the intellectual context in which a past author was writing. Revealing *implicit concepts* in form of highlighting inferred references to other authors alongside *explicit concepts* – discernible in direct references e.g. quotations from ancient texts – brings us closer to understanding the intellectual climate in which Sidney wrote and helps to grasp the unique character of Sidney's own view on politics as it leads us to some of the premises of his own thinking.

The main task for this paper is to concentrate on the concepts governing Sidney's political thought, to understand it and to contrast it to explore it in the light of Aristotelian political philosophy. One of the striking issues to be addressed in considering this methodological deliberation is the question concerning how the importance of certain ideas can be determined. A decisive

[19] Cf. Charles B. Schmitt, *Aristotle and the Renaissance, Martin Classical Lectures; V. 27* (Cambridge, Mass: Published for Oberlin College by Harvard University Press, 1983).

step on the way to an answer is to free ourselves from concepts of our own language. Quentin Skinner gave a particularly revealing example of this approach in regard to the term Liberty. *Liberty before liberalism*[20] demonstrates particularly well how important it is to untangle the problems arising from the shifts of meaning in the word 'liberty' through time. I shall attempt, following Skinner's example, to look at certain clusters of ideas that occur in conjunction with the terms of liberty, virtue, and justice, to approach Sidney's understanding of them. They are the concepts that can be identified as the basis of Sidney's political writings. In the course of exploring their implication within Sidney's text, I shall aim to show their fundamental meaning as well as their all-pervasive character they have in Sidney's political thought. In the course of exploring them, such further issues will be covered as the individual and the state, the right form of government, and revolution and rebellion. These issues, and their importance, will be discussed with regard to Sidney's learning and in consideration of his tendency to recall the great political writers of the past. Particular emphasis will be placed on the Aristotelian and Platonic influence occurring as *implicit* as well as *explicit concepts* that are directly derived from these authors may be inferred. This will help to understand Sidney's account of human nature and the Greek influence, which has hitherto received limited attention, will be a central aspect of the current paper.

As regards the Greek influence, I shall concentrate on the *implicit concepts* that help to understand what relation Sidney sees between politics and morality. In particular, the idea of human nature will be in the centre of attention. Through the *conscious concepts* of Aristotelian and platonic thought in the *Discourses,* there is enough evidence that Sidney embraced particularly Aristotelian ideas. The aim of Chapter III will be to show the extent to which implicit Aristotelian concepts may also be detected in Sidney's political

[20] Quentin Skinner, *Liberty before Liberalism*, 2. ed. (Cambridge; New York: Cambridge University Press, 1999).

thought. Regardless whether they were transmitted from Aristotle directly or through other sources, they will lead to a better understanding of the foundations of Sidney's political thought, particularly because Aristotle's teleological idea of human nature helps to understand Sidney's fundamental principles of government that are prior to any just political order.

3. Sidney's Republicanism

Although a project on Sidney's *Discourses* might seem to focus on a very limited aspect of political thought, an exploration of the context requires the consideration of the early modern intellectual landscape in general, and the role of republicanism in particular. By looking at the various streams of thought and conflicting opinions of the time, which influenced Sidney's work, an overview will be attempted of the those ideas that education and learning imprinted on the seventeenth-century mind. Authors such as Pocock, Skinner and Tuck have offered detailed studies of the prevailing intellectual climate in that period on a rather general scale. They give accounts of political thinking in the tradition of Machiavelli's republicanism,[21] the intellectual formation of Early Modern state building,[22] as well as the rise of Tacitisim and the new science of natural-right thinking that overshadowed the old Aristotelian and humanist approaches to political philosophy.[23]

[21] Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*.

[22] Quentin Skinner, *The Foundations of Modern Political Thought*, 2 vols. (Cambridge: Cambridge University Press, 1978).

[23] Richard Tuck, *Philosophy and Government, 1572-1651, Ideas in Context* (Cambridge; New York: Cambridge University Press, 1993).

The most important current of thought to be mentioned – in conjunction with Sidney – is republicanism.[24] While the recognition of such works as Harrington's *Oceaana*[25] as Classical Republican is well established,[26] the exact location of Sidney's *Discourses* within the Classical Republican tradition is still a matter of contention. We owe to Jonathan Scott the most comprehensive attempt to place Sidney within Classical Republicanism. John Pocock, however, recently expressed his doubts about Sidney's identity as a republican. We know, particularly from John Carswell, that Sidney's background as an aristocrat shaped him personally: he was an aristocrat not only by blood and title, but also in thought and deed. The Percy, Neville and Dudley families are among his ancestors. This background stimulates John Pocock to the following question: "What manner of republican might such a man be, and in what kind of republic might he imagine, or be imagined, living?"[27] Furthermore, he states, "more than anything else [Sidney's thinking] is aristocratic...".[28] John Pocock is pointing in the right direction with this suggestion – made in reference to Sidney's religion – especially, as the above statement is complemented with a characterisation of Sidney's temper as 'philosophical'. This is confirmed by Jonathan Scott's observations – from which I shall benefit in my own exploration of the *Discourses* –

[24] Most recently Martin van Gelderen and Quentin Skinner published a new collection of essays on European republicanism. Owing to its late publication, it was not possible to appreciate it as a further source for an interpretation of Sidney's republicanism. Martin van Gelderen and Quentin Skinner, eds., *Republicanism: A Shared European Heritage* (New York: Cambridge University Press, 2002).

[25] James Harrington, *The Commonwealth of Oceana* (London: Printed for D. Pakeman, 1656).

[26] Cf. Arihiro Fukuda, *Sovereignty and the Sword: Harrington, Hobbes, and Mixed Government in the English Civil Wars, Oxford Historical Monographs* (Oxford: Clarendon Press, 1997), Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition.*

[27] Pocock, "England's Cato: The Virtues and Fortunes of Algernon Sidney," 916.

[28] Ibid. 917.

although I shall move in a different direction. I shall concentrate on pre-eminent intellectual concepts to be found in the work of Sidney and explore the Ancient Greek influences on them. This intellectual tradition is essential to Sidney's work, and until now, it has been a much undervalued aspect of Sidney's thought and hardly been explored with the enthusiasm that it warrants. However, before the text turns to Sidney, his context and his work, it is worth exploring the key texts of secondary literature that are of pre-eminent value for the current project.

4. Discourse on the *Discourses*

Considering the works of scholarship published so far, we have to ask what they have achieved and what we can expect from further work on Sidney. We can broadly distinguish three types of publications: Firstly, we have intellectual biographies such as that of Scott, Carswell and Worden's publications.[29] Secondly, there are publications centering around the *Discourses,* such as work by Carrive, Houston, and Nelson.[30] Finally, there is a series of articles covering aspects of Sidney's work and its context, for example Blair Worden's writings on Republicanism.[31]

[29] John Carswell, *The Porcupine: The Life of Algernon Sidney* (London: J. Murray, 1989), Scott, *Algernon Sidney and the English Republic, 1623-1677,* Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683,* Worden, "The Commonwealth Kidney of Algernon Sidney."

[30] Carrive, *La Pensée Politique D' Algernon Sidney, 1622-1683: La Querelle De L'absolutisme,* Houston, *Algernon Sidney and the Republican Heritage in England and America,* Scott A. Nelson, *The Discourses of Algernon Sidney* (Rutherford, London: Fairleigh Dickinson University Press; Associated University Presses, 1993).

[31] David Wootton, *Republicanism, Liberty, and Commercial Society, 1649-1776, Making of Modern Freedom* (Stanford, California: Stanford University Press, 1994), Blair Worden, "English Republicanism," in *Cambridge History of Political Thought,* ed. J.H. Burns and Mark Goldie (Cambridge: 1991), Blair Worden, "Politics and Policy of the Rump

The book by John Carswell is an entertaining biographical work and provides easy to read information about Sidney's life, his personality and his character. It is a sound introduction to Sidney, particularly because it is less scholarly in its approach than the other writings. It extensively unfolds Sidney's family background and leaves no doubt about the aristocratic and learned flavour of his environment.

Paulette Carrive's work, *La pensée politique d'Algernon Sidney* is hardly recognised in the English speaking world. After introducing the life, the historical context of the Exclusion Crisis and the Filmer Controversy, Carrive gives a systematic account of Algernon Sidney's political thought to conclude with an overview of Sidney's impact in France, England and America. She takes up the natural law approach contained in Sidney's idea of initial liberty through distinguishing clearly between a state of nature and man in society. Her focus is on the political order promoted by Sidney.

The two most recent American works are by Alain C. Houston and Scott Nelson. Both of them place emphasis on the role of liberty. After a biographical introduction and a discussion of English royalism, Houston gives a detailed account of such dichotomous terms as "virtue and corruption", "freedom and slavery" as an approach to Sidney's political thought. The last part of the book is devoted to Sidney's impact on the American Revolution. Considering the title of the book, *Algernon Sidney and the republican heritage in England and America*, the account of the Sidney heritage seem rather scant. At least in reference to the English reception of Sidney, Blair Worden's article (see below) throws more light on the mysterious periods of Sidney admiration, adoration and condemnation.

Nelson's work as a whole centres round the idea of the social contract. In my own approach I shall refer to the contract, but maintain that the contract

Parliament, 1648-1653" (D.Phil, Oxford University, 1971), Blair Worden, "Republicanism and the Restoration, 1660-1683," in *Republicanism, Liberty, and Commercial Society, 1649-1776*, ed. David Wootton, *The Making of Modern Freedom* (Stanford: Stanford University Press, 1994).

justifies Sidney's concern for a just political order developed in freedom to maintain and further the development of justice among the citizens. While I explain this approach by introducing into the significance of the Greeks for Sidney's ideas, Scott Nelson claims that the contract is defended by the use of Greek sources.

It is these most recent publications on Sidney that were commonly referred to, until Blair Worden decided to bring to light the life work and legacy of Algernon Sidney at the third centenary commemoration - at which Sidney was to be much less commemorated than in the centuries before. The key text for reference on Sidney and his republicanism was Caroline Robbins' "Algernon Sidney's *Discourses concerning government.* A textbook of revolution.[32] It deserves a few comments:

After an introduction on the readership and the impact of Sidney, she devotes her attention to the content of the *Discourses.* She emphasises the people's control over the holder of political power, and refers to Sidney's account of the Greek idea that the most worthy should rule, as well as the Roman idea that the most vigorous should be in political power.[33] With these references, she points to important influences on Sidney's concept of virtue, yet she does not give an account of the more holistic flavour that may be detected in Sidney's concept of virtue, if observed carefully. Her reference to the contract as an agreement to maintain just rule is over-simplified. It fails to allow an insight into Sidney's approach of combining a virtue-based political order with the contract for the sake of its maintenance. Hence it is not surprising that she concludes, "...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."[34] Through exploring the key concepts of the *Discourses* in Chapter II below, "The shape of Sidney's Theory", I shall

[32] Robbins, "Algernon Sidney's Discourses Concerning Government: Textbook of Revolution."

[33] Ibid.: 283.

[34] Ibid.: 238.

go beyond Robbins' judgement and show to what extent Sidney does indeed provide an original approach to political philosophy.

More useful for the current paper were the publications by Blair Worden, particularly "The Comonwealth Kidney of Algernon Sidney". Blair Worden did a lot to place Sidney in the context of seventeenth-century republicanism.[35] "The commonwealth Kidney" was the first comprehensive account of Algernon Sidney's life, his political thought and the legacy from his death up until the late nineteenth century. Being the first publication among a number of recent publications that rediscover Sidney as a worthwhile topic of scholarly scrutiny, it demolishes a number of myths that have been created about him. Looking back on eighteenth-, and nineteenth- century-publications, Worden's approach looks like the beginning of a discovery of the real Sidney, particularly, as his research has brought to light a number of useful sources on Sidney, among them the hitherto unknown manuscript of the *Court Maxims*. Hence, his intention to compose a myth" based more closely on Sidney's writings and on the materials for his life"[36] seems to be an aim not too difficult for him to achieve.

Blair Worden's position on Sidney may broadly be divided into issues concerning Sidney's legacy, his background and his political thought, as well as his place in the context of classical republicanism. This latter point is dealt with in a number of his articles. Above all, Blair Worden has done a lot of detailed research on the relations between Sidney's political writings and those of other anti-absolutist, classical republican and Whig authors. As this topic is well explored by him, I shall confine my own approach to a focus on the *Discourses* itself as well as on sources that have hitherto not been subjected to close study.

[35] Wootton, *Republicanism, Liberty, and Commercial Society, 1649-1776*, Worden, "English Republicanism", Worden, "Politics and Policy of the Rump Parliament, 1648-1653", Worden, "Republicanism and the Restoration, 1660-1683".

[36] Worden, "The Commonwealth Kidney of Algernon Sidney," 3.

Covering a great deal of his Sidney article, Blair Worden's account of Sidney's legacy is rather comprehensive compared to the literature published so far on this issue.[37] In regard to the Sidney legacy, the most interesting point for the current paper is the following: he states that in 1688 the "abstract principles" of the *Discourses* were too philosophical for Whig pragmatism.[38] It will be suggested here that the opposite case is true as the pragmatic and polemical intention are not the focus, but instead these very abstract principles which I identify as the fundamental principles of the *Discourses.*

About Sidney's background, Worden makes a few central claims. Firstly, England's absolutism should be overcome through rebellion.[39] This claim is in accordance with the general interpretation of Sidney's statements on just war, rebellion and the contract, as later explored by Jonathan Scott.[40] The way for improving the English situation, the "cure of England's ills", which are identified as absolutism and popery, is the parliament.[41] With this statement, Worden indicates the direction of his answer to the question of what institutional shape Sidney was promoting. We can learn from this, that Sidney considered parliament the principal holder of political sovereignty.

The key points of Worden's assessment of Sidney are concerned with the branch of seventeenth-century scholarship for which Worden is renowned. His argument for Sidney's republicanism is founded on the observation that he had an extensive knowledge of Roman history which he deployed in the *Discourses.*[42] While this aspect concerns Sidney's background rather than the immediate context of the *Discourses,* Worden states about Sidney's account of

[37] Ibid.: 27-37.

[38] Ibid.: 36.

[39] Ibid.: 15.

[40] Cf. Jonathan Scott, "The Law of War, Grotius, Sidney, Locke and the Political-Theory of Rebellion," *History of Political Thought* 13, no. 4 (1992).

[41] Worden, "The Commonwealth Kidney of Algernon Sidney," 16.

[42] Ibid.

corruption, that Machiavelli mainly imprinted himself on Sidney.[43]

The above points give information on Worden's account of Sidney, but the following are in direct relation to this paper. One aspect is Sidney's family background. I shall take up Worden's idea to consider the influences of Sir Philip Sidney as well as the ancient noble background of Sidney as crucial aspects of his personality that allow some conclusions for the understanding of his political thought.[44] While I am more interested in the effect Sidney's background had on his idealisation of virtue, Worden also refers to the aristocratic background to highlight the fact that Sidney was distinguished from Whigs to such an extent that it even brought about hostility. While this hostility may be derived from Sidney untypical connections, [45] another aspect of Sidney is more closely related to his personality. This is the evidence for Sidney's self image as the only candidate able for personal rule. Sir William Temple claimed this about Sidney and some passages of the *Discourses* seem to confirm this view.[46]

There are a few issues concerning the nature of Sidney's political thought that are of significance for the current project. The key here is Worden's account of the concept of virtue. Although he is not giving a detailed exposition of his observations on the *Discourse*, he gave a few statements. Similar to my interpretation of Sidney's thought, Worden states that Sidney considered a constitution as healthy if it secures the rule of the virtuous under the prerogative of law. This aristocratic idea does of course not give an inherited nobility preference over others, but it stands for a nobility that has to justify ability by superior wisdom and virtue in order to prove their capacity of leading the "community towards moral and political fulfilment". In this account of the state, Worden makes clear that morality and politics are

[43] Ibid.: 18.

[44] Ibid.: 4.

[45] Ibid.: 6.

[46] Ibid.: 23-24.

inseparable,[47] but he does not explain further the deeper reasons for this understanding of politics. I shall take up Worden's idea and enhance it by exploring the original concepts which will allow us to understand the reasons for Sidney's understanding of politics as a branch of knowledge. While Worden concentrates on the Platonic influences explaining this aspect of Sidney's thought,[48] I shall rather inquire into the Aristotelian foundation for Sidney's understanding of morality and politics. They lead to a constitution that Worden identifies as mixed, as he claims that the subtle difference between, for example mixed government and a government regulated by law do not really matter to Sidney owing to his attitude of contrasting whatever form of government he is talking about against absolutism.[49]

Unlike Worden I will not devote further attention to this issue, as my primary interest is on the philosophical foundation that leads to this attitude towards constitutional reality. By the same token, I leave aside the question of what practical implications Sidney's political thought has for the day-to-day running of politics as well as their intellectual origins. While Worden makes inroads in this direction when he extracts from Sidney's political writings, among other things, the conclusion that Sidney favoured annually elected magistrates "and appears to regard the Roman consuls - who were agreed to have constituted the monarchical element in Rome's republican constitution - as a particularly apt model for modern imitation.[50] Conversely, I do share Worden's conviction that "Sidney is less interested in constitutional arrangements than in the principles on which they are built. Yet while Worden simply states, they are the "...classical principles of mixed government..."[51]. I try to extract fundamental concepts by exploring the *Discourses*. This approach will lead me to exploring the Platonic and Aristotelian impact on

[47] Ibid.: 24.

[48] Ibid.: 25.

[49] Worden, "Republicanism and the Restoration, 1660-1683," 163.

[50] Ibid., 164.

[51] Ibid.

Sidney's fundamental concepts in regard to the moral implications of Sidney's thought, and lead to an understanding of why Worden names Sidney and Milton advocates of "aristocracies of virtue".[52]

Among the biographical writings on Sidney, Jonathan Scott presented the most extensive account of Sidney's life and time. His research provided a lot of background information for the current paper. Like Worden, Jonathan Scott aims to find the reality behind the eighteenth-and nineteenth-century Whig myth of Sidney.[53] However, it is not only the starting-point that is the same, as Scott also covers similar ground for example in regard to Sidney's biography, to which I refer in I.1. One of the great merits of Scott's research is his study on the relationship between Sidney's personal and family background and the intellectual influences that found their way into his political thought. While biographical research provides a background for the current paper, it is not the focus of its main part. I shall rely mainly on Scott's research in my own biographical chapter, even if I interpret some of the facts he has brought to light from a different angle.

As far as the intellectual background of Sidney's thought is concerned Scott claims that it is republican. He asserts that Sidney deploys classic models of republics for statements on politics. In this classical manner, he characterised Israel as a divinely sanctioned institution, Sparta as the model standing for discipline and longevity, Rome, as model of vigour and conquest and Venice as model of stability and longevity. Though Scott claims that Sidney provides the "clearest association of classical republican theory with English republican practice that we have on record,[54] he still states that "Classical republicanism is, however, neither a sufficient nor a very precise category for describing Sidney's thought as a whole." This is an adequate statement on the nature of Sidney's thought considering its variety in terms of sources and political

[52] Ibid., 165.

[53] Scott, *Algernon Sidney and the English Republic, 1623-1677*, xiv.

[54] Ibid., 15. He quotes from Bibliothèque Nationale, Paris, Fr. MS 23254 'Lantiniana', fols. 99-101.

languages, as well as its uniqueness. Jonathan Scott names six important sources for Sidney's political thought: Plato, Aristotle, Livy, Tacitus, Machiavelli and Grotius. In so doing, Scott aims to show the framework that unites all these writers as a whole,[55] while I shall concentrate on the Greek influence, particularly in reference to the concepts of virtue and justice. Scott refers to the importance Plato and Aristotle hold for these ideas, yet he does not give a very detailed account of the texts themselves owing to his different emphasis. I shall not deny the influence of the others, yet for the argument of this paper, I consider it more important to explore the Greek sources further and to rely in all other respects on the research done so far.

Jonathan Scott emphasises that Sidney considers law as equivalent to reason and that the order of a just state comes closest to the rule of God if it is based on law, as opposed to the rule of passion which is evident in the rule of a single man in absolute monarchy.[56] I follow Jonathan Scott in this account, yet I hold that there is a case to be made for enhancing the understanding of the closeness that a law-based state may have to God. In Chapter II shall show that law has not merely the function of preventing undue acts of passion, but also a thoroughly civilising effect on character. As a means of fostering virtue, I shall claim that law fulfils the function of stimulating man to virtuous actions. In this respect, the effect of law is not only negative in terms of restriction, but also positive, in terms of stimulating good and just action that, after it becomes a habit, may be pursued out of free will. My attempt at enhancing Scott's statement that the Aristotelian understanding of virtue stands in the background will be discussed in Chapter III.

The Platonic influence on Sidney is a further decisive point in Jonathan Scott's account of the Greeks.[57] He places emphasis on the role of Platonism as well as on the impact of the Sidney family teacher Henry Hammond, whose background was Greek and theology. Scott ascribes the Platonism of the

[55] Ibid., 17.

[56] Ibid., 37.

Court Maxims to Hammond.[58] Like the *Discourses*, the *Court Maxims* were also influenced by Plato and Aristotle. Scott claims, that Sidney, like Milton, referred to Aristotle's political categories of the one, the few and the many, thus monarchy, aristocracy, and democracy, which are opposed to their corrupted counterparts of tyranny, oligarchy, and anarchy. Like Milton in his *Tenure of Kings and Parliaments*[59], as Scott claims, Sidney also refers to the Aristotelian categories owing to their suitability to the English situation.[60] This interpretation of Scott seems entirely relevant. I shall accept it but enhance it further as there is no contention about the Aristotelian influence on republican authors in regard to the political categories. Instead, I shall look at the philosophical foundations that bring Aristotle and Sidney to the conclusion that these forms of government are appropriate for the well being of a people. I shall do this again in regard to the principles of virtue, liberty and justice. In my approach, I accept Jonathan Scott's claim that Sidney, like Milton, read Aristotle directly and not through the writings of schoolmen.[61] Further evidence, explored in Chapter III, will confirm that there is indeed a case to be made for Aristole's direct influence on Sidney's idea that a true, virtuous, nobility ought to guide the community towards the completion of their nature.[62]

While Scott confined the first book of his work on Sidney to biographical issues and the wider intellectual context, the second book, *Sidney and the Restoration Crisis*, has not only the intention of exploring Sidney's life after his continental exile, but also it aims to re-assess the Exclusion Crisis to introduce into the historical context by means of approaching a contemporary's point of view. His assessment of the Crisis is subject of I.3.

[57] Ibid., 22-28.

[58] Ibid., 27-8.

[59] John Milton, *The Tenure of Kings and Magistrates* (London: 1649).

[60] Scott, *Algernon Sidney and the English Republic, 1623-1677*, 26-30.

[61] Ibid., 25.

[62] Cf. Worden, "The Commonwealth Kidney of Algernon Sidney," 24.

Beyond the above points on Sidney's political thought, Scott makes some pertinent remarks on the relation between Sidney and Filmer, whose thought he considers as polemics against anti-absolutists. As a result he sees the reason for the shape of Sidney's argument in the fact that Sidney took up most anti-absolutist arguments as well as the classical republican stance from the period of 1640-66 to refute Filmer. Therefore, Scott draws the conclusion that "the *Discourses* may be described as a work of anti-absolutist and republican theory." In this context, he emphasises the function of the text as a foundation for popular sedition.[63] This is indeed true, but may sound as if it is revoking the interpretation of Sidney by putting forward in the *Discourses* his own and independent theory. As Scott explained in "The Law of War",[64] it was indeed Sidney's intention to justify rebellion, yet this rebellion is a means to recover an ideal institutional arrangement or to re-establish it. The foundation of it will be explored in the main part of the paper, but for now we shall turn to Sidney's life and time.

[63] Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683*, 209.

[64] Scott, "The Law of War, Grotius, Sidney, Locke and the Political-Theory of Rebellion."

I Algernon Sidney: his life and time

I.1 The sound of virtue and true nobility: aspects of Sidney's life

The account of Sidney's life outlined in this chapter does not set out to repeat the extensive research that has already been carried out on the relationship between Sidney's life and political thought.[65] In contrast it aims to highlight particular aspects of Sidney's life. It is intended that this will produce a greater understanding of the biographical implications, and the importance of Sidney's emphasis on virtue in the *Discourses concerning government*. Three aspects are used as guidelines for this biographical exploration. First, the aristocratic background, secondly, the intellectual background, which, it could be suggested, informed Sidney's idealism and shaped his own understanding of idealised aristocratic principles, and thirdly, the historical background.

Algernon Sidney was born on either 14th or 15th January of 1683 as the third child and second son of Robert Sidney, the second Earl of Leicester, and Dorothy Percy, daughter of the ninth Earl of Northumberland. Through this union of two well-established aristocratic families he was by blood a Neville and a Dudley.[66] Such a family background may be surprising to those who recognise Algernon Sidney as a hero of liberty and rebellion. Yet Sidney's family background shaped his character and beliefs in much the same way as it did that of his great-uncle, Sir Philip Sidney,[67] who is remembered as a renaissance man of learning and a committed protestant. At the same time, his

[65] See above all: Carswell, *The Porcupine: The Life of Algernon Sidney,* Scott, *Algernon Sidney and the English Republic, 1623-1677,* Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683,* Worden, "The Commonwealth Kidney of Algernon Sidney." However, the core of this chapter is based on Jonathan Scott's research.

[66] Pocock, "England's Cato: The Virtues and Fortunes of Algernon Sidney," 916.

[67] Scott, *Algernon Sidney and the English Republic, 1623-1677*, 53. 9-50

position at the English court and his death on the battlefield give testimony of his ability to combine successfully the *vita activa* and *vita contemplativa*. Through his own life, Sir Philip Sidney demonstrates a means for overcoming the gulf between these two dichotomous *topoi* of the ethical and political debate in Renaissance Humanism, although his *Old Arcadia* seeks the ideal solution from the *vita activa*.[68] Algernon was to follow his great uncle's example. Both aspects of Sidney's family background, awareness of ancient and noble ancestors and the home environment, found their way into Sidney's political thought; they are particularly well reflected in his idealisation of the virtuous nobility.

Sidney grew up at Penshurst Place. Here, he acquired most of the knowledge he later displayed in the *Discourses*. Penshurst stands for the setting in which Sir Philip Sidney most likely composed *Arcadia* and his renaissance poetry. The library at Penshurst expressed not only his great-uncle Sir Philip's interest in learning, but also that of Sidney's father. Penshurst Place was also the starting point for Sidney's classical and philosophical education that shaped his understanding of politics. This will be encountered later in Chapter III. The intellectual climate of the family provides the background for Sidney's learning. The commonplace books of Algernon's father and grandfather had already dealt with problems of government and Aristotelian principles.[69] Sidney's great-uncle, Sir Philip's, life and work, illustrate further the role Aristotle played in the family.[70] It would be

[68] Markku Peltonen, *Classical Humanism and Republicanism in English Political Thought, 1570-1640, Ideas in Context; 36* (Cambridge: Cambridge University Press, 1995), 22. Further exploration of Sir Philip's idea on virtue may be found in: Blair Worden, *The Sound of Virtue: Philip Sidney's Arcadia and Elizabethan Politics* (New Haven; London: Yale University Press, 1996).

[69] Jonathan Scott refers briefly to the family library as well as to the content of the Common Place books. (Scott, *Algernon Sidney and the English Republic, 1623-1677*, 55.). A further consultation of the sources would be revealing for a more detailed account of the genesis of Sidney's political thought and its relation to the intellectual family tradition.

[70] Cf. Carswell, *The Porcupine: The Life of Algernon Sidney*, 3-5.

surprising if the great ancestor's preference for Aristotelian thought, as expressed in his *Arcadia*,[71] did not stimulate Algernon's interest in Aristotle. Beyond these foundations for intellectual development, Algernon had a chance to expand his horizons through travelling. Of significance was a six-year stay in France where, in the 1630s, his father, the second Earl of Leicester, had been appointed as ambassador to the English court. Here, Algernon's learning was furthered through education, most likely at the Huguenot Academy in Saumur.[72] His father's appointment as ambassador was in line with the family tradition of public service both abroad and at home. Sir Philip had lost his life on a military mission in the Netherlands and other family members had held positions of responsibility in the diplomatic service. Algernon was to follow in this tradition.

On the continent, Algernon is likely to have been introduced to a variety of important political figures. Jonathan Scott's research reveals that the six years in France were an intellectually stimulating period for Sidney. He was in contact with such anti-absolutist French writers as Morny, Hotman and Beza whose ideas appear to have stimulated Sidney's arguments against personal monarchy.[73] In addition, Algernon met high ranking Huegenots, for example the Duc du Rohan, who had led a Huegenot rebellion at La Rochelle.[74] However, the family relationship to Hugo Grotius was more significant for Sidney's thought, particular in regard to the issue of rebellion. This legal thinker was at the time ambassador for Sweden in Paris and was well known to Sidney's father, whose "surviving notes are full of Grotius's social chatter and reflection upon his political ideas".[75] Regardless whether Algernon met him in person, Grotius was to have a definitive impact on Sidney's ideas on

[71] Cf. Worden, *The Sound of Virtue: Philip Sidney's Arcadia and Elizabethan Politics*, 23, 210-2, 301-2, 20-1, 25, 39.

[72] Scott, *Algernon Sidney and the English Republic, 1623-1677*, 53.

[73] Cf. Ibid., 17.

[74] Ibid., 53.

[75] Ibid., 51-58.

the contract and his theory on rebellion. It could be said that the idea of rebellion has already been dealt with effectively by Jonathan Scott and that it is therefore of minor interest to the current thesis.[76]

The ideas on contract and liberty are of greater significance in the following part, since I shall claim that one of the innovative aspects of Sidney's thought finds its expression in reconciling a contractual understanding of the state with Aristotelian ethics. Unlike other political authors who were also influenced by such contractual thinkers as Grotius, Sidney did not refer to the contract to justify political order as such, but to justify a value-laden order grounded particularly in Sidney's classical learning. This will be analysed further in Chapter III, "The Classical Inheritance".

Sidney idealised ancient nobility in his writings and his life was influenced by his family's close connections to ancient houses, most notably the Percys, who were, in the seventeenth century, considered to be one of the oldest and best-known noble families. Sidney states that in the past the English nation "had a great, strong, virtuous and powerful nobility to lead them".[77] In his understanding nobility, greatness, strength, combined with leadership, were closely linked to the principle of virtue. For Sidney, greatness and successful leadership were the result of virtue. Nobility for him was not a privilege but a vocation. Having noble ancestry gave Sidney the incentive to uphold the standards that had been laid down by ancestors. By this attitude he endeavoured to set a moral example to those in positions of military and political responsibility. While the former required him to develop and act in accordance with such virtues as valour and courage, the latter required him to strive to be an example to others through good and just actions. This meant that he had to put aside personal interest - which lies at the heart of the contractual ideas of some other contemporary political authors, notably

[76] This paper is not going to expand on this topic owing to its emphasis on the key concepts. It is topic in the following article: Scott, "The Law of War, Grotius, Sidney, Locke and the Political-Theory of Rebellion."

[77] *Discourses* III.37, 527.

Hobbes and Locke. He achieved this through just, wise and good actions which placed emphasis on the welfare of others.

Being influenced by such an aristocratic idealism, Sidney had reason to be proud of his own ancestors. In accordance with the idea of mixed monarchy, they had advanced the interests of the English nation in the face of attempts by kings to increase their power to the disadvantage of people and nobility. Algernon Sidney's uncle, Algernon Percy, duke of Northumberland, was a close friend of Algernon's father, and Algernon himself developed a close friendship with him. Northumberland supported Algernon in his political career.[78] He held his nephew's merit and virtue in high esteem and characterised him as "a person that understands very well how to value such as are de[s]erving".[79] As this example indicates, virtue was not only an intellectual concept, but also a principle which played a role in his actual life.

Sidney admired ancient nobility for being involved in politics. He considered them the element of 'mixed monarchy' that defended the interest and the well being of the people and prevented kings from arbitrary rule.[80] The fact that Sidney himself was from ancient lineage is reflected in the way he was perceived. Jonathan Scott states that Algernon's personality "was crucially characterised by [...] Percy-style imperiousness and pride". To give an impression of the way Sidney might have appeared, Jonathan Scott refers to Sidney's uncle, the Duke of Northumberland. He has been considered a rebel of a family that had a tradition of bringing up some of the most freedom-conscious individuals who constantly posed a challenge to any absolutist measures.[81] In regard of personal style, Northumberland may have been an example to Sidney. Clarendon characterised him as the "proudest man alive" and stated, "if he had thought the King as much above him as he thought

[78] Scott, *Algernon Sidney and the English Republic, 1623-1677*, 43-4.

[79] North MSS Alnwick Letters and Papers vol. 16 1641-56 23/5 B.M. reel 286 fol. 59, quoted after ibid., 44.

[80] *Discourses* III. 37, 525-7.

[81] Cf. Scott, *Algernon Sidney and the English Republic, 1623-1677*, 145-8.

himself above other[s], he would have been a good subject".[82] Yet he was not, and so he stood against the king during the Civil War and fought, presumably as an example to Algernon, on the parliamentary side against the absolutist interests of Charles I.[83]

The Civil War provided Sidney with the chance of proving military virtue. After his father had been appointed lord lieutenant of Ireland, Sidney and his brother fought in the Irish Revolt near Rosse on 28 March 1643. On this occasion, Sidney failed to prove his virtue. He and his brother were reported to have retreated in disorder while the infantry was left on their own.[84] Although this occasion suggests that Sidney failed to live up to his ideals on virtue, he made up for this failure during the Civil War that soon followed: Like Algernon Percy, he sided with the parliamentary party. At the battle of Marston Moor, in 1644, Algernon Sidney proved his bravery.[85] It is evidenced in a report that states "Colonel Sydney, son to the Earl of Leicester, charged with much gallantry at the head of [...a] regiment on horse, and came off with much honour, though with many wounds".[86]

This juxtaposition of two events in which Sidney first failed and then lived up to his idealistic moral standards shows that he was well aware of the gap between upholding moral ideas and having the courage to implement them. It could be said that Sidney experienced difficulties in living up to his standards of virtue and controlling his own temper. Believing that true liberty entails self-government and the control of reason over passion (cf. Chapter II). Sidney found it a real challenge to control his own passions. In relationships with other people, he was considered quarrelsome.[87] Temperance was

[82] Quoted after ibid., 45.

[83] Ibid., 43.

[84] Ibid., 83.

[85] It was reported in five different parliamentary journals. Ibid., 85.

[86] *Ash's Intelligence from the Armies in the North* no. 6; Meadley, *Memoirs* p. 18, quoted after ibid.

[87] Worden, "The Commonwealth Kidney of Algernon Sidney," 5.

definitely not one of the virtues he proved in everyday life. He experienced most strongly how passion may make "itself master of all the faculties of [the] mind."[88] This he wrote in the earliest surviving longer essay, *Of Love*. This reflection on these worries allows the conclusion that his political writings are not only shaped by intellectual ideas and political experience, but that his ideas on human nature bear the marks of his personal struggle to live up to his moral ideals.

Sidney took the responsibility of representing his people by representing them from 1646 onwards in the Long Parliament. In 1649 Charles I. was executed, the monarchy and the House of Lords were abolished. Sidney stated "the King could be tried by no court"; and perhaps more importantly as an indication for Sidney's attitude towards Cromwell's position, that "no man could be tried by that court."[89] The above quotation suggests that this development did not find outright approval from Sidney. In this time, "[f]rom 1649-52,[...] he was a rare bird in Parliament."[90] It is not entirely clear what Sidney's intention was when he opposed Cromwell's politics and the legitimacy of his court that became responsible for Charles I execution. But this event exemplifies that Sidney was not a follower of Cromwell in all respects.

There is a further point that gains significance through this biographical detail in that it raises the question as to whether Sidney's thought is republican and anti-monarchist in its intention. One possible answer is that of Blair Worden, who pointed out that this event happened long before Sidney wrote his *Discourses.*[91] On this line of thought, the occasion only reveals that there was a development of Sidney's thought from pro-monarchical to republican.

[88] Algernon Sidney, "Of Love", in *A Collection of scarce and valuable Tracts ... of the Late Lord Somers,* ed. Sir Walter Scott, 13 vols. (London, 1809-15), 8:616, quoted after ibid.

[89] Ewald, 1:324; cf. also David Underdown, *Pride's Purge,* (Oxford 1971), pp. 166n, 188. Quoted after ibid.: 6.

[90] Ibid.: 7.

[91] Ibid.: 6.

On the other hand, it also raises the question as to whether the abolition of monarchy might have been of lesser urgency to him than eighteenth-century historiography and classical republican interpretation of his political ideas suggest. He might have found monarchy less objectionable than the unchecked rule to which such political leaders as Cromwell aspired.

Yet this did not prevent him from taking on more responsibility in politics. In 1652 Sidney occupied a leading position in Parliament. He favoured the war against the United Provinces and worked out proposals for a regulation of the situation in Ireland. In line with both family tradition and his conviction that nobility defends its country abroad, he took on responsibility for the foreign affairs of his country. This office put him in charge of sustaining the external liberty of his country; to protect its freedom against foreign attempts at subjection, which - ironically - he was to favour at a later stage of personal and political development. This *vita activa* came to an end in 1653 when Cromwell's army broke up the Rump Parliament. After Algernon Sidney was forced to leave parliament, he retired for the next six years from politics to enter again only after Oliver Cromwell had died in 1658.

Having resumed his seat in the re-established Rump parliament, Sidney took on responsibility as a senior member of the Council of State. He was immediately placed in charge of mediating peace between Sweden and Denmark through a diplomatic expedition which he headed as its senior member. This expedition "gave Sidney [...] not only some real power and autonomy, a combination of which he was inordinately fond, but the opportunity to perform upon the great stage of Europe, and among foreign heads of state. It was an opportunity for which he had been prepared by family and political background".[92] He took full advantage of his position in shaping the expedition to his own taste, which was not at all a diplomatic one. In co-operation with the Dutch, former enemies but now England's fellow republican North-European power, Sidney pursued a course of action that

[92] Scott, *Algernon Sidney and the English Republic, 1623-1677*, 127.

attracted attention when he managed to neglect all rules of etiquette through a policy which Jonathan Scott has labelled "Gunboat Diplomacy".[93] Both the rigorous deployment of naval force to bring about quick agreements and his disregard of etiquette while negotiating with Charles X, King of Sweden, were unusual in the diplomatic environment of the time.[94] While the use of force reflects Algernon Sidney's conviction in the righteousness of his actions committed for the sake of his country as well as his impatience, his conceited style in dealing with Charles X shows his conviction of the English Commonwealth's pre-eminent position as well as his noble background. Both points disposed him to treat the Swedish king as an equal. Sidney finally completed this mission in 1660, immediately after the Restoration, with a treaty that secured - in his view - English naval interests, but in Charles II's view favoured the Swedish interests to an excessive extent. This was Sidney's last great office and ended with the Restoration.

Though surprising to everyone who considers Sidney a true adversary of monarchy, he was far from explicitly disapproving of the new political developments. He stated:

> "Since the Parliament hath acknowledged a king, I knowe, and acknowledge, I owe him duty and the service that belongs unto a subject, and will pay it."[95]

He was ready to continue in office under the restored monarchy. This gives further evidence for an attitude that was not necessarily anti-monarchist.[96] He was clearly willing to submit to the rule of law - an aspect of Sidney's understanding of justice - which, in this case, required the acknowledgement

[93] Cf. ibid., 128-42.

[94] Ibid., 132.

[95] Blencowe, R. (ed.) *Diary of the Times of Charles II* (1843) *Sydney Papers* (1823), quoted after ibid., 143.

[96] Worden, "The Commonwealth Kidney of Algernon Sidney," 8-9.

of the newly established king, Charles II. Yet, as the quotation above indicates, he considered this not as a personal monarchy, but as a government founded on parliamentary acknowledgement. This perception hints already at his later expressed philosophy of limited government, which provides the context for an understanding of the words that he owed 'duty and the service that belongs unto a subject'. It reveals Sidney's understanding of allegiance. Sidney considered himself as being obliged to the authority of the government. The reference to parliament indicates that he accepted the obligation to be bound to a parliamentary sanctioned authority of the king.

This rather mild attitude to the new government vanished after he had been accused of having favoured the Swedish too strongly, of declaring himself a defender of the Commonwealth and of accusing the King-in-Exile of being a bandit. Instead of recanting and asking for pardon from the King, Algernon Sidney chose exile.[97] Surprisingly though, a short time later, he declared that he had justified the regicide out of allegiance to the government on whose behalf he was negotiating in Denmark.[98] These opposing statements obscure Sidney's attitude towards monarchy, but do also indicate that allegiance to government had significance in his deliberations. Furthermore these statements indicate that Sidney's anti-monarchical attitude is not as clear cut as eighteenth-century and liberal admirers have liked to present him. The issue of allegiance, that clearly played a role in both his submission under the principles of the Rump as well as in his willingness to serve under the restored monarchy indicates that he was ready to submit himself to the rule of law. Hence it shows that he accepted the principle of justice that obliged him to be in line with the intentions of the government by which he was employed to serve the well being of his country. Though these occasions allow inference of Sidney's personal understanding of allegiance, they also indicate that his understanding of allegiance did not go so far that it prepared him to submit to

[97] Scott, *Algernon Sidney and the English Republic, 1623-1677*, 143-7.

[98] Ibid., 148.

Charles II through renouncing earlier anti-monarchist statements.

Sidney's exile was a time of travel, political activity and contemplative retreat. Against the advice of his father, who wished his son back in England, he went from Denmark via Germany and Switzerland to Italy. Throughout his exile, he met a number of prominent contemporaries. In Hamburg, right at the beginning of this not quite voluntary "*Grand Tour*", he met Christina, Ex-Queen of Sweden. Just converted to Catholicism, she had been to Rome and evidently she opened for him the doors to the highest clerical circles in Rome, where Sidney was soon to travel. These contacts give an idea that Sidney's social network was not quite a Whig one. About their conversation it is known that she assured Sidney that she had no aspiration to move into politics.[99] By contrast Sidney's inclination to play an active role in politics did not fade away during his time on the continent. He was subject to a certain fluctuation between the eagerness and intensity in which he pursued his political aims and contemplative retreat to which he devoted himself in several periods during his Continental exile.

The first such period was in Rome. Although far from being Catholic, Sidney still appreciated the intellectual culture of the Roman Clergy.[100] This reveals a new side of Sidney's intellectual curiosity that does not quite fit into the picture of a Protestant martyr. However, it does give an impression of his distance from ideological or, in this case, religious dogmatism. During his stay in Rome, Sidney maintained productive relations with Cardinals such as Mazarin, Palavicini, Azzolini, and Zacchetti. These were prominent members of the Vatican elite. Mazarin was a nephew of the Pope; Palavicini a papal biographer.[101] Although opposed to 'Popery and Arbitrary Government' in domestic politics, Algernon Sidney was by no means blind to the idea that there might be something positive to be derived from the intellectual heritage of the Catholic Church.

[99] Ibid., 146-8.

[100] Ibid., 151.

Soon after this rather contemplative period Sidney found himself involved in political activism. In 1665, Sidney moved to Holland and wrote the *Court Maxims, discussed and refelled.* This marks a period of growing discontent with the English government in terms of both intellectual expression and concrete action. This hostility might have had its origin in an encounter with royalist assassins in Augsburg who tried to kill him in 1665.[102] Regardless of where it came from, by the year 1666 Sidney had become a leader among the English exiles in Holland. After unsuccessful attempts to convince the Dutch government to invade England with the support of English exiles, Sidney moved to France to continue his endeavour of finding allies for an attack against the corrupted English government. This even included a meeting with Louis XIV that later did a lot to discredit the sincerity of Sidney's republicanism among eighteenth-century admirers.[103]

Sidney's plans of initiating an invasion by English common-wealth men supported by foreign troops ended with him being finally isolated from other English exiles and in disagreement with Ludlow, their recognised leader. [104] These developments demonstrate that Sidney's allegiance to the actual English government had by now faded away. His understanding of justice showed flexibility. Apparently he found himself no longer required to be obedient, but rather the opposite. This change appears as an interesting dichotomy in his attitude towards political matters. The fact that Sidney was finally isolated from other exiles suggests that he was neither in line with a common ideology in terms of his actions nor, most likely, in terms of his political thinking.

The course of his political thinking is expressed in the *Court Maxims.* It is a polemic dialogue between a courtier, Philalethes and a common-wealth man, Eunonomius. The work has only recently been published for the first time. In

[101] Ibid., 152-63.

[102] Ibid., 172.

[103] Ibid., 4-5, 181-5.

[104] Ibid., 181-5.

Blair Worden's account, it is presented as a work of propaganda to stir up revolution and to overthrow Charles II.[105]

Having lost his role as a leading republican activist among the English exiles, Sidney went into his final retirement in France which lasted from 1666 to 1677.[106] A notable feature of this period is that he was known to the French as le Comte de Sidney. He was "occupying a place of title within the French aristocracy which he could never [...] have occupied at home." The different attitude of the French towards the inheritance of titles allowed him to present himself in greater accordance with his self image, which in this period was significantly shaped by his awareness of the Percy heritage. This was particularly the case because of his close contact with a circle of South Western French Aristocrats, de Bouillon, Turenne, and de la Rochefoucauld, all of whom had participated in the last great French noble rebellion and to whom Sidney felt close affinity owing to his own family, educational and political background.[107]

Sidney made two attempts to come back to England and in 1667 finally succeeded in obtaining a royal pass for his return. In his letters he expressed his intention to stay out of politics, his gratitude and the wish for subjection to the king. In his conversation with his Parisian friend Latin however, he expressed his inclination to influence English politics again.[108] This is intriguing and allows for two explanations. First, he might simply have deceived those who were able to grant him a safe journey to England, secondly he may have been willing to accept the king's power as a result of his obligation to allegiance and have merely intended to influence politics from an official position. A letter of recommendation from Louis XIV to the

[105] Worden, "The Commonwealth Kidney of Algernon Sidney," 10-11.

[106] Sidney spent this time in the Languedoc, Guyenne/Bordeaux and Paris. A detailed account of this time is to be found in Scott, *Algernon Sidney and the English Republic, 1623-1677*, 222-49.

[107] Ibid., 224-9.

[108] Ibid.

English king, which explained Sidney's readiness to serve the king, expressed Sidney's identification with the parliamentary as opposed to the Cromwellian party. Also earlier, as we have seen, Sidney had referred to the role of parliament as the basis for monarchy when he had expressed his willingness to continue his diplomatic service under Charles II. Such statements may be considered as hints to his doubts about the righteousness of the king's actions. Perhaps they were meant to be the back door through which he was ready to escape into opposition in case he found hard evidence against the legitimacy of the king's actions. By expressing his inclination to serve the king always in conjunction with reference to parliament, he unveils his conformity with monarchy, but underlines that he only acknowledges it as a limited monarchy. The idea of limited monarchy, however, was not at all in line with the view of a great number of Restoration politicians and Anglican clergymen. They sharpened their positions during the time prior to Sidney's return to England. Rising discontent with parliamentarian and anti-monarchist views found expression in both political events and intellectual dispute. Against his initial promise, Sidney himself had tried to regain a position of political responsibility, but failed. In Amersham, on 29th January 1679, he made his last attempt to get elected.[109]

Three years after Sidney's return to England Charles II dissolved Parliament. Sidney became involved in the intellectual expression of the climate of this time. Together with William Jones he wrote *A just and modest vindication of the proceedings of the two last parliaments*[110]. Favourers of personal monarchy reacted to parliamentary writings and furthered the publication of absolutist writings. Retrospectively, the most prominent among them was Sir Robert Filmer's *Patriarcha,* published in 1680. Interestingly, the author of this book, who had come from the same region as Algernon Sidney, was long dead when it was published. This underlines, that there must have

[109] Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683*, 183.

been a desire to bring absolutist literature onto the bookshelves.

Patriarcha was considered the essence of Filmer's absolutist ideas that had already been published in other works.[111] The publication of the work stimulated Algernon Sidney, after his return to England, to put his own political ideas on paper. They amounted to the *Discourses concerning govenrment.* The climate of their production, and the catalyst for Sidney's expression of his political thought, was Filmer and his *Patriarcha.* The *Discourses,* Sidney's literary reaction to absolutism, signifies the end of Sidney's life as parts of its unpublished draft served as evidence in his trial for treason, as a substitute for the second witness against him, who was required by law but whom Judge Jeffreys could not find. [112]

Algernon Sidney's concern for virtue and his eagerness to live up to his own standards is in line with both his ideals on ancient nobility and his intellectual background. His activism can be seen as an expression of his strivings for liberty and justice, although justification of the means he intended to deploy may remain a matter of contention. Surveying his life in consideration to his political thought suggests that he aimed to care for the well being of his people as a politician and was eager to prove that he was prepared to support it with drastic actions that more than once put him at risk of losing his head. While his participation on the parliamentary side of the Civil War underlines his conviction that the people's interests are to be upheld by the parliament, his several political offices display that he was willing to take up political responsibility in everyday life rather than just ruminating about it. The last words prior to his execution confirm this attitude and throw further light on the motives underlying his *vita activa* when he stated that he had prosecuted "the common rights of mankind, the laws of the land, and the

[110] Jones et al., *A Just and Modest Vindication of the Proceedings of the Two Last Parliaments.*

[111] James Tyrrell in the "Introduction" to his *Patriarcha non Monarcha* expressed the view that *Patriarcha* contained the essence of Filmer's other works.

[112] Worden, "The Commonwealth Kidney of Algernon Sidney," 13.

true protestant religion, against corrupt principles, arbitrary power, and popery".[113]

He had to fall for his convictions. But after his execution, his political thought and his fame were to rise. The *Discourses* had been the evidence for his trial, his *Apology*, the essence of his self-defence was quickly published and became well known. It prepared the ground for the first publication of the *Discourses* in 1698 that was followed, as was stated in the "Introduction", by thirteen further editions in the century to come, initiating the period in which the author became a much admired martyr for the fight against absolutism.

Sidney's life gives evidence for his idealism, and the manner of his death, in particular, produced admiration for him. The eighteenth-century literature about him reflects this. Yet it was specifically the idea of negative liberty that was admired and identified as the cause of his actions. Through the research of the past ten years, it has already been revealed that admiration for this has distorted the real image of Sidney, and as this paper will show, particularly the significance of the other key concepts that characterise Sidney's thought. If eighteenth-century admirers of Sidney liked to see Sidney as a hero of liberty and a revolutionary, then this thesis will suggest on the basis of Sidney's own statements in the *Discourses* that his political thought should be considered in a new light and in a more holistic manner.

As a result of the break with the eighteenth-century interpretation of his death as martyrdom for liberty, the question arises as to whether Sidney himself, informed by ancient Greek philosophy, might have seen his death as a situation similar to that of Socrates as described in the *Phaido*. Instead of a hero for liberty and revolution, he could thus be seen as an example for virtue and justice, who, informed by Christian belief, was ready to die for the well-being of his people like the "good shepherd [...who] "lays down his life for his sheep."[114]

[113] Sidney's „Apolopgy", 3, quoted after ibid.: 4.

[114] *Discourses* II.24, 224.

I.2 Sir Robert Filmer

Sir Robert Filmer inspired Sidney to write down his political thought in the form of the *Discourses*. Yet upon Sidney's return to England Sir Robert Filmer had long been dead. It was *Patriarcha*, one of several absolutist treatises, that stirred up the anti-absolutist debate in the late seventeenth century and suddenly revived Filmer's spirit in a new light altogether distinct from the political context in which he had been working. In what follows I shall introduce Sir Robert Filmer and his work as it provided the starting point for Sidney's writing of the *Discourses*.[115]

Born in 1588, the oldest son of eighteen children of a prosperous Kentish gentry family, Filmer was perhaps not the least likely proponent for a theory of patriarchalism.[116] In terms of education, Filmer followed the usual educational path of a man of his standing. Having entered Trinity College, Cambridge in 1604, he gained admission to Lincoln's Inn the following year. Even if it is not certain whether he ever went into legal practice, his works give us evidence that he had some knowledge of legal history albeit "much of his material was cribbed from a few recent authors."[117] His marriage to Anne Heton (1618), the daughter of the Bishop of Ely, might tell something about the sources of his concern about religious issues, while the residence of the young couple, the porter's lodge of Westminster Abbey, invites speculation

[115] This chapter is based on Robert Filmer, *Patriarcha and Other Writings*, ed. J. P. Sommerville, *Cambridge Texts in the History of Political Thought* (Cambridge [England]; New York: Cambridge University Press, 1991 (1999)), Jean-Pierre Schobinger and Friedrich Ueberweg, *Die Philosophie des 17. Jahrhunderts, Bd. 3. England*, Völlig neubearbarbeitete Ausgabe ed., vol. 1, *Grundriss Der Geschichte der Philosophie / Begründet von Friedrich Ueberweg* (Basel: Schwabe, 1988).

[116] Cf. *PnM* p. 21. Tyrell states that treatises about Patriarchalism are written by people who are fathers themselves, he has in mind that the author himself is profiting from the theory he is putting forward.

[117] Concerning Filmer's biographical details I rely on Sommerville's introduction in: Filmer, *Patriarcha and Other Writings*.

about Filmer's political connections. Even if there is limited knowledge about this, it is at least most likely that he met and befriended Peter Heylin, who was at that time living at Westminster. Filmer's success on the political stage was rewarded with a knighthood in 1619. In 1629 he inherited his family estates in East Sutton and devoted himself to managing his property.

After writing a theological and a legal treatise, Filmer developed an interest in writing on political matters, in particular political works promoting the absolute power of the king. The first work he wrote, but the last to be published, was *Patriarcha*. It only entered public discourse in 1680, long after Filmer's death. Only then did it catch Sidney's attention and lead him to write the Discourses. When *Patriarcha* was written Sidney was unlikely to react to it, having not even completed the first decade of his life. Although the exact date of *Patriarcha's* composition is still a matter of contention, it seems as if the work was even written before 1631.[118] After that time, it is likely that it circulated in manuscript. But even without having published *Patriarcha*, Filmer was already known as a convinced royalist, which turned him into a prisoner of conscience when he was arrested by parliamentarians in Leeds Castle for some time between 1643 and 1647.

The absolutist argument of *Patriarcha* was founded on the assumption that Adam's patriarchal power be considered as monarchical power being granted dominion over the world. In Filmer's account, all Kings are to be considered direct heirs of Adam's initial power. This assumption builds the foundation of Filmer's absolutist ideas and will be explored further in the following chapters as it provided the starting point for Sidney's exposition of his political thought. Filmer's growing interest in publishing monarchist treaties was stimulated by the increasing popularity of political literature that favoured the idea of the mixed constitution. The intellectual climate had supported these developments. The fact that these ideas were to a certain extent also favoured

[118] Richard Tuck, "A New Date for Filmer's 'Patriarcha'," *Historical Journal* 29, no. 1 (1986).

on the part of the king finds expression in *His Majesties answer to the XIX propositions of both Houses of Parliament*, (London 1642), which created uneasiness among such convinced favourers of divine right monarchy as Filmer.

In 1648, one year before King Charles was executed, Filmer published his first absolutist treatise, *The Freeholder's Grand Inquest, The Anarchy of a Limited or Mixed Monarchy* followed in the same year.[119] Also in 1648, Filmer published the *Necessity of The Absolute Power of All Kings: And in particular of the King of England. By John Bodin, A protestant according to the Church of Geneva*. This latter work is a collection of excerpts from Bodin's work. The title indicates the essence of Sidney's writings; a plea for acknowledging an absolute right of the English King embedded in religious deliberations.

These works were a reaction to the political developments of the time in which ideas of the mixed constitution became increasingly popular as a topic of political debate, that will be a topic in the next chapter. In the *Freeholder's Grand Inquest*, Filmer analyses a number of royal statutes to prove that the Commons had never been part of the Common Council and that there are no early cases affirming any royal orders of the election of popular representatives. The book itself was an answer to William Prynne's *The sovereign power of kingdoms and parliaments*.

The Anarchy attacks the principle of the mixed constitution, which, in Filmer's view, Philip Hunton's *Treatise of monarchy* (London 1643) had

[119] Robert Filmer, *The Anarchy of a Limited or Mixed Monarchy. Or, a Succinct Examination of the Fundamentals of Monarchy, Both in This and Other Kingdoms, as Well About the Right of Power in Kings, as of the Originall or Naturall Liberty of the People. A Question Never yet Disputed, Though Most Necessary in These Times* (London: [s.n.], 1648), Robert Filmer, *The Free-Holders Grand Inquest, Touching Our Sovereign Lord the King and His Parliament: To Which Are Added Observations Upon Forms of Government. Together with Directions for Obedience to Governours in Dangerous and Doubtful Times* (London: 1648).

made of of the English Constitution. With this attack, Filmer reacted to the contemporary tendency of interpreting the English constitution as a mixed form of government in which the king, the Lords and the Commons are considered share holders of political power. This idea had most notably entered political discourse through *His majesties anwers*. In contrast to these contemporary ideas, Filmer always considered monarchy as absolute as he had already expressed in *Patriarcha*. He formulates his understanding of monarchy as a form of government that can only function if political power is limited to one person. Hence, he rejects the idea of a mixed or limited monarchy particularly through claiming that neither Scripture nor Aristotle's writings would support such a theory. With this line of argumentation, Filmer, again, takes up issues he already developed in *Patriarcha* and which also re-occured in his *Observations concerning the Originall of Government*[120], published in 1652. In this work, Filmer attacked one of the key premises of contractual thought that was to appear in Sidney's thought as well; he attacked the idea of a state of nature. While acknowledging Hobbes' absolutism, he attacks his usage of state of nature theory. The matter of contention over Hobbes' theory is the fact that his state of nature theory allows no space for an initial patriarchal right of Adam. Like other contemporaries, Filmer fails to acknowledge the hypothetical character of Hobbes' state of nature theorem.[121] The last work published during Filmer's lifetime is the *Observations on Arisotle's Politique's.*[122] It is a further example of Filmer's elaboration on topics that were already developed in *Patriarcha*. The principle target is of

[120] Robert Filmer, *Observations Concerning the Originall of Government, Upon Mr. Hobs Leviathan. Mr. Milton against Salmasius. H. Grotius De Jure Belli* (London: printed for R. Royston at the Angel in Ivie-Lane, 1652).

[121] Peter Schröder, *Naturrecht Und Absolutistisches Staatsrecht: Eine Vergleichende Studie Zu Thomas Hobbes Und Christian Thomasius* (Berlin: Duncker und Humblot, 2001), 48-9.

[122] Robert Filmer, *Observations Upon Aristotles Politiques, Touching Forms of Government: Together with Directions for Obedience to Governours in Dangerous and Doubtfull Times* (London: Printed for R. Royston at the Angel in Ivie-Lane, 1652).

course Aristotle's politics. Already in the preface, Filmer expresses his suspicion about heathen authors and discourages his readership from turning to the writings of such ancient philosophers, as Plato, Aristotle, Cicero or Polybios. He discredits them as being unable to give advice on the "grounds of dominion and property which are the main principles of government and justice"[123] The direction of Filmer's polemics is indicated in this statement. Cicero and Polybios in particular were the principal sources of humanist and classical republicanism, Aristotle was still considered an authority on political matters, to whom the above authors referred. Republican ideas in political thinking and other ideologies promoting limited monarchy or the mixed forms of government appear as the key target of Filmer's critique which he combats for the sake of advancing his own version of the divine right theory.

The reader well versed in the above named authors, for example Algernon Sidney, is bound to find counter-arguments against Filmer's theory. Filmer endeavours to prevent criticism of his absolutism through degrading the credibility of Aristotle. His main strategy in the *Observations* is to highlight contradiction in Aristotle's political ideas. On the basis of several passages which Filmer considers contradictory, he conveys to the reader that Aristotle is ignorant of principal political ideas. Scripture is the principal source he holds against Aristotle in such statements as: "We cannot much blame Aristotle for the incertainty contrariety in him about the sorts of government if we consider him as a heathen. For it is not possible for the wit of a man to search out the first grounds or principles of government [...] except he know that at the creation one man alone was made, to whom the dominion of all things was given and from whom all men derive their title. This point can be learnt only from Scriptures."[9] This strategy differs from the one which Sidney encounters in *Patriarcha*. In his earlier work, Filmer had primarily distorted Aristotle's account of politics and used it for his own purposes. He also indicated that he considered Aristotle's knowledge limited, but he still

[123] *Observations* Filmer, *Patriarcha and Other Writings*, 236.

acknowledged him as an authority.

The *Observations* are followed by a text called *Directions for obedience to governours in dangerous and doubtfull times*. In this work, Filmer concentrates on the issue of allegiance. His key argument consists in the plea that even a government of unjust origin has the end of protecting their citizens and therefore requires the obedience of its subjects. The argument of the *Directions* gives an impression of the main problem that motivated Filmer to his political authorship. It reveals Filmer as a person who aims to overcome his time's political instability and disposition to civil war through influencing in his readership in a pro-monarchist fashion. The usage of Scripture may on the one hand be derived from his personal idea, and on the other hand, from its value as a rhetorical means to convince a readership that generally agreed on the authority of Scripture.

In 1653, Filmer died. The real success of his political writings however, was only brought about through the political developments of the late seventeenth century. Only about a generation after his death did he become well known as a political author. During the period that Jonathan Scott refers to as the 'Restoration Crisis', a collected edition of Filmer's works, excluding the *Necessity* and *Patriarcha,* was published in 1679. Only in 1680 was *Patriarcha* published the first time and the *Necessity* was published under the new title: *The power of Kings*.

A more thorough interpretation of Filmer's political thought will follow in the exploration of his best known text, *Patriarcha*, the starting point for both Sidney's anti-absolutist polemics and for the exposition of his own political principles. But before, I shall shed light on a few aspects of the political and intellectual situation in which the political works of such royalist authors as Filmer were stimulated.

I.3 Intellectual Climate

The political instability of the mid-seventeenth century found its climax in the Civil War, but even if this struggle was between just two parties - the parliamentarians and the royalists - the political literature that reflects the general concern for political stability is characterised by a number of very different political positions. This variety differs from the clear cut picture of the superficial observer of the Civil War who succumbs to dividing the intellectual landscape exclusively into parliamentarians and royalists assuming that the royalist side equates with absolutism, and the parliamentarian with ideas of popular sovereignty. As John Sommerville has argued, "the English in fact shared [not] a single political outlook", but "several radically different outlooks".[124]

A book, written by Dudley Digges, *The unlawfulnesse of subjects taking up armes against their soveraigne, in what case soever*[125] stands for the royalist side. Like Filmer's *Directions for obedience*, it promotes the general obligation of the subjects to obedience. Thomas Hobbes's *Leviathan* was written for a similar purpose and it seems, if just these works are considered, that there is a tendency to promote absolute submission under the king as a means to maintain political stability. Like Filmer, many authors considered the idea of limited monarchy or mixed constitution as a threat to political stability. As we have seen in the survey of Filmer's writings, he endeavoured to discredit particularly the philosophers who supported the idea of the mixed constitution. Filmer and other royalist authors attacked for example Milton's *Tenure of Kings and Magistrates.*[126] This seems to be an example that the idea of the mixed constitution may be identified with the parliamentary side.

[124] J. P. Sommerville, *Politics and Ideology in England, 1603-1640* (London; New York: Longman, (1986) 1992), 3.

[125] Dudley Digges, *The Unlawfulnesse of Subjects Taking up Armes against Their Soveraigne, in What Case Soever* (London: 1644).

[126] Milton, *The Tenure of Kings and Magistrates.*

Nevertheless, a consideration of a wider range of literature reveals that the picture is not as clear cut as it seems. Not only parliamentarians deployed the argument of popular representation for the sake of maintaining stability, but also on the royalist side we find such tendencies. Surprisingly, the idea of the Mixed Constitution also found its way into political discourse from the royalist side. A renowned example is *His Majesties answer to the XIX propositions of both Houses of Parliament*, (London 1642).[127] This work has already been encountered in Chapter III.2 as a target of Filmer's thought. It exemplifies that even among the royalist side of the political spectrum there was much contention over the right way for maintaining political stability and the power of the king.

As *His Majesties answer* had a great impact on stimulating debate on the nature of the English government, it deserves a few comments: The text was written in the name of the king by Lucius Cary (Viscount Falkland, 1610?-1643) and Sir John Colepepper. It interprets the English constitution as the combination of the virtues of monarchy (Unity and strength) with those of Aristocracy (Virtue or ability of advisers and magistrates), with those of democracy (Liberty, diligence, courage, which grow under liberty).[128] Especially the element of democracy stands for the introduction of the argument of popular sovereignty into royalist rhetoric. Despite the concession that the King did not want to become "Doge of Venice", or transform the Kingdom into a republic, the language of the document still revived the ideal of the Roman Republic.[129]

This work provoked discontent among authors like Filmer as well as provoking further developments in this direction. For example Henry Parker's (1604-1652) thought may stand for the support of popular sovereignty. Parker

[127] *His Majesties answer to the XIX propositions of both Houses of Parliament*, (London 1642), quoted after Schobinger, ibid.

[128] Ibid.

[129] Schobinger and Ueberweg, *Die Philosophie Des 17. Jahrhunderts, Bd. 3. England*, p. 549.

was, to a certain extent, influenced by the Aristotelian tradition.[130] An important aspect of his ideas was that he combined the idea of England as a mixed constitution with common law thinking.

These moderate views on the royalist side were the principal target of Filmer's publications. In particular the *Anarchy* stands for a strong attack on the ideas represented by the above writers.[131] Building his arguments on Scriptural premises and on patriarchical ideas, Filmer was a strong voice for absolutism. Both premises matched contemporary common sense. Owing to the importance religion still had in everyday life of the time, an objection to his thesis without a convincing argumentation had to appear as a pagan and therefore invalid move. Filmer's works did not provoke direct attacks during the author's lifetime; they did so even more when the work was posthumously re-published. The only explanation for this is that Filmer's *Patriarcha* must have appeared more dangerous in the context of the "Restoration Crisis", than the other works appeared to anti-royalists during and immediately after the Civil War.

To sum up, the divers approaches that may be found among the royalist authors of the mid-seventeenth century show that there was no distinct royalist position. The royalist support for the idea of the mixed constitution shows that it is difficult to judge on the nature of the literature of this time by simply considering what institutional shape of politics they are promoting. Considering the supposedly opposite site of political debate, it seems too simplistic to judge an author like Sidney as parliamentarian, anti-monarchist,

[130] Ibid., 550.

[131] Filmer, *The Anarchy of a Limited or Mixed Monarchy. Or, a Succinct Examination of the Fundamentals of Monarchy, Both in This and Other Kingdoms, as Well About the Right of Power in Kings, as of the Originall or Naturall Liberty of the People. A Question Never yet Disputed, Though Most Necessary in These Times,* Robert Filmer, *The Free-Holders Grand Inquest Touching Our Soveraigne Lord the King and His Parliament* (London: [s.n.], 1648), Filmer, *Observations Concerning the Originall of Government, Upon Mr. Hobs Leviathan. Mr. Milton against Salmasius. H. Grotius De Jure Belli.*

or republican just on the basis of his promotion of the mixed form of government. An approach to the nature of the political thought of another can only be successful if more fundamental issues are explored than just the form of government. Therefore, Chapter II will turn to fundamental concepts of Algernon Sidney's thought rather than just discussing what forms of government he promoted.

A further point that influenced political debate, and particularly the concern for stability, was tension between Catholicism and Protestantism. While the continent experienced the Thirty Years' War as a struggle between catholic and protestant political powers, England was generally protestant but still perceived Catholicism as a threat. This threat was perceived in different forms; i.e. as the threat of Catholic invasion through France or another Catholic power or as a fear of conspiracy. In regard to political discourse, ideas of popular sovereignty were sometimes identified with Catholicism. This was particularly so, as early forms of contractual thought and state of nature theory had been promoted by such Jesuit natural law thinkers as Suarez and Molina. Although these ideas were further developed by protestants, i.e. Hugo Grotius, authors like Filmer perceived them as a Catholic threat particularly because they undermined divine right theories. Stimulated through Filmer's attacks on Jesuit natural law theory, Algernon Sidney devotes some attention to these ideas. Although Sidney's ideas on the initial liberty of a people are not solely derived from Jesuit natural law thinking, their ideas are still an important background for the understanding of Sidney's thought. Filmer's attack on them stimulated Sidney's consideration of the contract as a means to justify popular control over the quality of the state which will be discussed in Chapter II. In the English perspective the Jesuits were primarily considered a catholic means to advance the ultimate power of the Roman Church. Acting as a tool of counter-reformation, they had advanced a theory of justified rebellion and popular consent on political power. The event most closely associated with this perception of Catholicism is the gunpowder plot.

Although the Catholic Church is generally associated with a rigid hierarchical structure, it is not surprising that ideas that amounted to a plea for

popular representation had their origin in Catholicism. A closer look reveals that even within the Catholic Church, alternatives to absolute rule had been an issue long before the Jesuits introduced ideas on popular sovereignty in consideration of secular order. Conciliarism of the fourteenth century and the contention among such authors as Marsilius of Padua, Dante and Ockham are only a few examples of this tendency. Yet the explanation for the Jesuits interest in natural law has its main source in their scholarly approach to legal thought as advanced at Salamanca by such authors as Bellarmine and Suarez who were to be attacked much later by Sir Robert Filmer. These authors deployed natural law theory to advance the absolute power of the church over secular order. Their justification of rebellion derived from this approach and was a strategy of counter reformation. Advancing the supremacy of faith over secular political arrangements, the Jesuits did finally aim to advance the power of the church – in more than just ecclesiastical matters – over protestant government. It was a counter attack on the doctrine of obedience, which, among others, Martin Luther advanced in Augustinian manner in reference to the secular and the divine kingdom.[132]

Looking at the post civil-war order of the state, the role of religion on another level becomes evident. The High Church appears as an important means of propaganda supporting the absolutist structure of the sovereign power, sometimes even more than the Crown itself.[133] Supporters of popular sovereignty, however, were, as in the first half of the century, repeatedly associated with the threat of Catholicism even if they understood themselves as opponents not only of arbitrary government but also of popery. The Rye-House plot, for example, an event Sidney has always been associated with, was presented as a new popish plot. As a result, the usage of theories that had been promoted by Jesuits were a certain danger. As a result Sidney and other

[132] Cf. Martin Luther, *Von Welltlicher Vberkeytt Wie Weytt Man Yhr Gehorsam Schuldig Sey* (Uuittemberg: Nickel Schyrlentz, 1523).

[133] This view has been emphasised in the following article: M. Goldie, "Locke,John and Anglican Royalism," *Political Studies* 31, no. 1 (1983).

authors who promoted ideas of natural law and initial liberty had to be careful in their usage of sources to avoid the accusation of favouring Catholic arguments.

Jesuit natural law theory had envisaged the aim to free citizens from their belief that they had a God-given duty to obey their rulers. Their deployment of natural law theory was an implicit appeal to rely on reason. When it advanced further in the course of the history of political thought, it amounted to the ideas of the social contract. Hence there is a case to be made for considering Jesuit natural law theory as a source for the modern purely rational justification of the state. This perspective suggests that Jesuit ideas on politics can be seen as a first sign of the paradigm shift that took place in philosophy throughout the seventeenth century.

The shift of paradigm in political philosophy is a further aspect that stands in the background of the political thought of Algernon Sidney and the intellectual climate in which he wrote. Most notable in this respect is the advance of modern science that placed emphasis on empirical observation in science as well as in political philosophy. Authoritative texts, such as the writings of Plato, Aristotle, and the Church Fathers, as well as the Scriptures, ceased to be the only recognised sources for knowledge although they still played a recognisable role. Filmer fought against this theory. As already discussed in reference to his *Observations on Aristotle*, he declares human reason inferior to the knowledge that Scripture provided about the first principles of politics. Filmer however, is not representative for the trend of his time's philosophy. As in scholastic discourse, it was still assumed that true knowledge could only be in accordance with Scripture. Observation was seen as a complementary means for disclosing Divine Will. The discovery of natural laws behind the phenomena was considered an aid for the right exegesis of Scripture, not as a contradiction.

In political discourse the move to rationalism is explicit in the great emphasis placed on the importance of natural law theory. In its most extreme form, natural law theory intertwined with empirical observation is discernible in Thomas Hobbes's writings. He is a particularly good example, as he, like

Sidney, built his idea of a social contract on state of nature theory. Yet, as already mentioned in the discussion of Filmer's work, most of Hobbes's contemporaries were unable to recognise the innovative moment in his thought. It consisted in a state of nature that was a purely hypothetical construction whose only purpose was to reveal human nature as found in society. Sidney took up some of these ideas, although, as will be explored later, he tended to present the state of nature as a historical one and not as a hypothetical theorem. Opposing scholasticism openly, Hobbes pursued the aim of developing a political theory purely based on natural law. Hence, it is neither surprising that the principal ideas of his thought form a coherent system even if one cut out all references to Scripture, nor that his writings were attacked as being atheist and failed to find official support from the English Court.

Hobbes, like Filmer had written against popular sedition. This was in the climate of the civil war. The key issue in this respect was the duty to submission. Quentin Skinner has claimed that Hobbes's argument for submission under government was in not original, but just the most convincing example of this type of literature. Skinner deals extensively with the issue of allegiance,[134] which also stands in the background of Sidney's thought. The importance of this background will be considered in Chapter II. The fear of a new civil war stood in the background during the time in which Sidney was writing the *Discourses*. The situation was in some respects similar to the mid seventeenth-century fear of popular sedition. This is where the debate between Filmer and his opponents has its place. Jonathan Scott referred to it as "a resurrection of the absolutist/anti-absolutist positions of the reign of

[134] Quentin Skinner, "Conquest and Consent: Thomas Hobbes and the Engagement Controversy," in *The Interregnum: The Quest for Settlement, 1646-60*, ed. G. E. Aylmer (London: Macmillan, 1972).

Charles I."[135] The memory of the Interregnum gave rise to the assumption that an English Republic as an alternative to absolutism was indeed possible, which caused both fear and hope. While fear of dissolution is evident in the publication of royalist treatises, such as the posthumous publication of Filmer's whole work; hope for a move away from absolutist structures found expression in Sidney's writings.

Yet, the intellectual landscape of this period was again as diversified as around the middle of the century. Absolutist works were not the only ones aiming to prevent the repetition of the dissolution of political order. There was a great number of anti-absolutist writers, who would not perceive themselves as republicans or commonwealth-men, but as Royalist, who did still found their political theories on the premise of popular consent as Sidney did. For example James Tyrrell, who will be considered later, states in the Introduction to *Patriarcha non Monarcha* that he is not a "Commonwealths-man" himself. He "reverence[s] Monarchy above all other forms of Government and should be as willing to have it unmixed." Besides Tyrrell there were a number of non-republican authors who furthered the idea of a limited monarchy. A number of political writers and politicians whom David Smith labelled constitutional royalists pursued a distinct form of monarchy and already had a considerable impact on English political debate during the Civil War. Their ideas still played a role during the Restoration Crisis period. [136]

As in the middle of the century, the variety of positions adopted between the extreme ideas makes it difficult to categorise the different thinkers in terms of royalists, parliamentarians, or republicans. All terms neither say anything substantial about the character of the different writers nor do they

[135] Jonathan Scott, "England's Troubles: Exhuming the Popish Plot," in *The Politics of Religion in Restoration England*, ed. Tim Harris, Paul Seaward, and Mark Goldie (Oxford: Basil Blackwell, 1990), 210.

[136] David L. Smith, *Constitutional Royalism and the Search for Settlement, C.1640-1649*, *Cambridge Studies in Early Modern British History.* (Cambridge: Cambridge University Press, 1994).

describe a distinct group. Hence, the usage of such terms may fail to be of any help for understanding the particularities of an author's political thought. This is significantly so in the case of Algernon Sidney's political thought; it cannot simply be classified as republican. Despite all the republican elements, a close reading of the text reveals a form of aristocratic elitism at the core of Sidney's thinking. Thus, a fruitful assessment of this time's moving intellectual forces can only centre around significant questions within the intellectual dialogue, rather than exclusive ideologies like royalism, parliamentarianism, or republicanism. Only if one goes beyond such categories as royalism or patriotism may the real issues of the time be laid open. I aim to achieve this by concentrating on distinct concepts. Looking at such intellectual concepts as virtue, liberty and justice, I hope to move away from an over-simplistic view that tries to pigeonhole an author into a particular ideology or stream of thought.

The Exclusion Crisis is the period in which Filmer's *Patriarcha* was published and in which Sidney started writing the *Discourses*. In that time, an opposition to King Charles II was being established. It had the aim of excluding the king's brother, James, Duke of York from the succession. Although this period is generally referred to as the Exclusion Crisis, the accuracy of this term has recently been challenged by Jonathan Scott. His argument deserves some attention in this discussion because his doubts about the traditional interpretation of the crisis have emerged from research on Algernon Sidney. In the core of Scott's argument stands the thesis, as the title of his book, *Algernon Sidney and the Restoration Crisis 1677-83*, already suggests, that it would be appropriate to name the crisis of 1677-83 a Restoration rather than an Exclusion Crisis. He bases his argument on the claim that seventeenth-century England can only be understood if one widens the scope to developments on the continent and their relation to the English perception of religious tensions. Placing great emphasis on the extent to which English politics are embedded in the European context, he suggests that the problem of exclusion is only the tip of the iceberg of the more important issue of religious tensions between Catholicism and Protestantism. Thereby, he

links the immediate fear of popery and absolutism with the wider intellectual context of the century, which had been shaped by religious tensions as well as claims to absolutism on different levels.

A further strand of Scott's argument is based on the evidence that exists regarding contemporary perception of the crisis. Taking the contemporary experience of the past into account to a greater extent than has hitherto been done, he attacks interpretations of the crisis of 1678-83 that link it with the future rather than the past historical events. In this, he is pointing out the historian's temptation to be blinkered by the crisis of 1689. He assesses this temptation as being the main reason for losing sight of sources revealing the immediate impression of contemporaries. Referring to a survey on the pamphlet literature of the time, Scott points out the evidence for the contemporary perception of the similarities to the crisis of Charles I, which he calls "the first crisis of popery and arbitrary government".[137] Challenging Jones' thesis of the importance of party structures for the understanding of the Crisis,[138] Scott tries to establish his own account which is refined in *England's Troubles*. His main argument against Jones is based on the thesis of contemporary unawareness of party structures during the crisis of 1678-83.[139]

Scott holds against the argument for the importance of the issue of exclusion in 1678 that contemporary sources do not provide sufficient references to it. Opposed to this finding is the title of Andrew Marvell's *The Growth of Popery and arbitrary Government*,[140] which in itself already

[137] Betty Behrens, "The Whig Theory of the Constitution in the Reign of Charles Ii," *Cambridge Historical Journal* 7, no. 1 (1941): 44. Quoted after: Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683*, 9.

[138] J. R. Jones, *The First Whigs: The Politics of the Exclusion Crisis, 1678-1683, Durham University Publications.* (London: Oxford University Press, 1961). Cf. above all: Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683*, 12-17.

[139] Behrens, "The Whig Theory of the Constitution in the Reign of Charles Ii," 44. Quoted after: Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683*, 9.

[140] Andrew Marvell, *An Account of the Growth of Popery, and Arbitrary Government in England, More Particularly, from Nov. 1675 Till 16th. July 1677* (Amsterdam: 1677).

appears as an explicit hint to the problems Scott sees in the heart of the crisis. Scott's thesis finds confirmation in consideration of the anti-Filmer authors. Sidney's *Discourses*, Tyrrell's *Patriarcha non Monarcha* and Locke's *Two Treatises* do not leave the reader with the impression that exclusion was one of the key issues of these works. Anticipations of exclusion are both too scarce and too vague to justify the assumption that exclusion was the main issue governing the thoughts of these authors while composing their works. Having no evidence for a deliberate omission of direct references to exclusion, the literature suggests that exclusion might have lurked in the background, but did not attract particular attention.

With his statement that Whig and Tory denoted different beliefs not different parties,[141] Scott points us in the direction of the religious struggles as the key factor for any explanation of intellectual landscape of the time when he states, "The Restoration Crisis crystallised political belief. This crystallisation took place through the lens of the past, the lens of history. It gave rise to a debate about politics, and religion, which produced some of the most influential political writings in English history." [142]

I.3.1 The Target: *Patriarcha*

It may be said that the experience of the success of the parliamentary side in the Civil War created both a confirmation of the necessity of parliamentary power and a sharp attack on such views. During the interregnum, absolutist positions were sharpened and they built an ideological cornerstone for the re-established royal sovereignty. The restoration, on the other hand, revived the ideas of the mixed constitution, which finally prepared the ground for their re-emergence during the troubles of the 1680s and nourished the discontent with absolutist writings.

[141] Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683*, 14.

[142] Ibid., p. 14.

Most important for placing Sidney's *Discourses* in the right context is the information that Filmer's *Patriarcha* was published in 1680. Apparently only in the Crisis of 1678-1683 were Filmer's ideas perceived as a serious threat to the English political situation. Otherwise, it would be surprising why *Patriarcha* stimulated people like Sidney, Tyrrell and Locke to respond to it. The role and the content of Patriarcha will be the object of this chapter.

Patriarcha owes its significance to both its originality and to its modes of argumentation. After Peter Laslett established the thesis that *Patriarcha* and not Hobbes's *Leviathan* was the main target for Locke's political ideas, Filmer has been seen on the one hand as a representative of contemporary Divine Right theory and on the other hand as a far more individualistic writer than most royalist authors.[143] The point of greatest interest for this paper, however, is not so much Filmer's relation to other absolutist writers, but his work itself and its reception by the anti-absolutist opponents forming the intellectual context of Sidney's *Discourses*.

With Filmer's *Patriarcha* we come to the heart of the historical context of the political writings of the Restoration Crisis. Being only published in 1680 and perceived as an attack on critics of the Restoration Government, *Patriarcha* became the starting point for discussions on the nature of kingship, sovereignty, liberty and popular representation, and served thereby as the initiator for a whole range of literature on the original principles of government in general.[144] Filmer's patriarchalism proved on the one hand to be a strong supporter of English absolutism and on the other hand a view too

[143] Cf. James Daly, *Sir Robert Filmer and English Political Thought* (Toronto; London: University of Toronto Press, 1979), p. xii.

[144] I shall refer to the significance of this role of *Patriarcha* later on as it requires some further comments. I take this observation as the starting point for the discussion of the true origin and the true purpose of the constitutional and moral ideas we take for granted in our society.

extreme to be supported fully.[145] This proves the reception of Filmer, who was read and referred to by absolutist writers to a lesser extent than for example Thomas Hobbes. One explanation for the success of *Patriarcha* is its capacity to address a great number of issues that prevailed in contemporary discourse. Owing to the similarity of the problems occurring in the 1680s and the 1740s, Filmer's text could gain such a great importance long after the author himself was dead.

In the centre stands his principle of absolute monarchy, an argument taken up most gratefully by the supporters of the government which was already under attack. As in the 1640s, the principle of popular sovereignty had gained new importance and repeatedly found its expression in the attempts to strengthen the role of parliament as the people's representative body. Beside classical ideas of mixed forms of government, natural right theories received increasing attention. Hugo Grotius, John Selden and Pufendorff especially were widely read and became a source of natural law thinking, far less associated with Catholic theories of resistance than the Jesuit natural law thinkers attacked by Filmer.

Filmer is motivated by the argument for popular sovereignty. Like Hobbes, his main concern is, as stated earlier, the issue of obedience. However, he differs from his contemporary insofar as he has not the ambition to elaborate on an entirely new system of political thought. Relying to a great extent on both Bodin's absolutism and his philosophical style, he excels in deploying Scripture as a strong premise for his ideas.

The principal object of his polemics is the premise that man was born free and therefore has a right to choose his own government. His intellectual enemies writing in support of this premise are in particular (1) scholastics, (2)

[145] Laslett claimed, "there was something faintly ridiculous about Filmer even by the year 1679", but does not hesitate to refer to Locke and Shaftsbury's concern about him to show how seriously he was still taken. John Locke, *Two Treatises of Government*, ed. Peter Laslett, *Cambridge Texts in the History of Political Thought*; Cambridge: Cambridge University Press, (1988) 1997.

papists and (3) the Reformed churches. Thus he targets the major sources of early modern natural law thinking commonly associated with the modern concept of popular representation. The particular problem motivating Filmer is the emergence of this theory in the reformed churches. Being anxious about the political development in his native land - a country of reformed belief - he sees the danger that this inheritance of the Reformation could 'poison' the English state. In particular the popularity of such "favourers of the Geneva discipline" as Buchanan (*De iure regni apud Scotus*) raised Filmer's concern. Buchanan's discontent with the kingly prerogative over law as well as his argumentation for the people's right to choose their government made him in Filmer's eyes a threat to kingly power. [146]

According to Filmer's own perception, the people were fooled in the "faith, that a man may become a martyr for his country by being a traitor." Accordingly, he states, "the new coined distinction of subjects into royalists and patriots is most unnatural, since the relation between king and people is so great that their well-being is reciprocal." [147] With this (Bodinian) statement we get to the heart of Filmer's account of the contemporary situation. It is revealing for the author's historical context and the place of his ideas in the history of political thought. For Filmer, there is no doubt that the king is the true embodiment of the state. The separation of the office of the king from the person seems impossible. The king is as much the holder of sovereignty as he is the symbol of it. Thus it must seem absurd, from Filmer's perspective, to attack a king for any failures or even to accuse him of being a lawbreaker. With this statement he gives a good example of contemporary perception, as we find it to a certain extent even Sidney's views when he expressed his disapproval of the trial of Charles I with the words, "the king may be tried by no court."[148] Although Sidney's attitude towards the issue changed throughout his life, we may still take his words as an example of the general perception of

[146] *Patriarcha,* (2) 2.

[147] *Patriarcha* I,1, p. 5

the time.

Looking at the statement in a wider context, we encounter the move from the medieval idea of the commonwealth to the modern concept of the state. According to the above quotation, Filmer shared an ontology that was not yet prepared to accommodate the idea of the state as an entity separated from the holder of political office. The transformation of politics into a mere functional system, as stimulated, for instance, by Hobbes, had not yet taken place. The political system was still perceived as an organic unit in which everyone had his due place. This is a thought that appears also in Sidney, but with entirely different resonances (see Chapter II). This perception provided as fruitful a ground for Bodinian absolutism as for classical republicanism. It was the former which flourished in Filmer's ideas. In conjunction with Scripture, Bodin's ideas form the foundation of Filmer's absolutism.[149]

Having written against the success of the theory of popular sovereignty, Filmer could not know that he would deliver the most extreme arguments in favour of both the absolute power of the weakened government in the Restoration Crisis and, a short time later, the issue of Exclusion: his concern was the failure of earlier defenders of the crown to attack the theory of popular sovereignty. When in the 1680s Filmer's entire work had finally been published, the situation had some similarities. Theories of popular sovereignty, in particular of mixed forms of government, infringed the absolute power of the King. Filmer's ideas were to be revived in this situation to deliver arguments that could establish the superiority of the King and minimize the sovereignty of Parliaments. Excluding both the right of the people to have any say in the issue of succession and to infringe the King's decision at all, Filmer's thought strengthened the royalist side. Finally, and this has to be emphasised, Filmer's theory was an attack on such modern ways

[148] Worden, "The Commonwealth Kidney of Algernon Sidney," 6.

[149] Cf. Daly, *Sir Robert Filmer and English Political Thought*, p. 23. Daly acknowledges that Filmer was not a Bodinian thinker, but still points out that the Bible and Bodin were his main sources.

of reasoning as empiricism and Rationalism, which were seen by many as a danger for true religion. Unlike Hobbes's, Filmer's way of arguing avoided the accusation of atheism, but offered an alternative.

Despite the forceful argumentation in *Patriarcha*, it seems as if the Royalist side did make a far less exhaustive use than one would imagine of the theory provided by Filmer. According to James Daly, Filmer's "name and influence were usually conspicuous by their absence" in royalist writings of the 1680s.[150] Conversely it stirred up heated reaction on the anti-absolutist side, as proved by the writings considered in the following chapters. The force of his argument stimulated opponents to react and thereby they dragged Filmer's absolutism into the political discourse of the time.

While the title-page of *Patriarcha* already indicates what nature of argumentation the reader may expect, the chapter headings summarise Filmer's main arguments. These are the following: (1) The first kings were fathers of families. (2) It is unnatural for the people to govern or choose governors. (3) Positive laws do not infringe the natural and fatherly power of kings. Considering the principal lines of argumentation, the following is to be said: The first chapter stands for the elaboration of his original argument for the divine right of kings. Being dominated by exegetic argumentation, Filmer presents a theory which deviates from the thought of his contemporaries in so far as he derives divine right solely from his own interpretation of Adam's paternal power. It aims to provide a strong basis for the recognition of *de facto* kingship, without legitimising other forms of government. The second chapter refutes natural law assumptions about sovereignty and argues for the superiority of absolute monarchy on the basis of divine will, historical evidence (based on various sources including Scripture), and references to authoritative philosophers. The treatise concludes with a chapter in which jurisprudential and historical strands of argumentation dominate to support the idea of absolute sovereignty. Here, the theory addresses most directly the

[150] Ibid., p. xii.

English situation. The historical context for the theory is evident in the references to king and parliament. Anxiously Filmer shows what thorough foundation the kingly prerogative has.

These points are backed, according to Filmer's own words, with the following modes of argumentation: (a) theological, (b) rational, (c) historical and (d) legal. Theological and historical argumentation often rely on Scripture owing to its authoritative status as well as its value as a primary source. A look at the text confirms that Filmer carried out the above modes of argumentation. They support the main argument, and as Locke polemically remarked, Filmer's only argument; the thesis for the divine right of kings derived from the fatherly power of Adam. This argument recurs throughout the treatise; it is at the core of Filmer's political writings. It rests on the thesis that fatherly and political powers are identical and aims to present the argument as a theologically sound interpretation of the origin of political power. The different modes of argumentation aim to provide a defence against the possible objections to Filmer's thesis, although the theological side appears as both the most original and the most persuasive argument in contemporary discourse.

Filmer introduces his argument right at the opening of his text. Here Adam is presented as the first holder of absolute power. Arguing mainly on the basis of (a) the theological perspective and (c) the historical perspective, he builds the foundation for his political conception by applying political terms to fatherly power. Filmer's account of the theory of popular sovereignty, its context and origin, leads him to the discussion of natural law issues, which can be said to represent (b) the rational side of his argumentation. For Filmer, the source of political authority is the sovereign power God granted to Adam as the first patriarch and sovereign. He supports this argumentation by referring to Adam's absolute paternal power over his wife, his children and his servants. Furthermore, he refers to Genesis to claim that Adam was ordained

to be absolute sovereign over creation.[151] The natural law argumentation of such contemporaries as Grotius did not fit into this framework, consequently it proved to be a challenge for Filmer's points, and provided a starting point for the refutation of Filmer's thesis.

Considering the political practise, one of the most evident problems with Filmer's thesis was the question of succession. Being aware of it, Filmer held that the succession of absolute sovereign power went via the sons of Noah to the Kings of the Old Testament and finally to all later kings. He states that there has always and in every country been a legitimate heir, even when his identity was not known. To solve the problems evolving from such a statement, Filmer claims that the *de facto* sovereign had to be accepted as the right heir.[152] As a result Filmer's theory shows a certain proximity to pamphlets of the engagement controversy, [153] although he differs substantially from a great number of writers as he insists that political power has its source always in royal sovereignty.

Filmer's main attack, directed against the natural law thinkers, tries to prove the flaws in a theory of popular sovereignty. Arguing on a theological basis, Filmer claims that Scripture does not prescribe that political power has to be consent based. In the manner of Early Modern absolutists, he claims monarchies were in accordance with the creation of the Universe and supports this statement with the observation that republican times only led to chaos and civil war. Looking at the sources for the idea of popular sovereignty, it is

[151] This is a point Locke criticises already in the beginning of his *First Treatise* and it is most likely that his theory of acquisition (2nd *Treatises*) developed from this critique.

[152] Here it is to ask whether there was a *de facto* theory of political obedience which influenced Filmer similarly to Hobbes, or how Filmer comes to the claim of this principle. It is also likely, that he is just influenced by the current problems of the engagement controversy when he puts forward this statement. A closer analysis of this idea in consideration of problem of succession might also help to understand how Filmer's work entered the political debate in the 1670s and 1680s.

[153] The best discussion of this literature is Skinner, "Conquest and Consent: Thomas Hobbes and the Engagement Controversy".

surprising that Filmer takes most examples from the Jesuits Suarez and Bellarmine. He does not refer much to more recent natural law thinkers. Grotius is quoted a few times, but older sources prevail. In terms of sources backing Filmer's argumentation, Aristotle is most conspicuous. Filmer's use of him is noteworthy as a number of natural law thinkers do also refer to Aristotle but support an opposite case. In particular Hobbes's disapproval of Aristotelian philosophy had grown from his judgement that Aristotelian moral philosophy had paved the ground for sedition. Just for now, it is worth recalling that there is an absolutist Aristotelian tradition, which was strong on the continent and explicitly expressed in Bodin – the chief influence on Filmer's ideas – as well as the republican tradition, which we find being taken up by seventeenth-century anti-absolutists or monarachomachs among which we can also locate Sidney.

Filmer himself plays a key role as the initiator of natural law discourse among anti-absolutist writers. He introduces the notion of a state of nature in the discussion by quoting: "If the positive law be taken away, there is left no reason why amongst a multitude (who are equal) one rather than another should bear rule over the rest."[154] This argument, which serves as a basis for his attack on the initial liberty of man, inevitably stimulated the minds of Sidney and likeminded thinkers and forced them to deal extensively with the natural law principles underlying just constitutional arrangements. Thereby, as I shall show later in this chapter, he played a major role in shaping the way in which Sidney, Locke and Tyrrell developed their own political systems. Most evident becomes Filmer's impact through a comparison of Sidney's *Court Maxims* and the *Discourses*. While many concepts, such as the principle of virtue as a justification for political leadership, are developed in the former work and just re-appear in the *Discourses*, the discussion of the concept of initial liberty and a state of nature does only occur in the *Discourses*. Hence this addition to the already existing political ideas may be accredited to the

[154] *Patriarcha* I.2, 5.

contention with Filmer.

The lack of convincing premises for his argument is at the centre of Locke's critiques on Filmer's absolutism. Yet Filmer's arguments were still thorough enough to provoke his opponents to the writing of several hundred pages. Apparently, Filmer's arguments were – in the late seventeenth century – considered strong enough to justify such a reaction. To understand the heart of the crises we have to turn to Filmer's principal statements. They are: (1) that even Bellarmine states monarchy was in accordance with creation. (2) Scripture does not give evidence for an assembly of the people. (3) History proves, in particular in the case of Rome, that power is mainly kingly. (4) In Roman history, republics always had a short life only; all improvements of republican times were quantitative. (5) The example of David shows that God ordered Kingly rule.[155]

These arguments derive their great strength only in conjunction with Filmer's perpetual reference to Scripture. Unlike the unpopular Hobbes, he avoided getting into the danger of being suspected of being an atheist. Unlike Hobbes', Filmer's argument did not gain its significance from its philosophical sharpness, but from the intertwining of philosophical modes of argumentation with theological premises. Beside Scripture, history played an important role in Filmer's argumentation. Sharing this mode of discourse with republicans, he was en vogue, and may be even more accurate about the Roman period than his opponents. Relying mainly on Livy's interpretation of Roman republicanism, classical republicans distorted the historical facts of the Republican period as it served their purposes. The reading of Machiavelli, of course influenced their picture of Rome tremendously. Filmer's interpretation, on the other hand, even if he does not give an accurate account of his sources, is far closer to what twentieth-century classicists have brought to light about the Roman past.

[155] *Patriarcha* 96.

A first decisive difficulty in Filmer's text occurs when he analysis Bellarmine's thesis of the divine origin of the immediate political power in the people. Filmer's way of dealing with this statement is not convincing. He questions the value of this statement by interpreting it as the hypothesis that God was the author of democracy.[156] In this, he neglects the fact that Bellarmine is speaking about a situation characterised by the absence of government rather than about a specific form of it. Hence, Filmer wrongly equates Belllarmine's assumption of political power in the people with an ordinance for democracy. This is an over-simplistic interpretation in regard of the state of nature, which we have already encountered, especially because Bellarmine states that the multitude directs the power and is not seen as the corporation that executes the power itself, as Filmer would understand it. Twisting the facts in Bellarmine's statement, Filmer prepares the ground for his thesis that God must have given an ordinance about the holder of political power and arrives at his familiar conclusion that this form of government has to be tied to a single person.[157]

With this thesis, which is restated in various forms, Filmer has got to address the question of succession. Although he clearly argues for an exclusive succession of political power, he still does not give a sufficient explanation for the coexistence of several holders of political office in different places and that, in situations of conflict, the right ruler would have to be determined. In this respect, he appears in the end as a *de facto* theorist and deviates from his initial claim that political office is inherited directly from Adam's fatherly sovereignty.

[156] *Patriarcha* I.2, 5-6.

[157] *Patriarcha* I.2, p. 6-7.

I.3.2 Aspects of the anti-Filmer controversy

Sidney's Discourses are first of all an attack on Sir Robert Filmer's absolutism, but the work also contains a political theory. As an attack on absolutism the Discourses belong into the context of those writings that had the same polemical intention. Yet, despite being polemics against absolutism, the Discourses also fulfilled the purpose of broadcasting the author's political ideas to the reader. In this sense Filmer's *Patriarcha* served as a catalyst for Sidney to bring his political ideas to light. Although Sidney's political ideas conveyed through the Discourses are central to this essay, the dispute against Filmer still deserves attention as it dictated the form in which Sidney presented his political ideas. After all, Filmer's *Patriarcha* stimulated Sidney to recollect his political ideas. In case of an intended publication or informal circulation, it would also have fulfilled a rhetorical purpose: as *Patriarcha* obviously provoked rebuttal, a readership disapproving of Filmer's thought and absolutist theory would devote greater attention to Sidney's theory if presented as an attack on *Patriarcha*, instead of a mere presentation of a political theory.

Regardless of whether this speculative meditation on the form of Sidney's thought gives an exact account of Sidney's deliberations on potential readership, it still remains a fact that Sidney's theory of the Discourses is presented as an attack on Filmer. As a result, an attempt to understand the political ideas of Sidney in their significance for their time should include an exploration of the immediate literary context which is constituted by the argument of Filmer's *Patriarcha*, as the starting point for Sidney's presentation of his ideas as well as the writings of further anti-Filmer authors. The most prominent among them, we encounter in this exploration are Locke and Tyrrell. Even if their works attracted public attention later than Sidney's - unlike him, these authors had not the chance to promote their books through a spectacular trial followed by an execution - they still deserve to be considered in conjunction with the Discourses owing to their similar purpose. But first, the text will recall who these fellow anti-Filmer authors actually were and

proceed with an attempt to throw light on a few issues that were of mutual concern for Sidney, Locke and Tyrrell.

Exploring the ideas of Locke in this context is particularly interesting as he is the political theorist who is considered a classic example of the sources of western constitutional thought. Sidney was for a long time read alongside Locke whenever, for example, American authors inquired into the nature of constitutional ideas. Exploring the ideas of Tyrrell, on the other hand, opens a further opportunity to get an impression of contemporary anti-absolutist argument. Even if he has not advanced to our time's classical texts of political theory, he still had certain significance for the modern development of the idea of property as it seems that his ideas on property had a direct impact on John Locke.

In the current exploration of the relationship between *Patriarcha*, and the anti-absolutist writings, Sidney's text serves as a frame of reference. I shall ground this exploration on Jonathan Scott's analysis of Sidney's text and add information about the relationship to the other anti-Filmer authors. The actual content of Sidney's theory, or the essence of it, will be subject of the next chapter. In this account the context in regard of similarities and dissimilarities to Tyrrell's and Locke's ideas - is of greatest importance as well as the form of the argument, which is dictated by the context of *Patriarcha*'s impact. Jonathan Scott's account of Sidney's Discourses will serve as a guideline.

> "For Sidney, as for Locke [and Tyrrell], people are naturally equal - not actually, but morally, in their relationship to God. They are also naturally free - in their relationship to one another, not in their relationship to God."[158]

Jonathan Scott hits the nail on the head with this characterisation of the premises for the attack on Filmer. On Tyrrell, even if not considered by

[158] Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683*, 215.

Jonathan Scott, this statement fits as well. Filmer himself was the originator of this emphasis on liberty and equality. As mentioned in the chapter on *Patriarcha*, the principal object of Filmer's polemics was the premise that man was born free and therefore has a right to choose his own government. Refuting this premise with his emphasis on the patriarchical right of kings derived from Scripture, Filmer had the effect that the limitation of liberty implicit in his theory was disproved on the basis of both theological and natural law argumentation. This was indeed the starting point for the writings of all three authors who declared liberty an original principle of government. Through this the relationship between Filmer, Locke and Tyrrell Filmer became, unintentionally and indirectly, one of the key originators of the modern emphasis on liberty as a principle of government.

Liberty and equality are so fundamental in the anti-Filmer writings owing to their reference to a state of nature. In this account the ideas of Bellarmine are taken up and developed further. The prevailing thought is that this liberty and equality of a state of nature is the foundation for considering government as a contractual arrangement. This concept is diametrically opposed to Filmer's interpretation of government as a divinely sanctioned order that regulates the life of man. While Filmer's system is rigid in its exclusive appeal to recognition of absolutist monarchical government, the contract allows a variety of possible institutional arrangements. This variety is reflected in the writings of Sidney, Locke and Tyrrell. There is a mutual consensus on liberty as an original principle of government, but apart from mutual consent that an absolute government is not an acceptable one, all authors provide a different answer to the question what the right form of government is. While Sidney promotes a form of government that furthers virtue among citizens and magistrates, but is not specific in terms of a particular constitutional arrangement, Locke promotes a government that is sanctioned by parliament, while Tyrrell is specific in his statement that he "references monarchy above all other[s]" forms of government. It is not a rejection of monarchy itself that

is the target of his argument, but a rejection of absolute monarchy on the basis of the laws of nature. [159]

Locke's *Two Treatises* introduce and reject Filmer's argument. First, Locke, like Sidney, refutes the argument that man was not born free. He starts with the accusation of Filmer's theory as degrading all men to a state of slavery through the thesis that no man is born free.[160] In chapter II, he already turns to discussing the difference between paternal and regal power, to continue with the rejections to Adam's title of sovereignty in chapter III - VI, to complete this argumentation with the discussion of Adam's right of dominion in consideration of his right of property in chapter VIII. Locke finishes the first book by scrutinising such further issues as inheritance in chapter IX-XI. Book two, the better known part of Locke's theory, sets out a counter definition of political power, as "a Right of making Laws" and punishment.[161] Locke continues with definitions of right and punishment. During the discussion of the state of nature he introduces life, liberty and property as fundamental values that are to be protected by natural law. In the course of the further exploration these values form the foundation for discussing the constitutional shape of politics. To sum up, the favoured institutional shape expressed in his work is built around the idea of protecting citizens, rather than influencing them in their moral development, as is the case in Sidney's approach. The contract serves as justification for the maintenance of the political principles established.

James Tyrrell is far less well known even than Sidney. He also stands in the shadow of John Locke. While mentioned frequently in conjunction with John Locke and the circle around Shaftesbury, Tyrrell hardly got any exlusive

[159] *PNM*, "Introduction".

[160] *1st Treatise*, I.1-3, 141-2.

[161] *2nd Treatise* I.3, 268.

attention, nor does his *Patriarcha non Monarcha*.[162] There is only one article by J.W. Gough that is completely devoted to Tyrrell and provides further information on this author's background.[163]

Tyrrell sets out, that interpretation of Scripture ought to be in accordance with reason. He primarily concentrates on the practical implications of Filmer's theory. Through discussing the legal implications of domestic relationships between parents, children and slaves and the nature of marital relationships,[164] Tyrrell prepares the ground for discussing political matters in showing that domestic and political power are not equivalent.[165] Tyrrell continues with inquiring into the origin of sovereignty and of society, which is the key for the rejection of Filmer's absolutism.[166] In the following sections, Tyrrell deploys the relationship between children and parents as a metaphor for government subject relationships. Speaking about children suffering under ill behaviour of their parents, Tyrrell introduces the natural law of self-preservation as a justification of disobedience. In consideration of government, Tyrrell underlines, that the power of a king is the result of a contract and not a God given right.

In the annexed account of Filmer's *Observations concerning the original of government,* and of the *Observations on Aristotle's Politick's*, Tyrrell presents

[162] James Tyrrell, *Patriarcha Non Monarcha: The Patriarch Unmonarch'd: Being Observations on a Late Treatise and Divers Other Miscellanies, Published under the Name of Sir Robert Filmer* (London: Printed for Richard Janeway, 1681).

[163] J. W. Gough, "James Tyrrell, Whig Historian and Friend of John Locke," *The Historical Journal* 19, no. 3 (1976). Owing to Tyrrell's Brief disquisition of the law of nature according to the principles and method laid down in the Reverend Dr Cumberland's Latin treatises on that subject, (London1692), he found further attention in Jon Parkin, *Science, Religion and Politics in Restoration England : Richard Cumberland's De Legibus Naturae, Studies in History* (London: Royal Historical Society, 1999), 215-21.

[164] *PnM* 15-22; 102-113.

[165] *PnM* 44-109.

[166] *PnM* 104-123 (there is a pagination mistake in the book).

his theory of the development of property. As later re-stated by Locke,[167] the earth is considered common property and may be acquired through work in accordance with the respective needs of a person. Here again Tyrrell brings in the natural law principle of self-preservation. With this - in contemporary perspective- innovative approach, Tyrrell attacks Filmer's principle of dominion, which was the major issue in his and Locke's battle against Filmer, but which was also the issue that distinguished them from Sidney's approach. Tyrrell's and Locke's major difference from Sidney is the issue of property rights, that play a minor role in the *Discourses*.

For the current exploration, the meaning of natural law arguments deserves attention in relation to the refutation of the original right to dominion, or political power and property. In the course of assessing Filmer's polemics against Bellarmine, Sidney asks, "Whether in his opinion, the empire of the whole world doth, by the laws of God and nature, belong to one man[...]?"[168] He gives the answer himself in referring to the principle of liberty and equality in relation to the pre-social scenario of the state of nature. Rather than belonging to one man, here political power belongs to every man. According to their own judgement individuals join together and "set up one, or a few men to govern them, or to retain the power in themselves".[169] As a result, the source of sovereignty and dominion is in the people, but political power is executed by those chosen to take on responsibility for all. In this account of the nature of political power, Sidney pursues a genetic approach; he focuses on the historical development of political power. In this approach, the development from pre-social condition to society is presented as alternative to the Filmer approach, which uses Scripture as a source to claim its foundation to be historical truth.

Locke attacks the backbone of Filmer's theory, Adam's exclusive right of dominion, by accusing him of Scriptural error. Locke's argument rests on the

[167] Schobinger and Ueberweg, *Die Philosophie des 17. Jahrhunderts, Bd. 3. England*, 747-8.

[168] *Discourses* I.5; 97.

premises that the earth was not exclusively given to Adam, but also to Eve and their descendents. He concludes "God gave (I. Gen. 28) [...] a *Private Dominion* [...] to Adam in particular [...] but a Dominion in common with the rest of Mankind", thus he establishes his view that the Earth is common property.[170] A point that becomes very clear through comparing these authors to Sidney is the absence of an emphasis on the idea of virtue. The concept of virtue, which was to a great extent of Aristotelian origin, discloses itself through the contrast as a particularity of Sidney. The use of the concept of initial liberty and of the contract, on the other hand, unites these authors and may stand as an example for the extent of Filmer's influence on the development of the political philosophy of all three authors. This influence is also at stake if we take into account that all the considered anti-Filmer authors share the claim of contending with their adversary on the basis of discussing the "true and original principles of Government", which is a hint to natural law as well as to an understanding of politics as a process that evolves around fundamental concepts. Hence, their emphasis on original principle may be understood in a twofold manner, firstly as an emphasis on principles that had already importance before political order was set up. Thus, the term "original" is understood in the sense of initial. This interpretation looks at the genesis of political order and considers these principles as a kind of source. Secondly, the emphasis on original principles may be understood in the sense of an appreciation for the value of fundamental and permanent principles. This interpretation refers to principles that can be identified as the essence of politics. Thus, it refers to "original principles" as timeless maxims underlying the institutional shape of politics as well as political decision making processes. In Sidney's case we may encounter this approach in his emphasis on the value of the concepts of virtue, liberty and justice in the *Discourses*.

[169] *Discourses* I.5, 99.

[170] *Two Treatises* I; 29, 32, 40.

II The shape of Sidney's theory

II.1 Introduction: approach and introduction to Sidney's argument

While the *Discourses* was a polemical work, it also has a core of political ideas that can be abstracted from it. This core of political ideas is what I am focussing on in this part of the thesis to establish an understanding of the nature of Sidney's political thought. In a short summary of the *Discourses,* I shall introduce the way it is argued. Most literature so far has dealt extensively with the polemical aspects of the *Discourses* so that there is not much to add beyond the introduction of the intellectual climate presented in the last chapter. For a more extensive account of these issues, the secondary literature offers substantial information that allows enlargement of the picture beyond the scope of the thesis.[171] The main body of this text will focus on the question of what the essence of Sidney's political work really is beyond the polemics against Filmer, which are covered scantily to avoid losing sight of them completely.

In the course of this approach to exploring Sidney's political ideas, the text will focus on key concepts, as introduced in the methodological Introduction, section 2. Hence, instead of presenting an attempt at classifying or de-classifying it as republicanism or any other sort of political language in Sidney's writings, the thesis aims to re-approach Sidney's writings by

[171] Literature on the political intention of the *Discourses*: Carrive takes great care of the links between Sidney's and Filmer's arguments in her account of the *Discourses.* Carrive, *La Pensée Politique d' Algernon Sidney, 1622-1683: La querelle de l'absolutisme*, 79-167, Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683*, 203-64. For a study of the direct influence of Filmer on Sidney's arguments, it is particularly useful to refer to West's edition of the *Discourses.* The editor references Sidney's attacks on Filmer throughout the text, so that it is easy to read both texts side by side. Sidney, *Discourses Concerning Government.*

presenting above all the concept of virtue in the variety of its implications as well as the concepts of liberty and justice in their implications for Sidney's political philosophy. As the discussion of virtue will be intertwined with an account of Sidney's idea on human nature, this chapter will also allow some conclusions to be drawn on the question of why virtue has such a pre-eminent position in Sidney's thought, what meaning the other concepts have in relation to this position and on Sidney's account of the relationship between the individual and the state. This last point will be considered in regard of the question, of what purpose Sidney ascribes to political power.

The purpose of political power is of greater significance for the thesis than the question of how to classify Sidney. As set out in the Introduction, section 4, there are justified doubts as to whether Sidney is a classical republican author. Owing to the variety of influences that found their way into the *Discourses*, it is hard to give a sound classification of the nature of Sidney's thought. The focus on concepts, however, will make a start in building up an understanding of Sidney's main ideas by dealing with ideas extracted from the text itself. In our case, the concepts of liberty virtue and justice. The text aims to introduce the resonances of these terms by interpreting them through comment on a number of selected quotations. Although the current approach does not aim to be comprehensive in gathering all significance of the concepts, it may still provide a basis for future research on the essence of Sidney's ideas. By pursuing this line of inquiry, I aim to create a better understanding of Sidney's appreciation of virtue and its significance for the question of the institutional shape of politics envisaged by Sidney. The discussion of the key concepts, particularly of Sidney's concern for virtue, will suggest that the above named concepts serve as fundamental principles of government, whose maintenance is more substantial to Sidney than the existence of a particular form of government. On the basis of this chapter's exploration, I shall develop the thesis that it was not the decision on particular constitutional arrangements that mattered most to Sidney, but the existence of a political reality that allows those who are endowed with virtues to excel for the sake of being an example as well as the guide to those who are governed.

Thus, the purpose of political power is envisaged in consideration of the moral development of the governed.

II.2 Sidney's argument

This principal theme of the *Discourses* is embedded, as stated above, in the attacks on Filmer. At this point it is worth emphasising that I treat Filmer's *Patriarcha* as catalyst for Sidney's production of the *Discourses* in the distinctive intellectual climate of the late seventeenth century (see Chapter I). Particularly since Blair Worden's recent discovery of the *Court Maxims*, there is no doubt that Sidney's political thought had developed much before the writing of the *Discourses,* hence, that his thought developed independently from the polemical intention that is the starting point of the *Discourses*. Yet, imprinting its shape on Sidney's *Discourses*, *Patriarcha* had an undeniable influence on the form of the *Discourses*, and therefore also on the way in which Sidney's key concepts are presented to the reader.

The key concepts have a twofold function in being firstly deployed as a weapon to contend with Filmer and secondly in communicating the backbone of Sidney's thought. The concept of virtue, for example, is directly held against Filmer when he characterises the nations that Filmer refers to for the sake of giving evidence of his political theory. Sidney states, "Assyrians and other Eastern nations [...] were never remarkable but for pride, lewdness, treachery, cruelty, cowardice, madness, and hatred to all that is good". Contrasting Filmer's examples, Sidney presents his own, in this particular case, the Greeks and Romans, who, in contrast to other statements of Filmer, he characterises as excelling in "wisdom, valour and all the virtues that deserve imitation."[172] This statement, too, provides clarification: first of the way in which *Patriarcha* directly influenced Sidney, e.g. in the choice of

[172] *Discourses* II.1, 134.

commenting on particular historical examples, and secondly in the way on which Sidney intertwines the presentation of his own political concepts with his attacks on Filmer.

To characterise the role of *Patriarcha* on a more general level, it may be said that the work dictates the frame of the *Discourses* for two reasons: it challenges Sidney to a point by point answer and attempts to discredit several thinkers whose thought seems convincing to Sidney. Secondly, it stimulates Sidney to refer to and to reassert discredited authors very directly. Hence, Ancient Greek, Ciceronian and Tacitean ideas are supported and enhanced. Through dealing with Bellarmine's and Suarez's account of the state of nature, Sidney is stimulated to discuss natural law ideas on the foundation of society. These ideas gain significance and are further developed in consideration of Grotius', and Coke's justification of rebellion.[173] In his rather extensive explicit usage of Filmer's sources, Sidney differs from Locke and Tyrrell, who attack Filmer, but do not place great emphasis on justifying openly the ideas of Filmer's adversaries from earlier times. While Locke hardly provides any reference to his sources, Tyrrell is more accurate in their regard. Still, Sidney is ahead of them.[174]

Sidney's answer to Filmer starts with the reassertion of natural law theory. In the second chapter, Sidney concentrates on an extensive re-establishment of the value of republican forms of government, particularly through underlining the superior value of republican states over absolutist states.[175] It remains to ask in this respect, whether Sidney is speaking for republics or simply for non-absolutist forms of government. The answer to this question will be approached by means of discussing Sidney's key concepts below.

Regardless to the extent to which Sidney favours republicanism as such,

[173] Cf. Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683*, 209.

[174] This characteristic of Sidney's *Discourses* allows the reader to get introduced to the time's sources of political thought. It is a further point that gives the *Discourses* a certain value as a source for research on the intellectual climate of the time.

[175] Scott, "England's Troubles: Exhuming the Popish Plot," 213.

one unique point about his political thought can already be stated. Sidney is distinguished from such contemporaries as Hobbes in suggesting that political order has deeper moral implications than just creating a co-operative advantage over a state of nature situation.

From chapter II; 30 - III; 14, Sidney brings arguments against absolutism. These chapters promote virtue as a counter-principle to inheritance or arbitrary distribution of political responsibility. In this respect, the polemical intention of the work is very clear, as well as *Patriarcha*'s function of serving as a catalyst that stimulates Sidney to voice his political ideas.

Sidney concludes this account of politics with references to the "ancient constitutionalist history of the Anglo Saxons", which he presents as a counter example to Filmer's and to contemporary justifications of personal rule. This approach finally leads to a plea for rebellion in conjunction with a claims for the "[absolute] sovereignty of parliaments."[176]

II.3 Original Principles

Beyond this general structure of the discourses, Sidney's political concepts determine the structure of his political thought. Sidney himself claimed during his trial that the manuscript seized was concerned with "general principles" which were written "long since". Blair Worden claimed, "those statements were not true, but that there was truth in them." Truth was in them because Sidney's political ideas reflected in the *Discourses* had developed over a long period of time.[177] But truth was in these statements as well, because the *Discourses* allow the identification of "general principles". Through my own research I have come to the conclusion that Sidney's political thought rests on the foundation of the concepts of virtue, liberty, and justice which form the

[176] Ibid., 214.

[177] Worden, "The Commonwealth Kidney of Algernon Sidney," 14.

ground of Sidney's attacks on Filmer and the centre of his thought. While virtue is the centre peace of these three concepts, particularly in consideration of the purpose of the state, liberty is considered a general principle that emphasises the principle of choice in regard of a form of government and the protection of the person against arbitrary measures of the government. Justice in its ideal form is above human capability, but always a governing principle; the state came into existence for its sake. It is linked to the purpose of the state in at least two ways, firstly justice protects the citizen from injury, and secondly the state's aim is, according to Sidney, to encourage man to virtue, which consists in just actions.

For Sidney, the concept of virtue is grounded on a metaphysical premise that combines goodness in the Christian sense with the Classical Greek ideal of excellence as the highest aim of man's moral development. Platonic influences and, above all, political Aristotelianism stand in the background of Sidney's idea of human nature and shape his understanding of virtue. If we inquire into the particularities of Sidney's political thought and ask what sort of political ideas he is promoting, we arrive at the following principal statements:

Firstly, Sidney speaks for maintaining an order that guarantees the flourishing of virtue, liberty and justice.[178] Maintaining these concepts as the foundation of all political reality has greater value than any form of government may have in itself.

Secondly, Sidney has a normative teleological idea of human nature that is to be considered in his account of virtue. As a result, the state ought to have a civilising effect on human conduct rather than just regulating human activity. The end of the state is the sound moral development of its citizens. It may be achieved through institutional mechanisms and the right sort of people in power - those who are virtuous.

[178] I shall give various references for this thesis in the respective chapters dealing with these terms.

Thirdly, a just state is, owing to the latter point, more than just an order that prevents mutual injury and secures property. Rather it provides an environment that is conducive to man's striving for virtue. This gains significance, for example, in Sidney's account of law. In his account, law is more than a regulative mechanism deployed to avoid disaster. It functions as a means of education for both citizens and magistrates. While it regulates the affairs of citizens, it also encourages the development and maintenance of virtue among both citizens and magistrates. In this sense, it has the purpose of encouraging just and good behaviour. It ought to prevent magistrates from falling into corruption so that they can fulfil the end for which they are instituted.

Fourthly, virtue is the governing principle regarding the distribution of power. The concept of virtue is the foundation of Sidney's understanding of just hierarchy within a state.

With a broadened perspective, the above points agree with Sidney's metaphysical premises, in which they are embedded. As we know from Sidney's friend Jean Baptiste Lantin, Sidney considered theology the highest form of knowledge. He stated, "political science, or the study of the world of men [...] is second only to Theology or the study of God".[179] It follows that the fundamental concepts are more than just the constitutive foundation for a worldly political order. They are the basis for a political thought which is, despite all contemporary fashions, anything but completely secularised.

In the aforementioned points, we may detect a close proximity to Ancient Greek ideals of political life. While the teleological idea of human nature is closest to Aristotelian thought, the metaphysical background may be disclosed as a Christian version of Platonism which is equally discernible in other aspects of Sidney's political thought. The extent of this proximity will be explored in Chapter III, "The intellectual foundation". At this point, I limit

[179] Sidney's conversation with Jean Baptiste Lantin, quoted after Scott, *Algernon Sidney and the English Republic, 1623-1677*, 4.

myself to unravelling the meaning of the three key concepts of virtue, liberty and justice through an exploration of the text itself.

II.3.1 Virtue

The concept of virtue can be scrutinised from various angles, since Sidney speaks about virtue in a holistic sense. Several implications of the term are not obvious at first glance. To throw light on the meaning of the term, I shall place particular emphasis on the role virtue plays as the end of human nature, which is crucial for Sidney's political thought as a whole: the virtue of the citizen, virtues relationship to society and Sidney's political virtue are in the centre of attention. Covering these perspectives on the idea of virtue, I hope to do justice to the holistic idea of the term, as it has been transmitted from classical antiquity to the early modern period, which differs from our modern understanding.

In this approach I am not trying to marginalise the emphasis which has hitherto been placed on such other key concepts of republicanism as the participatory ideal of citizenship, the principles of mixed constitution,[180] liberty,[181] as well as the Machiavellian concept of virtue.[182] I rather make a first step towards building on and complementing these ideas through a study of the classical, primarily Greek impact in the case of Sidney. But first, there is something to be said about virtue as it appears in the *Discourses.*

[180] Cf. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition.*

[181] Cf. Skinner, *Liberty before Liberalism.*

[182] In Sidney's time, this idea is most explicit in Harrington's political thought. Cf. Fukuda, *Sovereignty and the Sword: Harrington, Hobbes, and Mixed Government in the English Civil Wars,* Harrington, *The Commonwealth of Oceana,* James Harrington and J. G. A. Pocock, *The Commonwealth of Oceana and a System of Politics, Cambridge Texts in the*

Sidney holds a normative concept of human nature, though he does not disregard empirical observations on man found in society. This shapes Sidney's idea of human nature uniquely and indicates his bridging position between medieval and humanist accounts of virtue and the early modern emphasis on empirically derived knowledge. Through this fusion of two different approaches to the acquisition of knowledge, he differs from his contemporary Thomas Hobbes, who aimed to leave ancient knowledge behind, to build a new science of politics based on reason and observation, as already mentioned in the chapter on Sidney's context. On the other hand, Sidney's thought is also to be distinguished from humanist idealism about human nature, in accepting and explaining the dichotomy between human destructive behaviour and the ideal of goodness or virtue. He accepts that moral failures are a particularity of human life, rather than being tempted to succumb to an over-idealistic adoration of classical ideas.

From the other anti-Filmerian authors, Tyrrell and Locke, Sidney differs in respect of his frequent direct and indirect references to his idea of human nature. Comparing *Patriaracha non monaracha* and *Two treatises on government* to a reading of the *Discourses*, the reader is left with the impression that Sidney has a much greater interest in communicating a certain idea of human nature than the other authors. This emphasis on human nature, and particularly on its weaknesses, is directly linked to Sidney's concern about the right distribution of political power. He is convinced that knowledge of human nature is a pre-condition for taking on political responsibility. Firstly, because the purpose of the magistrate's office lies in providing guidance for the people's moral development, and secondly, because

History of Political Thought (Cambridge: Cambridge University Press, 1992), Worden, "English Republicanism."

"[t]hey who know the frailty of human nature, will always distrust their own; and desiring only what they ought, will be glad to be restrain'd from that which they ought not to do."[183]

As discussed in the biographical chapter, Sidney knew only too well from own experience how difficult it may be, if one has high moral ideals, to live up to them. Hence, he might well have spoken from his own experience when stating, "there is a vast distance between what men ought to be, and what they are."[184] The desire to overcome this gulf between ideal and reality was the aim of both Algernon Sidney's personal life and of his writings. Similarly, this aim is considered in relation to his own person as well as in relation to his country. To establish the value of virtue, as well as to present it as a natural aim of man, Sidney deploys the same state of nature ideas that he and his contemporaries use to prove society's foundation on the social contract. Unlike Rousseau, Sidney does not suppose that man would in mere wilderness become "what he ought to be", and thus develop his moral potential independently. Rather, he considers education the premise for a sound development of human moral potential.

Like virtue, education is understood in a more holistic sense than common usage suggests. Sidney ascribes an educational function to "well govern'd states [in which] men from the tenderest years are brought up in a belief, that nothing [...] deserves to be sought after, but [...] virtuous actions".[185] He ascribes an educational function to all influences within a state that have an impact on the moral growth of a human being. Laws, behaviour of fellow citizens, and particularly magistrates in public offices play an important role, who, "by precept and example [...ought to] educate the youth in a love of virtue and truth".[186]

[183] *Discourses* III.36, 523.

[184] *Discourses* III.1, 325.

[185] *Discourses* II.25, 253.

[186] *Discourses,* III.19, 432.

This awareness of the effects of a civil environment on moral growth is one means of explaining a key feature of Sidney's ideas on the institutional shape of politics. It explains that Sidney's anxiousness about the quality of a political system derives from his awareness for the effects on morality that an ill constituted system may have. As a result of these deliberations, Sidney's approach requires the measurement of the value of a political system against the effects it has on the moral development of a nation. This result-oriented focus frees Sidney from the tendency to any kind of constitutional dogmatism. Sidney, like other contemporaries - most prominently, Thomas Hobbes - outlines the value of a state and particularly man's dependence on it through imagining that its absence would result in a "fierce barbarity of a loose multitude, [as it is] bound by no law, and regulated by no discipline". Such a condition of life is, according to Sidney, "wholly repugnant to" the way in which man ought to live. "Whilst every man fears his neighbour, and has no other defence than his own strength, he must live in [...] perpetual anxiety".[187] Here, the description of an extra-social condition serves as illustration of unimproved human nature. It reveals that man is driven by "affections, passions and vices,"[188] and bound to lead a life in "bestial barbarity" unless improved by "art and discipline".[189] These juxtaposed forms of life reveal that Sidney's account of human nature is Manichean. On the one hand, he considers human nature as being prone to barbarity, on the other hand, he throws in that 'art and discipline' are the means that ought to change the situation. These means, however, are, as we shall see later, considered to human invention. Hence, like the potential for corruption, Sidney also sees the potential to innovation and creating regulating mechanisms as grounded in human nature.

Through this dramatic description, the necessity of having a state that regulates human life is emphasised, particularly as some passages of the text

[187] *Discourses,* II.1, 83.

[188] *Discourses* II.1, 83.

indicate that Sidney considers, like Hobbes, a perpetual state of war as the alternative to civil life. Yet the decisive difference from this contemporary political author is that the right form of the political system matters to Sidney more than the mere existence of a state as a means of war avoidance. This line of thought is already evident if we consider the presentation of Sidney's examples for illustrating a life that lacks virtue.

Sidney presents two different forms of life characterised by the lack of virtue. They share the characteristic of a life governed by passions rather than reason. As everyone, even "the best men can never wholly divest themselves of passions and affections",[190] these forms of life exemplify what may happen to all human beings, even within a well governed state.

The first example and the prototype is the "natural man"; he stands for life characterised by a low moral standard and illustrates man's moral incompleteness; as "man by sin is fallen from the law of his creation", Sidney considers him "in a perpetual enmity against God, without any possibility of being reconciled to him, unless by the destruction of the old man". With this last point, he reveals much about his idea of human nature as this very destruction of the old man is at the heart of Sidney's political thought. This idea implies that man is in a constant struggle to move towards the initial state, "to degenerating or renewing him through the spirit of grace."[191]

This statement provides, in reference to Adam's original sin, a theological explanation for man's danger of falling back to a state of brutishness. It also reveals that Sidney's concept of virtue is not just part of a secular political theory, but the key to an understanding of human nature that is grounded in religious premises. We may conclude from this statement that goodness is not just a quality in relation to a certain social environment and its moral standards, but a quality that cannot be separated from Christian morality conveyed through Scripture. This is particularly clear through the textual

[189] *Discourses* III.7, 357.

[190] *Discourses* III.24, 461.

context of the above quotation as it occurs in conjunction with reference to such biblical quotations as "Out of the heart proceed evil thought, murders, adulteries, fornications".[192] Here the text presents the religious implication of Sidney's emphasis on the need to strive for virtue. This provides a first explanation for the significance of this key concept.

The second example of man characterised by a lack of virtue is observations on natural tribes. Like other contemporaries, Sidney sometimes refers to, for example, native Africans and Americans to illustrate his arguments with an impression of basic and pre-civilised forms of life. Their brutishness reveals to Sidney what human nature is, if not "improved by art and discipline".[193] In line with contemporary assumptions, he considers those tribal political structures as basic and autocratically organised. He assumes that "Asiaticks and Africans" pursue a life of a low moral standard. In the light of Sidney's ideas, they appear as being most opposed to the ideal of the virtuous man. Their lack of virtue goes together with them "being careless of their liberty, or unable to govern themselves". This latter trait allows Sidney to look at their lack of virtue in conjunction with an irresponsible handling of liberty. In this respect, he is explicitly referring to Aristotle, by stating that they

> "were by Aristotle and other wise men called *slaves by nature*, and lookes upon us little different as beasts. /This [...] has its root in common sense [and] reason."[194]

[191] *Discourses* II.8, 123.

[192] *Cf.* Matthew 15:19.

[193] *Discourses* III.7, 357.

[194] *Discourses* I.2, 9. In the seventeenth-century-context, not many people had contact with slavery and savages, there were various examples for the use of the term slave to illustrate lack of virtue. Writings in literature, philosophy and Political theory content various examples. Due to this context, an adoption of the Aristotelian conception was at hand.

The most striking phrase here is: "being careless of their liberty". It highlights both Sidney's aim to discredit all social and political structures built on a high limitation of liberty and his emphasis on individual human autonomy. Here, it becomes particularly clear that the *Discourses* 'concern' not only the issue of political 'government', but also the issue of self-government, which is the ability to be responsible in liberty instead of careless as the slavish man is bound to be, which we shall explore in Chapter II.3.2.

Through the drastic examples of life untouched by civil society, the *Discourses* contrast Sidney's ideal of man as he "ought to be"[195]. Although this contrast underlines the normative character of Sidney's idea of human nature, the *Discourses* also display Sidney's experience of the imperfection of human nature, most explicitly in such claims as that perfection is in God only.[196] However, even if perfection seems unattainable, Sidney is not at all convinced that this characteristic of the human condition would free man from a constant obligation to strive for virtue as the above statements on the natural man have already allowed suggested. Rather he sees it as the reason for man's dependence on the state as a means that encourages moral growth.

Regarding the relationship between the state and virtue, education plays a pre-eminent role. The state itself is seen as a means of education; it fulfils a civilising function. Sidney makes clear that by means of educational arrangements "virtue itself becomes popular." With this statement, he introduces the reader to his idea of judging a political system against its ability to provide an environment in which virtue can flourish. He calls such a state "well-governed".[197] While Sidney's examples for such states, e.g. Sparta and Rome, are republics and may suggest that Sidney only approves of republican governments, the emphasis on the importance of a virtue-fostering environment suggests that Sidney's primary concern is not the form of government, but the state's ability to foster virtue. In conjunction with the

[195] *Discourses* III.1, 325.

[196] *Discourses* III.24, 463.

above statements, Sidney defines virtue only vaguely as "such qualities as are beneficial to the publick".[198]

This rather vague definition permits accommodation of the notions of virtue that appear to be important through a reading of other passages of the *Discourses.* The educational function of the state as well as the weight that Sidney places on this function is most explicit when he states, "but a state cannot subsist, which compensating evil actions with good, gives impunity to the most dangerous crimes".[199] In this account, he shows that concern for the educational side of politics is not only a precondition for the development of virtue, but even a necessity for the survival of a state. Hence, a decreasing concern for the common good goes along with dissolution of the state. The quoted passage is particularly concerned with services rendered to the state, that justify relief from punishment. With this topic, Sidney expresses that the educational and regulating function of the state has significance for the behaviour of political leaders.

Being a work on government, the *Discourses* reveal further insights into Sidney's concept of virtue in sections that are concerned with political leadership. Sidney identifies the origin of political office in the "consent of men", who set up magistrates that they "may be well with themselves and their posterity". This, according to Sidney, is accomplished by advancing those above their equals, "who have valour, integrity, wisdom and skill" and are "most fit to [advance] the common good.[200] Unlike the above introduced concept of the slave by nature, the magistrate is expected to excel in self-government.[201] Only self-government allows him not to follow passions that lead to corruption and enables him to "seek the good of the people" which

[197] *Discourses* II.25, 253.

[198] Ibid.

[199] *Discourses* II.18, 178.

[200] *Discourses* I.16, 49.

[201] Cf. *Discourses* III.21, 442.

chiefly consists "justice and virtue, [which] he endeavours to plant and propagate".[202] Asking in what way virtue is promoted by the magistrate, the issue of education gains significance. Sidney considers

> "it a great part of his duty, by precept and example, to educate the youth in a love of virtue and truth [...] before they attain the age which is exposed to the most violent temptations".[203]

To illustrate his understanding of well-developed virtue among magistrates, Sidney refers to historical examples. One of them is Alexander of Macedon. Referring to him on the one hand illustrates man's ability to attain a high level of virtue when Sidney says, "[h]e seems to have been endow'd with all the virtues that nature improved by discipline did ever attain". On the other hand, Sidney also deploys the example of Alexander to emphasise the instability of human nature, which prevents man from achieving virtue as a stable quality, when he says "but even that virtue was overthrown by the successes that accompanied it [...] so that it may be truly said, he died a coward".[204]

The case of Alexander allows Sidney to prove how easily and in what manner such an eminent virtue may be lost. A result of virtue is success; yet success may also give way to corruption. In this case, the advancement of corruption becomes apparent when Alexander "burnt the most magnificent palace of the world, [...] kill'd the best and bravest of his friends, [when] his valour [...] perished[,...and...] he became lewd, proud, cruel and superstitious". As the source of this corruption, Sidney identifies – most likely while imagining the English situation, which is sarcastically described in the *Court Maxims* – the influence of such morally inferior persons as "a drunken whore [... and] eunuchs and rascals".[205] This example shows to what extent Sidney

[202] *Discourses* III.19, 432.

[203] *Discourses* III.19, 432.

[204] *Discourses* II.11, 139.

[205] *Discourses* II.11, 139.

ascribes the possibility of maintaining virtue through context. This is not only true in the case of governors or magistrates, but also in the case of the people or the citizen.

As we have seen in the example of Alexander the Great, Sidney is aware that virtue may always vanish and does so particularly among people who hold political offices. Similar to the conviction that citizens have to be educated to be virtuous by the state, magistrates and governors have to be prevented from losing virtue through the state. The means for that is law; he considers it "a help to those who are wise and good, by directing them what they are to do, more certainly than any one man's judgement can do".[206] This role of law shall be encountered in further detail in Chapter II.2.3.

The ability to govern makes some men eminent within a people. Accordingly Sidney states,

> "valour, integrity, wisdom, industry, experience and skill are required for the management of those military and civil affairs that necessarily fall under the case of the chief magistrates. He or they therefore may reasonably be advanced above their equals, who are most fit to perform the duties belonging to their stations"[207]

Among those factors that Sidney names as a source of the development of virtue, warfare has significance too. There is no doubt that, among others, this notion of virtue in particular owes a lot to the Machiavellian influence. Yet this influence will not be treated separately since the focus will later be on the ancient Greek influences on Sidney. At this point, it is merely worth emphasising that a number of Machiavellian ideas occur in combination with Aristotelian ideas in Sidney's as well as in other seventeenth-century writings

[206] *Discourses* III.13, 390.

[207] *Discourses* I.16, 49.

on politics. At this point, we shall concentrate on the relation between virtue and warfare that Sidney's text reveals.

Referring to the English past, this aspect of Sidney's thought comes into sight through his particular interest in ancient or Saxon nobility and the relationship between virtue, responsibility and war. It appears that the Saxon nobleman is considered an example of eminent political virtue. While Chapter I.1. introduced the biographical context that seems to have shaped Sidney's interest in this aspect of English history, the following account looks at Sidney's account of ancient nobility in the *Discourses.*

Sidney is convinced that the ancient English nobility – which he considers true nobility owing to their virtue[208] – proved their ability to take on responsibility through brave actions in war. They were, in Sidney's account, examples for their inferiors and were followed voluntarily. Through military virtue, they excelled them and were admired for it and ennobled.[209] As already mentioned in the biographical introduction, Sidney was well aware of such examples of true nobility among his ancestors from the Percy, the Neville and the Dudley families. This family background emphasised the idea of a virtuous nobility. In Sidney's approach to political philosophy, the emphasis on a nobility based on virtue introduces the idea of a political hierarchy based on virtue. It is opposed to a hierarchy based on the inherited right of kingship and the respective king's inclinations to advance or degrade individuals who are to his service. In consideration of the situation of his times, he calls them "court creature[s]"[210], who attained their title through payment or dubious favour rather than through his own or his ancestors merit.[211] These people were, in Sidney's account, far from being virtuous and even farther from proving their ability on the battlefield.[212]

[208] *Discourses* III.28, 486.

[209] *Discourses* III.28, 484.

[210] *Discourses* III.28, 489.

[211] *Discourses* III.28, 483, 489-90.

[212] *Discourses* III.37, 526.

II.3.2 Liberty

Liberty inspires "solid virtue, and produced [...] stability, good order and strength".[213] Considering the meaning of term liberty, at least the two connotations may be distinguished, as has most prominently been done by Isaia Berlin, into negative and positive liberty. The former "is simply the area within which a man can act unobstructed by others",[214] or to put in the terms of Sidney's contemporary Thomas Hobbes, "By LIBERTY, is understood [...] the absence of externall Impediments."[215] Negative liberty, on the other hand, concerns the source of power.[216] Quentin Skinner has developed a broader approach to the understanding of liberty and reveals the connotations of the term for Sidney's time by comparing the ideas of liberty of those authors he considers neo-roman.[217] This text will not expand on this aspect of Sidney's intellectual context, but turn to the text itself.

Liberty is the key term in Sidney's political thought according to eighteenth-century reception.[218] Accordingly, the concept of liberty had the greatest share in distorting the image of Sidney, as it was primarily interpreted in conjunction with the justification of rebellion. Yet, in the *Discourses*, it presents itself as manifold in its connotations as the concept of virtue. As in the last chapter, the aim will be to approach the connotations of the concept by focussing on its presentation in the *Discourses* with regard to other key concepts.

[213] *Discourses* II.18, 177.

[214] Isaia Berlin, "Two Concepts of Liberty," in *A Companion to Contemporary Political Philosophy*, ed. Robert E. Goodin and Philip Pettit, *Blackwell Companions to Philosophy* (Oxford: Blackwell, 1997), 393.

[215] Thomas Hobbes and Richard Tuck, *Leviathan*, Rev. student ed., *Cambridge Texts in the History of Political Thought* (Cambridge, New York: Cambridge University Press, 1996), XIV.91.

[216] Cf. Berlin, "Two Concepts of Liberty," 396.

[217] Cf. Skinner, *Liberty before Liberalism*.

[218] Houston, *Algernon Sidney and the Republican Heritage in England and America*, 223.

The starting point for a discussion of the idea of liberty is the initial liberty of man. This denotes the aspect of liberty that Sidney considers – like many contemporaries, particularly his fellow anti-Filmer authors – as the liberty of a pre-social state.[219] A premise of Sidney's political thought is that all men are through their creation endowed with a God-given initial liberty. As he considers it an absolute negative liberty,[220] it might seem useless owing to non-existent limits of individual liberty. Yet Sidney counters this objection as he considers the human need to form and live in societies as natural as this initial liberty. In his argument, this liberty has its value as it leaves free choice to the people to enter society and to decide, "how far it is good [for them] to recede from [their] natural liberty".[221] These ideas stand in the background of Sidney's political thought.

Beside the idea of negative liberty, these fundamental thoughts on the basis of state and society also comprehend the idea of positive liberty, meaning the freedom to perform certain actions – which is apparent in Sidney's emphasis on choice. Although the latter principle has greater significance in the *Dicsourses*, Sidney became renowned for negative liberty during the century following his death. English parliamentarians, Whig politicians, political writers or American spokesmen for freedom and independence developed an affection for the passages of the *Discourses* which encourage rebellion and disobedience to absolutist government. Quoting from Sidney was particularly attractive in conjunction with glorifying Sidney as a martyr of freedom. He was considered a historical example to be followed.

The *Discourses*, particularly the third and last chapter, justify these interpretations as it provides evidence for an inclination to stir up

[219] Although Paulette Carrive claimed that the *Discourses* do not contain the hypothesis of a state of nature, the section on pre social life discussed earlier, suggests that Sidney must have considered such a hypothesis. Carrive, *La Pensée politique d' Algernon Sidney, 1622-1683: La Querelle De L'absolutisme*, 101.

[220] Cf. *Discourses* I.10, 30.

[221] *Discourses* I.10, 30.

revolution.[222] Yet this is only one part of the story. In consideration of the whole book, and especially if we focus on the fundamental concepts of Sidney's political thought, we have to acknowledge that the concept of positive liberty prevails. Sidney states "If men are naturally free, such as have wisdom and understanding will always frame good governments".[223] Those who come together to frame a government are free, even after submitting themselves under the government, as the source of political power still rests entirely in them as a nation. The above-mentioned thoughts on the foundation of society are a repeated theme throughout the *Discourses* which forms the basis for a lot of other ideas. This is particularly clear when Sidney states, "it is the fundamental right of every nation to be governed laws, in such manner, and by such persons as they think most conducing to their own good".[224]

The struggle with Filmer's *Patriarcha* caused Sidney to define his understanding of liberty. Filmer's condemnation of liberty stimulated Sidney to respond with his own account. Against Filmer's equation of liberty with anarchy, Sidney holds,

> "that the liberty asserted is not a licentiousness of doing what is pleasing to everyone against the command of God; but an exemption form all human laws, to which they [the people] have not given their assent."[225]

Here we find further emphasis for the idea that liberty is a fundamental concept for a state. Even if liberty is diminished through the people's subjection under its laws, the people is always seen as the originator of the state. As such, it may always revive the initial liberty as a reaction to the government's deviation from the laws, that have their origin in the people.[226]

[222] Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683*, 260-1.

[223] *Discourses* I.10, 31.

[224] *Discourses* III.36, 524.

[225] *Discourses* I.2, 9.

[226] *Discourses* II.20, 191-2.

Sidney emphasises the general value of liberty though the idea that "men are according to the laws of nature and God all free"[227] and illustrates that with examples from Scripture, history and philosophy. As the source of a fundamental concept, initial liberty stands in the background of Sidney's reasoning on the state and citizens.

If we aim to understand the liberty of a citizen, we may contrast it with Sidney's understanding of a slave as someone

> "who serves the best and gentlest man in the world, as well as he who serves the worst; and he does serve him if he must obey his commands, and depends upon his will."[228]

Sidney emphasises that the decisive question for determining liberty does not concern the convenience of circumstances, but the potentiality of subjection under someone's will. The free citizen is the person who is his own master. As the origin of a state is considered to be the result of the free will of a multitude, all consequential impediments on individual negative liberty are seen as a result of initial free decision making rather than an infringement of individual freedom. Here, the principal idea is that heads of families initially "resign[ed] so much of their rights as seems convenient into the publick stock, to which everyone becomes subject."[229] This understanding of the foundation of society results in the maintenance of the principle of liberty. The idea of the slave plays a role, as Sidney's approach does prevent anyone from giving up his liberty completely; all liberty that is not held individually is held commonly and therefore not given up. As a result, the individual citizen is far from being in anything like the situation of a slave.

The free citizen, in contrast to the slave, takes on responsibility in the sense of self government and self-direction. Here, we find the emphasis on positive

[227] *Discourses* I.9, 30.

[228] *Discourses* III.21, 441.

liberty, which seems so remote from our time's common usage of the term. Obviously, this aspect of Sidney's concept of liberty shows proximity to the idea of autarchy to a greater extent than the modern term *liberty* would suggest.

Liberty of society is to be understood as equivalent to the liberty of the citizen (we could compare the individual to the state as microcosm; the state, as the macrocosm of political life mirrors the principles that govern the life of the citizen). Also a whole people, or a nation, is only free if it exercises self government. This type of freedom has a twofold implication. It concerns, on the one hand, the relation to other states – sovereignty – and on the other hand, the relation between people and government. The former aspect is in the foreground of Sidney's appreciation for military virtue and freedom; it is the source as well as the result of it. The latter has significance in, firstly, Sidney's references to the foundation of the state, and secondly, magistrates' concern for the common good, and finally in Sidney's justification of rebellion as a means to correct a corrupted government and to preserve the people's liberty.[230]

This aspect also ties in with the idea of the sovereignty of the people as opposed to interest of state, which in its Dutch counterpart has been labelled 'True Liberty'.[231] Sidney admires cities and states that have for the sake of preserving their liberty "render[ed] their people valiant, obedient to their commanders, lovers of their country, and always ready to fight for it".[232] He appreciates fostering a spirit in society that stimulates people to care for the preservation of their state. For him, this is the essence of liberty. In this understanding, military virtue is key as a means to preserve the liberty of a

[229] *Discourses* II.5, 96.

[230] *Discourses* III.36, 519.

[231] For an exploration of the idea of princely interest in France and the Dutch version of republicanism as well as in its English form, cf. Scott, *Algernon Sidney and the English Republic, 1623-1677*, 207-21.

[232] *Discourses* II.22, 203.

state. Admiring other nations that excelled in both maintaining their virtue and fighting for their liberty, Sidney often uses examples such as the Germans, the Spartans and the Athenians, e.g. in their fights against the Persians, who, "as long as they had any strength, virtue or courage amongst them, were esteemed free nations, because they abhorred such a subjection [as was common among Arabic peoples]."[233]

With this characterisation, Sidney not only underlines the idea of freedom from the influence of another power, but also freedom in the sense of being fully in charge of one's own affairs. "Subjection common among Arabic peoples" refers to the enslaved state of the subjects of a country ruled by an absolutist prince. In such a country the people would not have a say in the way that their government was regulated. In contrast, a free nation is "governed by the laws of their own making: *Potentiora erant legum quam hominum imperia.*[234] In this account, the people is seen as the originator of the laws. This statement suggests that Sidney finds subjection to law appropriate, provided these laws are grounded in the liberty of the people, who through their representatives, for example in parliament, have a share in the government.

While these sentences represent Sidney's Classical Republican ideals, the following one tells about Sidney's idea on political leadership, by asserting: "Even their princes had the authority or credit of persuading, rather than the power of commanding."[235] Here, the link between virtue and authority is at stake. Sidney expects that a free people would choose to obey the most worthy person, rather than having the need to be bound to obey the commands of a magistrate. This quotation allows the inference that the virtuous leader, magistrate, or prince is obeyed, on the one hand, because he has proved his ability to provide for the external liberty of a people, e.g. by being a successful

[233] "The rule of laws was more powerful than that of men." Livy, *History of Rome*, bk. 2, ch. 1. I.5, 17.

[234] I.5, 17.

[235] I.5, 17.

commander in warfare, and on the other hand, because he best preserves internal liberty since he refrains from oppressing his subjects or regulating politics contrary to the common good. The underlying principle for the relationship between ruler and subject is trust on the part of the governed and political ability as well as a concern for the common good on the part of the magistrate insofar as he refrains from infringing the liberty of a people through arbitrary rule.

The above example of the ideal situation of a people in terms of their liberty and their prince providing for it may be contrasted to the, in Sidney's perspective, all too common situation in which magistrates and particularly kings are not providing for the liberty of a people; neither internally, nor externally. Sidney suggests that obedience to government loses its binding character as

> "The only ends for which governments are constituted, and obedience render'd to them, are the obtaining of justice and protection; and they who cannot provide for both, give the people a right of taking such ways as best please themselves, in order to their own safety."[236]

In this statement, Sidney elaborates further on the idea of positive liberty. The focus lies again on a people's right to be in charge of their own affairs. Yet, in this situation, Sidney refers to a case in which magistrates fail in having the virtues required for their responsibility and thereby endanger the autarchy of their state and the liberty of their people. The consequence, in Sidney's account, is the right to rebellion, which in itself is an example of a people reclaiming their initial liberty. In the *Discourses,* this stands for "the people's right to order their own political affairs through their representatives.[237]

[236] *Discourses* III.33, 512.

[237] Scott 1991, 205.

As we can see, Sidney's idea of sovereignty is dichotomous: on the one hand it implies the right to rebellion, on the other hand, it seems to require subordination under the respective political representatives. Two points implicit in this observation have particular value. Firstly, Sidney looks at the people as a unity, as one political body; secondly, the liberty connected to sovereignty is obviously not in any random person's hand. The last point links the idea of popular sovereignty back to the idea of virtue. It is again the person capable of a certain task, who should be trusted to fulfil it.

Sidney takes the people's ability to decide over the political constitution as very important, and even favoured the changes to the political system implicit in this idea as an important feature of a political system. Jonathan Scott considered this "politics of change" as "the most theoretically interesting aspect of the *Dicsourses*."[238] He subtracts from Sidney's thought the idea: "only states that embrace change can grow and respond as times change;"[239] The source for change is the liberty of the people.

The consideration of liberty so far may seem to suggest that the concept of liberty is merely the right to rebel. Yet the seventeenth-century context suggests that liberty concerns to a great extent the preservation of the person and property of the subjects. The preservation of the person also plays a role in Sidney's account of the genesis of society. His account of the social contract comprehends that the restraint from initial liberty is general; the people do refrain from their liberty on the premise that everyone does, for the sake of protecting the person.[240] The issue of property is of smaller significance to Sidney than it is to his fellow anti-Filmer authors. In one of the few sections that concern this point, he refers to Hobbes's account of the "*bellum omnes contra omnes*, wherein no man can promise to himself any other wife children or goods, than he can procure by his own sword."[241] In this

[238] Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683*, 206.

[239] Ibid.

[240] *Discourses* II.20, 191-2.

[241] *Discourses* III.19, 432.

very common way of seventeenth-century reasoning on the purpose of the state, Sidney does not pay particular attention to the issue of property. This examplifies his general attitude with regard to this topic, that is of so much more importance to his fellow anti-Filmer authors Tyrrell and Locke.

II.3.3 Justice

Like liberty, the concept of justice as an original principal can be developed out of Sidney's understanding of a state of nature. But it is also an underlying principle in the general discussions of politics. Here, justice occurs as a term that has, like virtue, a more holistic meaning than current usage would indicate. Justice has a relation to good order and goodness. As a consequence, Sidney also considers God as the source of justice. This understanding of justice is most explicit in the fist section of the second chapter of the *Discourses.* With all its references to Plato, political order and a number of theological statements, this section of the *Discourses* leaves no doubt that Sidney's use of the word justice or good order means more than twenty-first-century usage suggests. We shall encounter the different aspects of Sidney's understanding of justice through an exploration of, firstly, the foundation of justice: natural law; secondly, justice and society; thirdly, justice and political responsibility, and finally, justice and political order.

Sidney presents his discussion of natural law through the already encountered state of nature that allows everyone to enjoy a God-given right to unlimited liberty. Prior to the foundation of society "everyone has a right to everything", leading to an unlimited but worthless freedom as the "liberty of one is thwarted by that of another".[242] The result is controversies "and the fierce barbarity of a loose multitude".[243] Hence, the initial state of natural law is bound to be a lawless chaos owing to the lack of co-operation. Yet, whilst

[242] *Discourses* I.10, 30.

[243] *Discourses* II.1, 82.

Sidney considers this the consequence of a natural right to unlimited liberty, he considers also that man is distinguished through reason, which stimulates him to establish civil society. "[M]an is hereunto led by reason which is his nature. Everyone sees they cannot well live asunder, nor many together, without some rule to which all must submit."[244] With this quotation we get an insight into Sidney's understanding of the development from a situation purely governed by natural law, to the establishment of positive law. Yet this development is only complete if the mutual submission to an established political order is guaranteed. Being aware of this problem, Sidney states that men "join together to establish such laws and rules as they oblige themselves to observe".[245] He expresses his awareness of the problem of allegiance, without which no state can ever subsist. But what we can see in this statement as well is Sidney's concern for a particular political order. Favouring the principle of consent, he expects that the free choice regarding the form of Government may only lead to the establishment of just governments, as those who have "wisdom and understanding will always frame good governments".[246] As encountered in Sidney's biography, he himself had his own experiences with the issue of allegiance. As stated in some of his letters, he was willing to subdue himself to Charles II, even to serve under him. Yet, as the letters also state, he considered the king established by parliament, whose members he apparently considers as that part of the government that has 'wisdom and understanding'.

A good government is a just government since justice, according to Sidney, is the end of all governments.[247] The way Sidney uses the term justice differs from our time's understanding. It considers good as well as bad actions and has its essence in the principle of giving everyone his due. The underlying idea for this approach is a particular concept of equality. While men are equal

[244] *Discourses* II.20, 192.

[245] *Discourses* II.5, 98.

[246] *Discourses* I, 10, 30-1.

[247] *Discourses* I.1, 6.

prior to society as they all enjoy the natural right of exercising unlimited liberty, men within the state are equal before the law. In Sidney's approach this means that the individual's actions are considered not only for punishment, but also for reward.[248] Hence justice is seen as a principle considering the actions of people, either to punish and degrade or to reward and exalt individuals. This idea differs from our time's understanding of equality as this idea is not at all expecting that each individual would receive an equal treatment or share in things, political power, but an appropriate one. This hints already at the social implications that this principle of justice is bound to have in conjunction with Sidney's emphasis on virtue. Having referred to Cicero's statement that governments were instituted to obtain justice, Sidney says "That this work could be performed only by such as excelled in virtue."[249] With this statement it becomes clear that Sidney's understanding of equality does not at all prevent hierarchy within the state. The pre-eminent position of the concept of virtue is underlined and, through the above quotation, we may also see the importance of an understanding of virtue as justice.

This connection reveals that the virtuous person is the person who performs just actions and is - ideally - able to judge about right and wrong. Above that, he even has a right to gain greater public responsibilities within society. We can see in this statement that Sidney puts all his trust into the person who is chosen to be judge. "Virtuous" means in this case a just person who watches over the well-being of fellow citizens. This approach relies on the one hand on the classical Greek tradition of the idea of justice and virtue, – or *arête* - to be translated as excellence. On the other hand, it is a very pragmatic way of discriminating against the English situation, which Sidney attacks for allocating political, and legal offices for money, or by favour on the basis of inheritance and nepotism as well as a preference for flattering courtiers rather

[248] *Discourses* II.18, 178.

[249] *Discourses* I.1, 6.

than ability and merit.[250]

This aspect of Sidney's thought shows that Sidney, despite all his support for legal arrangements guiding the actions of magistrates and governors, does not see the key to justice in these arrangements themselves. It is rather the value they may have, to prevent abuse of power, and to select the most able people for offices of government. Owing to the contemporary situation, Sidney places greater emphasis on the necessity of discharging these people, than on mechanisms to find and select them. Here lies one of the key problems with his political thought: Sidney tells his readership how important it is to have a magistrate who is virtuous and watches over right and wrong in consideration of a sound moral development of man, but he gives only limited guidance for finding persons ready to become magistrates.

A crucial issue for any discussion on natural right to unlimited liberty and the state is the question of obligation. While the state of nature lacks security of law – natural law is seen as the governing principle, but is of no use owing to the lack of enforcement – a properly established state requires security of law, thus the awareness for the binding force of the law and the acknowledgement of the political order. The concept of liberty and submission to the state pose a challenge to any political theory. Particularly in Sidney's case, this seems a difficult matter owing to his frequent statements that the initial liberty remains in the people. Sidney tries to face this challenge through explaining the binding force of law and obligation to the state within the framework of the contract.

The contract consists of public resignation of liberty for the sake of setting up government.[251] Out of free will a multitude enters into a contract which constitutes the founding moment of a civil society.[252] Considering Sidney's usage of the words 'multitude', 'society' and 'people', it seems that Sidney regards individuals in the state of nature as the holders of a right to liberty.

[250] *Discourses* III.37. 524-7.

[251] *Discourses* III.33, 511.

Being not organised in any form makes them a multitude. After the contract the situation changes in so far as the power and liberty seem to rest in society as a unit. The individual resigns his freedom voluntarily as "no one [...] is obliged to enter into society", to enjoy its benefits. "But if he enter in society, he is obliged by the laws of it."[253] In this situation individuals will only play a role as a force within a common decision-making process. The extent to which this is possible depends on the rules, thus the constitution of the respective society.[254] The constitution is the result of a common - not an individual - decision making-process, which is evident in such statements as "[a] people [...] sets up kings, dictators, consuls, praetors or emperors, [...] that it may be well with themselves and their posterity."[255] Sidney underlines that this subjection of the individual under the rules of a community - the people - has a foundation in religion and law of nature.[256] He states:

> "Tis not only from religion, but from the law of nature, that we learn the necessity of standing to the agreements we make; and he who departs from the principle written in the heart of men *pactis standum*[257] seems to degenerate into a beast."[258]

This, and similar statements are the key to Sidney's way of tackling the issue of allegiance. He is well aware that a state cannot subsist, unless its laws have binding force and the individual submits to its order. Yet Sidney also

[252] *Discourses* II.5, 105.

[253] *Discourses* II.5, 104.

[254] In the course of framing a society, "we ourselves are judges how far 'tis good for us to recede from our natural liberty". *Discourses* I.10, 31.

[255] *Discourses* I.16, 49.

[256] Both are always considered in accordance by all three considered anti-absolutist authors. Frequent proofs and statements of the agreement of both can be considered a weapon against Filmer's usage of Scripture. Cf. Chapter I.

[257] One must stand by its agreements.

[258] *Discourses* III.19, 431.

knew that a state may deviate from his definition of its original ends, which are to procure the common good, obtain justice[259] and to guide man in his striving for a God-pleasing goodness.[260] The awareness for this danger and the consequent need for correction pose a challenge for the problem of allegiance. Sidney tries to solve this problem through two approaches. Firstly, through distinguishing - following the issues discussed above - between society and individual. Secondly, through pointing at the linguistic particularities of the word allegiance. Focussing on the individual, Sidney declares contracts binding and submission under the law. Focussing on the individual, Sidney does not question the principle *pactis standum*. The individual is bound to allegiance, which "signifies no more (as the words, *ad legem* declare) than such an obedience as the law requires."[261] Conversely, the whole people is above the law. Sidney considers it the sovereign power when he says, "the law can require nothing from the whole people, who are masters of it".[262] Owing to this context, we have to interpret that a people as whole may strip off the restraints of a government that does not fulfil its purpose, while the individual is still bound to stick to contracts, e.g. an oath of allegiance, or submission under the law. Thus the individual's natural right to unrestrained liberty is conferred on the sovereignty of the whole people or nation. As a result, Sidney sees all governments merely as the means of nations, to execute power, not as the originator of sovereignty itself.[263]

This understanding binds governments and individuals equally to subordinate themselves under the rules of the constitution and the laws. Thus the government cannot request any action from an individual that is contrary

[259] Discourses I.1, 6.

[260] *Discourses* II.1, 83.

[261] *Discourses* III.36, 521.

[262] *Discourses* III.36, 521.

[263] Cf. Sidney suggests this understanding of people's sovereignty through pointing out that "the natural liberty of nations is discovered in the several limitations put upon the sovereign power. (*Discourses* III.31, 505).

to law, nor has the government the freedom to act outside the rules prescribed by the law. If it does, the individual citizen is not bound to follow. With linguistic scrutiny, Sidney states, "private men who swear obedience *ad legem*, swear no obedience *extra* or *contra legem*".[264] It follows that private men are, according to Sidney, bound to obligation as long as a government acts within the limits of the constitution and the laws. A government acting outside the realm determined by law endangers the allegiance of the nation.

II.4 Sidney's Common-Wealth

Sidney, unlike other political authors, was a doer not a sayer. Not only intellectual fancies, but also practical experience found their way into his writings. In 1649 Sidney, together with Milton, Neville and Nedham, was justifying the establishment of an English Republic. During the Protectorate, Sidney, Harrington, Neville and Nedham formed a republican opposition, and in 1659 they contributed to a brief revival of the republic. Jonathan Scott has pointed out that these experiences are the precise political context for the emergence of Republican ideas in the seventeenth century.[265] The *Discourses* were written much later than the period of the commonwealth and the protectorate.

These experiences were important for the development of Sidney's political ideas, yet they were not the context in which the *Dicscourses* were written. Their significance stems from the fact that they were the real world experience of Sidney, as a political author, which told him that his ideas on a just society and on good government might be put into political reality. In this chapter I consider the ideas of the *Discourses* that give an insight into the institutional shape favoured by Sidney. Thus I shall explore the consequences for a

[264] *Discourses* III.36, 521.

[265] Scott, *Algernon Sidney and the English Republic, 1623-1677*, 14.

political structure that follow from the key concepts of virtue, liberty and justice.

II.4.1 Political architecture

> "[T]he various talents that men posess, may by good discipline be rendered useful to the whole, as the meanest piece of wood or stone being placed by a wise architect, conduces to the beauty of the most glorious building. But every man bearing in his own breast affections, passions and vices that are repugnant to this end, and no man owing any submission to his neighbour; none will subject the correction or restriction of themselves to another, unless he also submit to the same rule. They are rough pieces of timer or stone, which 'tis is necessary to cleave, saw, or cut: This is the work of a skillful builder, and he only is capable of erecting a great fabrick, who is so: Magistrates are political architects; and they only can perform the work incumbent on them, who excel in political virtues."[266]

This passage tells a lot about Sidney's understanding of politics. It is worth devoting some attention to its interpretation, with particular regard to Sidney's usage of metaphor. In the history of political thought the development of metaphors has always been a successful means of rhetoric. Plato and Aristotle often illustrated their ideas through reference to the activities to different crafts, e.g. to the shoemaker; Cicero, for example. in *De inventione,* compares his writing with the work of an artist; while Machiavelli illustrates his ideas on fortune in reference to the Goddess Fortuna. As one of the most learned Englishmen in this subject during his time,[267] Sidney was well aware of this tradition and took advantage of it.

[266] Sidney, *Discourses* II.1, 83.

[267] Scott, *Algernon Sidney and the English Republic, 1623-1677*, 9.

As we see above, Sidney considers politics a constructive science;[268] not only because people initially decide to frame a particular constitution to their own convenience, but also because politicians are metaphorically referred to as architects[269] who erect a "glorious building" or as "skilful" builders. Citizens are allocated their places and they are shaped to contribute to its beauty. They are shaped, which can only mean - if we remember the passages on virtue - that they are stimulated to a sound moral development.[270] Let us try to understand Sidney's suggestion of speaking about the state metaphorically. Chapter II.1. of the *Discourses* stimulates to interpret Sidney's political philosophy by referring to it as a political building. Chapter II.1, which I consider a condensed account of Sidney's political ideas, serves as the principal reference for the following statements. I extend the metaphor of the political building in the hope that it may clarify some fundamental idea of Sidney's theory.

To erect the "glorious building" of the state, several requirements have to be fulfilled: First of all, it must be built on a strong foundation. The basic components of this foundation can be identified as the key concepts of virtue, liberty and justice. They fulfil several functions. Firstly, virtue has to be fostered and sustained in the magistrate as well as in the citizen. Secondly, the key concepts determine the structure of the state itself. The constitution is built on them. It exists to maintain the initial liberty of the people, to allow the exercise of justice and to ensure that virtue acts as the guiding principle of human action. Thirdly, virtue is the only principle that Sidney acknowledges for a justification of hierarchy, which may only develop in liberty and exist for the sake of justice. Finally, virtue determines the stability of the state both internally as well as externally, so that it maintains justice. The state gains internal stability through the maintenance of virtue and justice, and external stability as virtuous citizens are inclined to resist foreign invasion and to fight

[268] Cf. also: Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683*, 226.

[269] Cf. also *Discourses* III.24, 460.

for their liberty. All these principles have to be realised within the constitution. It ensures that the elements of a state are put together in the right manner. Secondly, the details of the plan find their equivalent in laws which regulate the building process and the placing of building materials. Thirdly the citizens, who stand for the building material, need to be shaped as much as 'timber and stone' need to be 'cleaved sawed and cut'. They are put at the right places within the state and contribute to the beauty of the building. Ideally they are involved in the political decision-making process, but may fulfil a number of functions, e.g. defence, to stabilise the political building or their respective professions to care for substitution. Just as the building material is formed, Sidney's metaphor suggests that laws form man's behaviour for the sake of both the common well-being and individual achievement of a good life. Outside the state such well-being is jeopardised by violence, lack of self-government - responsible usage of liberty - which hardly develops without the right education. Fourthly the magistrates as 'skilful builders' watch over education and the good organisation within the state. They have the greatest share in co-ordinating the successful building process. Those among them who have the greatest skills - which is political virtue - even survey the building process. Governors find their equivalent in wise architects. Under their eyes, the right plan, the laws and the constitution together mould every man's nature towards completion. As a result, the 'right order' emerges, which is the 'glorious building' of a state that provides justice, cares for the well-being of its citizens, secures their liberty, and through their contribution is able to resist all internal and external dangers.

Sidney's idea of stability, like all his concepts, appears value-laden. He expresses this conviction by saying "stability is then only worthy of praise, when it is in that which is good."[271] Virtue clearly is considered good, and

[270] Cf. Chapter II.2.1, "Virtue".

[271] *Discourses* II.11, 136.

ought to provide stability to human nature, as Sidney's account of virtue shows. However, human nature is actually not capable of stability, for its weakness makes it prone to regression to a vicious state.[272] The requirement for stability can only be fulfilled if political order is based on reason and virtue[273] since the requirement to act virtuously and reasonably can give stability to human conduct in general.[274] As human reason is always prone to be subdued by passion, Sidney considers the law as artificial reason that provides guidance. Consequently, the principles of justice and virtue take up a decisive function as a foundation of the political building, which finds its form in the constitution. While Sidney considers tyranny rooted in corruption, "mixed or popular governments are only in a possibility of falling into it.[275] The constitution has the task of preventing this decay. Here we can discover Sidney's preference for popular or mixed government. The metaphor of the political building hints at this preference, as it is not seen as a structure that is pressed on the people, but it stands for a building process that involves the citizen.

For Sidney, the end of governments is always the common good, regardless of whether one speaks about monarchy, aristocracy or democracy. He derives this thesis from his premise that the origin of all governments lies in the interest of the people who once set it up in "consideration of their own good" and transferred their original power to a few to execute it according to the laws. As the "good of the publick"[276] is always in the centre of attention, the form of government is of less importance. The only problem may arise from interpreting what this good is.

Despite the requirement that the constitution ought to be based on the principles of virtue and justice and as it should maintain liberty, Sidney's

[272] Cf. Chapter II.I.1.

[273] *Discourses* II.11, 136.

[274] *Discourses* II.11, 137.

[275] *Discourses* II.19, 189.

[276] *Discourses* II.5, 99.

theory is open towards several forms of government. In respect of a particular institutional structure he is rather vague.[277]

> "A wise architect may shew his skill, and deserve commendation for building a poor house of vile materials, when he can procure no better, but he no way ought to hinder others from erecting more glorious fabricks if they are furnished with means required. Besides, such is the imperfection of all human constitutions, that they are subject to perpetual fluctuation, which never permits them to continue long in the same condition".[278]

Things have to be adopted to times and circumstances. "Simple perfection" is only found in God, "relative perfection [...] in the things he created: *He saw they were good,* which can signify no more than that they were good in their kind, and suited to the end for which he designed them."[279] The first reason for this lies in Sidney's conviction that a constitution has to be judged on the question of whether it is "well or ill proportioned"; not only does the form matter, but also the question of whether the form matches the needs of the people living under it and whether the form is well suited for its end, which is to foster the virtue and well being of the people. Here the Aristotelian notion of excellence (*arete*) stands in the background, which has a close link to the question of the right proportion of things. Secondly, Sidney's vagueness has a theological implication, expressed in the statement: "Tis hard to imagine, that God who hath left all things to our choice, that are not evil in themselves", should have prescribed a particular form of Government (as Filmer

[277] With this vagueness, his system mirrors the "constitutional anti-formalism" that Scott ascribed to the interregnum, the time of Sidney's *vita activa*. Jonathan Scott, *England's Troubles: Seventeenth-Century English Political Instability in European Context* (Cambridge: Cambridge University Press, 2000), 158.

[278] *Discourses* III.24, 460.

[279] *Discourses* III.24, 463.

believes).[280] Contesting Filmer, who claims that monarchy is ordained by God, Sidney claims that man is endowed with reason and born free, so that he himself can decide what form of government is suitable for him. For Sidney, this means that man definitively has choice in terms of the form of government he want to submit himself to. For Sidney, it is a matter of reason to decide for one of those forms of government that support the moral development of the people.

Certainly, Sidney's recourse to religion supports his understanding that the choice of government is the result of mutual agreement. He presents the freedom of forming governments as a religiously sanctioned right of man. Here, the sovereignty of the people who come together to speak with one voice, constitutes the basis for creating the legal reality of a constitution.[281] Built on the free will of the people to form society for their own good, Sidney stresses the basis of liberty which is prior to this formation of social order and which remains the basis as it can always be reclaimed if the social order fulfils its purpose.

According to Sidney, law has its origin in "God's general ordinance, that there should be laws; and the particular ordinances of all societies that appoint such as seem best to them." [282] Hence, the source of law is religion as well as the sovereignty of the people. Due to its educational function, law is the decisive means of the state. It develops and sustains virtue, and plays a key part in Sidney's political architecture, particularly as a means of directing those who hold political responsibility. Accordingly, Sidney states, "[m]en are so subject to vices and passions, that they stand in need of some restraint in every condition; but most especially when they are in power."[283] But it is not

[280] *Discourses* I.6, 23.

[281] With this aspect of his thought he perhaps anticipates Rousseau's theory of the *social contract.*

[282] *Discourses* II.24, 219.

[283] *Discourses* III.13, 390.

only with regard to its educational function that the law has paramount importance, but also with regard to the superiority it has over individuals and institutions of the state. Law serves as a regulatory mechanism that ensures justice and virtue for a number of reasons: Law does not decay as human virtue does;[284] neither is it subject to passions or emotions that could vitiate its function,[285] nor is it subject to external influences as it is good, deaf and inflexible.[286] Above that, laws aim at the public good without distinction of persons[287] and therefore sustain equality. Hence, Sidney considers law the best guide for the actions of political officers.

However, looking at the source of law, which is human reason, Sidney sees also its possible flaws. As men are never perfect, neither can the law ever be.[288] Consequently, Sidney sees the need for a force which can correct the law, which he accords to the parliament.[289] For the parliament represents the will of the people and ought to act in accordance with the common good, and thus will frame the law in such a way that it can be improved constantly and procures the development of virtue.

The right plan, the laws and the constitution, mould every man's nature towards completion, while the constitution determines the whole structure. Owing to the "frailty of human nature", deviations from good and virtuous behaviour can occur, but are lessened since "the law [...] denounces severe penalties for crimes". The law is moulding man for the sake of the glory of the political building, since law "is indeed merciful both to the ill men, who are by that means deterred from committing [crimes]; and to the good, who otherwise would be destroyed."[290] This feature of law contributes to the good

[284] *Discourses* III.40, 544.

[285] *Discourses* III.15, 400.

[286] *Discourses* III.15, 401.

[287] *Discourses* II.18, 179.

[288] *Discourses* III.22, 451; III. 24,46.

[289] *Discourses* III.22, 452.

[290] *Discourses* III.40, 544.

development of man. It reflects the Aristotelian idea that acts are called "just that tend to produce and preserve happiness and its components for the political society". "[T]he rightly-framed law does this rightly, and the hastily conceived one less well. This form of justice, then, is called complete virtue", provided , of course, the law is rightly framed.[291]

But even laws cannot provide a perfect frame for political order and so he states, referring to Aristotle, "No laws made by man can be perfect" and concludes, "there must be in every nation a power for correcting such defects as in time may arise to be discovered".[292] The role of "altering, mitigating, explaining or correcting the laws"[293] he ascribes to parliament, which he regards as the community of those citizens chosen to represent the state because of their paramount virtue. Here the right order comes into play with the people being involved in government.

'Laws' and 'good discipline' are the means Sidney has in mind for the formation of man's character - symbolically named as 'rough pieces of wood and stone' - in order to enable the achievement of virtuous life. With this metaphor, Sidney emphasises the idea of human nature and its relationship to virtue, which we have encountered in Chapter II.2.1. 'Rough pieces of timber and stone' stand for man as he could be found outside society. The metaphor refers to unguided human nature. As worthless as rough timber and stone are, they may be valuable if treated in the right manner. As much as the skilful builder shapes these pieces in the course of a building process, men are shaped through the state and magistrates in their development. It is interesting that Sidney says about 'timber and stone' that they may be rendered useful to the whole. Also men, in his account, are meant to be stimulated to be useful to the whole, when they are living in a state, and according to their ability, have a share in running it.

[291] *EN* V, 1129b.

[292] *Discourses* III.22, 456.

Due to affections and passions that every man 'bears in his breast', such educational means as the role of magistrates, education and above all laws are necessary to mould man in a manner that he is stimulated to fulfil his potential and to contribute to the well-being of society out of insight rather than arbitrary rule. From his own experience, Sidney had learned hard it is to cope with one's own passions.[294] The right guidance is important in order to understand that an awareness for the community of citizens results in the beauty of the most "glorious building", in which each part has a purpose. The magistrates have the task of assisting with this guidance so that the individual citizen may act in consideration of his own as well as the community's interest.

Even if magistrates play an eminent role in Sidney's political thought, they are still considered to be as much part of the metaphorical building process as the citizens. The constitution and the laws, which I consider the building plan and the details in my extension of Sidney's metaphor, bind the magistrates as they do other citizens. However since magistrates are more aware of the beauty a 'glorious building' might have in the end, Sidney seems to expect that they do not need to be 'cleaved sawed or cut' but will act out of this insight and a knowledge of the higher ends of society, for which they have initially been instituted. Sidney makes this very clear when he states that a magistrate needs the knowledge of God as it is his task to lead man back to the good from which he is fallen.[295] The knowledge of God is important, as Sidney considers it the "root of all justice and goodness".[296]

As we see from these ideas, Sidney's decision to compare the state to a beautiful and most glorious building might be related to the religious

[293] Ibid.

[294] For his own passionate character see Chapter I.1, as well as Houston, *Algernon Sidney and the Republican Heritage in England and America*, 132.

[295] *Discourses* II.1, 82

[296] *Discourses* II.1, 83.

implications politics always have for Sidney. With the most "glorious building", it seems, men are in form of the state, creating something like a temple, that exists for the honour of God. The magistrates' responsibility lies in assuring that this higher end of politics governs all political action. These metaphysical implications of the tasks of the magistrate are poignantly expressed in the first section of chapter two. Sidney speaks about the "skilful builders" in a more general way, while constantly underlining virtue as the necessary premise of their actions.

In reference to Livy, Sidney states, "the virtuous were willing to be restrained by law."[297] Magistrates, accordingly, are expected to appreciate the guidance they experience through the law, rather than feeling it as a restraint. This reference to Livy is of course not the only example taken from the Roman emphasis on the importance of virtue as a principle of political leadership. With Tacitus, Sidney shares an admiration for the principles of the Germans, in particular their principles of political leadership. Sidney paraphrases,

> "[t]heir princes according to their merit had the credit of persuading, not the power of commanding; and the question was not what part of the government their kings would allow to the nobility and people, but what they would give to their kings".[298]

Here it becomes apparent that Sidney's ideal is political leadership purely founded on merit. Hence, the job of the "magistrate" or "architect" is clearly seen as an honour rather than a privilege. This becomes significant also in the following quotation:

[297] *Discourses* II.20, 193.

[298] *Discourses* II.30, 291. *Germania* Chapter 11.

"Honours and riches are justly heaped upon the heads of those who rightly perform their duty, because the difficulty as well as the excellency of the work is great. It requires courage, experience, industry, fidelity, and wisdom. The good shepherd, says our Saviour, lays down his life for his sheep".[299]

Here we also find one of the infrequent specific statements on virtue. Sidney points out that he sees courage, experience, industry, fidelity, and wisdom as the virtues a magistrate ought to have. With his reference to the shepherd, Sidney stresses that he finds it important for a politician to be so much guided by the well being of his people that he would give his life for it. As we see in Sidney's own situation, he was not only talking about this high maxim for politician's behaviour, but was also acting in accordance with it.

II.4.2 The political building: Resulting order

"Order doth principally consist in appointing to everyone his right place, office, or work".[300] The material must be placed rightly to form the political building well. Similar in a society there must be an appropriate social or political structure. While general principles that would count as part of the constitution are decisive for its state, 'skilful builders' also contribute to it. The former will be the main concern of this section while the latter will be the subject of a later chapter.

The principles upon which the social order is based are virtue, justice and liberty. The structure of the social order turns out to be a justified hierarchical order. The principle of liberty seems, at first glance, to contradict hierarchy, yet Sidney's concept of liberty is its decisive source. Derived from nature and the relation between men, liberty appears as a basis for the necessity of

[299] *Discourses* II.24, 224.

[300] *Discourses* II.11, 135.

consensual government, but not as an adequate reason for the justification of an egalitarian political system. Sidney reveals the premises for the social structure by referring to the hypothetical genesis of society. Being born in "natural equality", men decide to resign their liberty into a "common stock [to...] form societies for their own good."[301] Thereby they are "advancing one above another" which can only be done in consideration of the "opinion of a man's virtue and ability." Naturally, consensual government will be hierarchically based on virtue, since reason leads to the conclusion "Virtue only can give a just and natural preference."[302] The initial liberty gives way to a hierarchy of ability as Sidney expresses in the following section:

> "As reason is our nature, that can never be natural to us that is not rational. Reason gives *paria paribus*,[equal things to equals] equal power to those who have equal abilities and merit: It allots to everyone the part he is most fit to perform; and this fitness must be equally lasting with the law that allots it."[303]

As is apparent in this statement, apart from virtue Sidney is also concerned about the right balance within a constitution. Right balance has a relationship to his understanding of justice, which, in his account, is a concept that asks for the appropriate measure rather than for the equal measure of things.

This idea of justice is the foundation of Sidney's ideas on the institutional shape of politics. It allows Sidney to refrain from commending a particular constitution, i.e. democracy, as the most just form of government, since he expects that constitutions are always the result of circumstances. These develop and change in consideration of the good of the people, which is guaranteed if the 'original principles' of virtue liberty and justice are maintained. On the basis of this understanding of justice, Sidney's system

[301] *Discourses* I.12, 35-6.

[302] *Discourses* II.1, 81.

allows us to infer a certain constitutional flexibility. This is also reflected in Sidney's discussion of principles transmitted from the past. Time and changing circumstances can demand constitutional change. Hence the institutional shape of politics may give way to the needs for which the actual government has to cater.

If constitutional changes are demanded for whatever reason, the age of the once established constitutional principles ought not to be the compass for political decision-making, but the maintenance of the original principles of government. Considering the impact of time on the value of a political arrangement, Sidney states in relation to his principle of justice,

> "time can make nothing lawful or just, that is not so of itself [...] that which a people does rightly establish for their own good, is of as much force as continuance can ever give to it"[304]

Hence, however long a political arrangement exists, its value can not be derived from age, but from an inquiry into the question whether the original principle of justice is being maintained. This has implications for the question of whether Sidney was speaking in favour of Ancient Constitutionalism - John Pocock has brought this point into the discussion.[305] Answering this question, we may say that Sidney was not questioning the value of the old English constitution, yet he was not justifying it *per se*, but in consideration of his original principles. As much as for other institutional shapes of politics, we may derive the conclusion that his concepts are more important than one particular order. The maintenance of virtue, liberty and justice overrules age:

> "that which a people does rightly establish for their own good, is of as much force the first day, as continuance can ever give to it: and therefore in

[303] *Discourses* II.4, 94.

[304] *Discourses* III.28, 479.

matters of the greatest importance, wise and good men do not so much inquire what has been, as what is good and ought to be."[306]

[305] Pocock, "England's Cato: The Virtues and Fortunes of Algernon Sidney."

[306] *Discourses* III.28, 479.

III The Classical Inheritance

III.1 Introduction

Consideration of Greek authors is imperative since they form the background that allows understanding of Sidney's emphasis on virtue and on human nature. Sidney himself states that he places great value on Plato and Aristotle owing to their understanding of the "secrets of human nature". Beyond that, Sidney expresses his trust in these authorities by pointing out that they know "more rightly [than Filmer] of the interests of mankind [...and] have comprehended in their writings the wisdom of the Grecians, [as well as] all they had learnt from the Phoenicians, Egyptians and Hebrews".[307] It seems that Sidney considers the writings of the Greeks an invaluable source. Even if there is no doubt that other political writings also left their trace on Sidney's political writings, the Greeks, so it seems, are considered a source of ancient knowledge of mankind that has a fundamental value for all questions posed to humanity. They appear as principal sources of knowledge. The above quotation suggests that their influence was of such value as to be significant in any inquiry into the nature of Sidney's reasoning on man and politics. As in the statement above, Sidney does not consider Plato and Aristotle as proponents of two different schools, but rather as the proponents of the same type of philosophy. Jonathan Scott emphasised this observation by asking, "Is Sidney a Platonis or Aristotelain? He is both."[308] This requires their being considered together. In my account, however, I shall place greater emphasis on the Aristotelian influence as it has so far received less attention.

Despite these points in favour of an exploration of the classical Greek influence, it has to be borne in mind that it was by no means the only

[307] *Discourses* II.1, 78.

[308] Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683*, 352.

influence with significance for Sidney's political thought. According to Jonathan Scott, it was Filmer's polemic against Ciceronian and Tacitean Republicanism[309], Bellarmine's and Suarez' natural law theory, and Grotius' and Coke's justification of rebellion, that challenged Sidney's opposition, and stimulated him to refer to and to re-establish these authors[310]. While these authors, as already mentioned in Chapter I, found their way into the *Discourses* through its opposition to *Patriarcha*, such other authors as Plato, Aristotle, Livius, Machiavelli, Lipsius and Grotius also found their way into the *Discourses* because they already had fundamental value for Sidney's political thought before Sidney started composing an attack on Filmer. However the issue here is not to recall Sidney's intellectual development.[311]

In consideration of the concept of virtue and Sidney's idea of human nature, Machiavelli plays an important role. This is because his political thought, like that of most humanists, was to a certain extent indebted to Aristotelian as well to Ciceronian ideas. Machiavelli's political ideas in the *Discorsi* had an impact on Sidney that is sometimes intertwined with Aristotelian concepts. The notion of virtue and political stability as well as warfare is particularly shaped by Machiavellian Republicanism.[312] As Richard Tuck has pointed out, Machiavelli derived from Cicero "that the survival and advancement of one's republic had to take precedence over all things, and that the conventional

[309] Worden stated the term Republicanism used to be term of abuse and was not used by themselves. Worden, "English Republicanism," 443.

[310] Cf. Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683*, 209.

[311] On Sidney's intellectual development, cf. above all, Scott, *Algernon Sidney and the English Republic, 1623-1677*, 13-42.

[312] For further reference on the Machiallian notion of virtue in Early Modern republicanism, cf. Niccolò Machiavelli, *Discorsi Di Niccolo Machiauelli ... Sopra La Prima Deca Di Tito Liuio* (Firenze: 1531), Niccolò Machiavelli, *The Discourses*, ed. Bernard Crick, *Pelican Classics ; Ac 14* (Harmondsworth: Penguin Books, 1970).;Gisela Bock, Quentin Skinner, and Maurizio Viroli, eds., *Machiavelli and Republicanism, Ideas in Context* (Cambridge [England] ; New York: Cambridge University Press, 1990), Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition.*)

virtues might not in fact always be adequately instrumental to that end."[313] For the present thesis it is important to note that Sidney appreciated Machiavellian ideas, but still maintained a more traditional attitude on virtue than Machiavelli's emphasis on survival would have allowed. This more traditional view has its source in Aristotelian *concepts* that Sidney on the one hand acquired through his own reading of Aristotle, and on the other hand through reading such other authors influenced by Aristotle as for example Cicero. There is no doubt that some of the notions of Sidney's concepts, particularly of virtue, also have resonances of other authors. Hence, for example Machiavelli's influence in some of Sidney's concepts may be equally as discernible as the Aristotelian influence. However, while the process through which these *implicit concepts* found their way into Sidney's thought will remain a matter of contention, the present thesis just aims to show where we can find theses ideas to understand firstly, what the Aristotelian aspect of Sidney's thought really is, and secondly, what an exploration of Aristotle can add to an appreciation of Sidney's ideas on virtue and their relation to the other concepts of liberty and justice.

I shall introduce *explicit* as well as *implicit concepts* into the classical concepts of thought in Sidney. Through Sidney's example we may learn what importance Greek antiquity still had in providing authoritative sources for political argumentation in the seventeenth century. This is surprising if we consider the Early Modern discontent with the Scholastic tradition of discussing authoritative sources that was later to be overcome by the emergence of empiricism and the striving for intellectual innovation. Sidney's language and thought seem untouched by the early modern attempts to leave the intellectual past behind for the sake of recent innovation. This is evident as Sidney refers to Classical Greek and Roman ideas, for example of Cicero, Livy and Tacitus, alongside such modern ideas as the neo-stoicism of Justus Lipsius or the natural law thinking of Hugo Grotius. Also Machiavellian

[313] Tuck, *Philosophy and Government, 1572-1651*, 20.

republican thought always lurks somewhere between the arguments. The reader of the *Discourses* is always tempted to focus on the classical republican aspects of Sidney's thought. This is particularly so as a result of the Machiavellian influence in conjunction with references to the republican character of some periods in Hebrew, Spartan, Roman and Venetian history. Yet Jonathan Scott has stated "classical republicanism is [...] neither a sufficient nor a very precise category for describing Sidney's thought as a whole."[314] Hence, if we want to come to grips with Sidney's thought as a whole, we need to pursue other lines of inquiry as well. I hope that my approach to reveal the important aspects of the Greek tradition may bring us closer to an appreciation of Sidney's thought as a whole: It should help us to understand to what extent the ancient Greek ideas, particularly on virtue and justice, had an impact on Sidney, and perhaps also on his interpretation of more recent political texts. This may then help us to understand why classical republicanism is not sufficient as a category for understanding Sidney.

There are several reasons for treating the Classical Greek influence on Sidney as important. Beyond the fact that it has hitherto received only scant attention, it may be said that the subject of Classical Greek influences on republicans is not well established as a research topic. Most of the recent publications on English republicanism display a greater inclination to scrutinising the Roman past than the Greek origins of political concepts. There may be reasons to believe that the Roman influence was more important as well as more immediate than the Greek influence. The Roman Republic has of course often been used as a model, particularly in the case of Harrington. Without doubt Machiavelli, and through him, Polybius and Livy were decisive sources for Harrington. Concerning Sidney, the influence of these authors cannot be denied. Yet there is evidence that the Greek authors' influence was substantial. Particularly as there is hardly any reason to doubt that Sidney read

[314] Scott, *Algernon Sidney and the English Republic, 1623-1677*, 15.

these authors themselves rather than it being through his reading of Roman authors.

If we consider Sidney's time, there are differing statements on the importance of Greek authors. There is contention about the influence of Aristotle in regard to political philosophy. With Plato, the focus of attention has been on the Oxford and Cambridge Platonists. They are an example of the flourishing development Platonic philosophy had in the seventeenth century. A further example is the interest of protestants in Plato. It resulted in attempts to blend theological answers to the troubles of their time with Platonic philosophy.[315] This background sets the context for Sidney's Platonist thinking.

In the case of Sidney, Jonathan Scott has pointed out a few facts that underline Plato's significance for Sidney's political thought. First of all, he characterised Sidney's thought as

> "a combination of extreme relativism, and scepticism, about the variety and mutability of particularly worldly things, with an emphasis on a small core of immutable moral values standing outside this changeability, represented by the law of nature, discernible in reason, and anchored finally in the only perfect and unchanging being: God."[316]

I should like to suggest that we may consider Sidney's emphasis on the unchangeable key concepts of virtue, justice and liberty as being influenced by these ideas as well. Secondly Jonathan Scott also revealed a close connection between the Sidney family, neo-stoicism and Platonsim.[317] Thirdly, Grotius - who Sidney referenced, particularly in his account of natural law and rebellion- accepted that good laws can never be entirely

[315] Schobinger and Ueberweg, *Die Philosophie Des 17. Jahrhunderts, Bd. 3. England*, 213.

[316] Scott, *Algernon Sidney and the English Republic, 1623-1677*, 17.

[317] Ibid., 18.

stable, but have to vary according to time, people and circumstances.[318] Through this flexibility, which has already been mentioned, e.g. in the account of Sidney's constitutional thought, a gap opens between positive law and the law of nature, or between human law and universal standards of justice. This aspect of justice also has, according to Jonathan Scott, Platonic sources.[319] Fourthly, Sidney, like Milton,[320] Nedham and Stubbe, was aware of how difficult it was for some people to handle liberty. On their account, "those incapable of liberty, that is of ruling themselves, would have to be ruled by those capable of it."[321] We have already encountered this aspect of Sidney's thought in his key concepts and their relationship to the citizen. There are further points that substantiate Sidney's particular interest in Plato, and we shall encounter a few more in the course of this chapter. So far it should be sufficient to get an impression of the various ways in which Sidney was influenced by this philosopher. Let us then move on to the relationship between Plato's pupil Aristotle and Sidney.

Turning to Aristotle, we can draw the conclusion that his importance for the intellectual landscape of Sir Philip Sidney has been clearly demonstrated,[322]

[318] Ibid., 19.

[319] Ibid.

[320] There are a number of similarities between Sidney's and Milton's thought that have hitherto not been explored properly. In particular the mutual usage of Aristotelian ideas is a topic that deserves attention in future projects. For Milton's republicanism, see above all: Martin Dzelzainis, "Milton's Classical Republicanism," in *Milton and Republicanism*, ed. David Armitage, Quentin Skinner, and Armand Himy (Cambridge: CUP, 1995).

[321] Scott, *Algernon Sidney and the English Republic, 1623-1677*, 21.

[322] Cf. Worden, *The Sound of Virtue: Philip Sidney's Arcadia and Elizabethan Politics*, 301. Peltonen shows that Aristotle had a strong influence on humanist thought, that he was in fact rediscovered (p. 25). His exploration of several Renaissance writings illuminates Aristotle's presence in these time's writings. Peltonen's book reveals this for example by means of Thomas Rogers, who deals with Aristotle's concept of virtue (p. 34), or Foord, who claimed, referring to Aristotle, the King was elected among the magistrates (p. 45); Peltonen, *Classical Humanism and Republicanism in English Political Thought, 1570-1640*. Schmitt stresses the particular interest in the Aristotelian tradition in the last quarter

while the literature about Algernon Sidney's time offers differing statements.[323] Contributions to Republicanism state that Aristotle was an important source at least for some of the writings of this time and particularly for Sidney's fellow republicans, Milton[324] and Harrington.[325] Nevertheless, Blair Worden's statement that Aristotle was the "fountainhead of the classical political inheritance"[326] is by no means characteristic for this field of research. But I shall argue that it is well suited to the case of Algernon Sidney.[327] Research on seventeenth-century political thought has placed relatively little stress upon the importance of Aristotle. The intellectual roots of this period's thinkers are seen in later philosophers such as the Roman historian Tacitus, the Florentine political writer Machiavelli, the Renaissance philosopher

of the sixteenth century; Schmitt, *John Case and Aristotelianism in Renaissance England*, 26.

[323] In 1983 Charles B. Schmitt stated that Aristotelianism in sixteenth - and seventeenth - century England has not been a subject of serious scholarly interest despite a definable revival of Aristotle in the work of such writes as Digby, Case, Hooker, Laud and Harvey Schmitt, *John Case and Aristotelianism in Renaissance England*. Schmitt considers it necessary to pursue further research on this topic. The greatest problem related to this field of research is, that it is hard to isolate the influence of Aristotle's thought (Worden, "Republicanism and the Restoration, 1660-1683," 52.).

[324] Dzelzainis 1995 in: David Armitage, Armand Himy, and Quentin Skinner, eds., *Milton and Republicanism, Ideas in Context* (Cambridge: Cambridge University Press, 1995), 16, 23.

[325] Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*, 480, Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683*, 147.

[326] Worden, "English Republicanism," 445.

[327] It seems as if Sidney can be considered as an example of the several Aristotelian movements called "humanist Aristotelianism." According to Schmitt, it is adequate to speak about "Aristotelianisms" rather than Aristotelianism due to vast variety of theories which stand in the influence of Aristotle's philosophy. (Schmitt, *John Case and Aristotelianism in Renaissance England*, 23.). Sidney's theory can be seen as one example among these theories.

Montaigne, or the legal theorist Grotius.[328] This focus is justified through references to the general characteristics of attempts in this period to overcome scholastic traditions and to create new conceptions. The new humanism of Lipsius is only one example of this tendency.[329] The total rejection of scholastic and humanist thought in Hobbes is another example, and stands for the rejection of Aristotelian theory in particular.[330] However, Aristotle seems to have a pertinent influence on other thinkers and it is worth highlighting the fact that his continuing influence might well have been underestimated, particularly if *implicit* Aristotelian concepts are taken into account. This seems to be significantly so in the case of Algernon Sidney. Even if the aforementioned philosophers also had a strong influence on him, frequent references to Aristotle in his own work confirm the impression that the Greek thinker still maintained a substantial influence on Sidney.[331]

Historical reasons help to understand why Aristotle was so attractive to Sidney. The Philosopher's analysis of the principle of monarchy could become a ground from which the English monarchy could be indicted for its maintenance of a lack of common interest between king and people.[332] In Aristotle's *Politics* Sidney found what was to his mind a convincing theory of the original principle of government: the theory of Kingship based on virtue.

[328] Cf. Peter Burke, "Tacitism, Scepticism, and Reason of State," in *The Cambridge History of Political Thought, 1450-1700*, ed. J H Burns (Cambridge: Cambridge University Press, 1991), 484-93. In addition, Richard Tuck, "Grotius and Seldon," in *The Cambridge History of Political Thought*, ed. J H Burns (Cambridge: Cambridge University Press, 1991), 518-19.

[329] Cf. Gerhard Oestreich, *Geist Und Gestalt Des Frühmodernen Staates. Ausgewählte Aufsätze* (Berlin: Duncker and Humblot, 1969).. Other examples of the rejection of Aristotle's philosophy are to be found in the new approaches to sciences in the works of such figures as Boyle or Bacon. (Compare also Schmitt, *John Case and Aristotelianism in Renaissance England.*, "Introduction".)

[330] *Leviathan* IV, ch. 46.

[331] Cf. Nelson, *The Discourses of Algernon Sidney*, 65-6.

[332] Worden, "English Republicanism," 448.

Like many contemporaries, Sidney was convinced of the prerogative of law over kingly rule. The theory of just kingship (which was to Sidney implied in this conviction), was at the time not only substantiated by referring to the ancient constitution, but had already a history since it was a common-place among the supporters of this theory - especially lawyers - to refer to Aristotle in the sixteenth century.[333] Hence, Aristotle's writings were, at least in this context, still considered a relevant source.

But apart from this historical background, it is above all the textual evidence that convinces the reader of the *Discourses* that Aristotle was an important source. The polemics against Filmer suggests that Sidney reassessed Aristotle. Filmer's selective and distorting references to Aristotle drew Sidney into a justifiable critique.[334] Filmer's attempts to discredit pagan authors such as Aristotle can be considered a stimulation for Sidney to reinstate the Greek philosopher. Regardless of whether Sidney reassessed Greek philosophy in reaction to Filmer, he undeniably had vast knowledge of it. Having inherited a passion for study from his father, the Earl of Leicester,[335] it would have been surprising if they did not draw him towards thorough reinterpretation of the *Nicomachean Ethics* and *Politics* in the context of his time.[336] Consequently there is no reason to doubt the credibility of Sidney's own statement that he had "read [Aristotle's] books of government with some attention."[337] The great number of references to Aristotle in the *Discourses* confirms this. The fact that Sidney did not enjoy a kind of formal higher education allows us to

[333] Christopher W Brooks, *Lawyers, Litigation and English Society since 1450* (London: Hambledon, 1998), 202-4.

[334] Cf. *Discourses* III.22,449; 452; III.23, 452.

[335] Carswell, *The Porcupine: The Life of Algernon Sidney*, 15.

[336] Aristotle, *The Nicomachean Ethics of Aristotle*, trans. W. D. Ross, *World's Classics; 546* (London: Oxford University Press, 1954), Aristotle, *The Politics, and the Constitution of Athens*, ed. Stephen Everson, trans. Jonathan Barnes, Rev. student ed., *Cambridge Texts in the History of Political Thought* (New York: Cambridge University Press, 1996). Cited as *Poltitics* and *EN (Ethica Nicomachica)*.

[337] *Discourses* III.23, 452.

conclude that he may have escaped the contemporary academic requirement to work with or against the scholastics' reading of Aristotle: as a consequence Aristotle's direct influence on Sidney may have been much deeper than with many of his learned contemporaries, e.g. Hobbes, whose *Leviathan* contains numerous polemical sections against Aristotle.

The *Discourses'* direct references to Aristotle can be considered *conscious concepts* of Aristotelian thought included in Sidney's text. They have already received attention, most notably by Scott Nelson.[338] I take it as important to go beyond the exploration of *conscious* Aristotelian *concepts,* in Sidney's thought to appreciate this particular background – ancient Greek learning- fully. Even if it "is difficult to assess precisely the role of [Aristotle's political thought] because it is so vast and all pervasive",[339] the case of Sidney allows a different perspective on this problem. Owing to direct reference, Sidney points the reader to *conscious* Aristotelian *concepts* in his thought. The above listed evidence for the importance of an Aristotelian impact on Sidney suggests that we can only approach a full appreciation of Sidney's political thought if we consider *implicit* as well as *conscious concepts.* This approach leads to an appreciation of the most decisive foundations on which Sidney modelled his own political ideas. Textual comparison will assist in approaching an understanding of *conscious* as well as *implicit* Aristotelian concepts in *Discourses.*

[338] Cf. Nelson, *The Discourses of Algernon Sidney*, 62-76.This is the only work that devotes an own chapter on relation between the *Discourses* and the Greeks.

[339] Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*, 67.

III.2 Original Principles

Owing to the great emphasis Sidney places on virtue, Sidney's argument hints that there is a case to be made for an impact of Ancient Greek and particularly Aristotelian virtue ethics, which provides the key to an understanding of Sidney's thought. While the concept of liberty has greater significance in Roman and Renaissance Republicanism, Greek philosophy still covered several aspects of the concept of liberty we find in Sidney. The concepts of virtue and justice, on the other hand, have a pre-eminent position in Plato's and Aristotle's writings.

The significance of virtue in Sidney's political thought is closely bound up with his general ideas about ethics and politics, which appear as one branch of thought in Sidney, similar to the early modern reception of ancient philosophy, and Aristotle in particular. As much as the *Nicomachean Ethics* appears to the reader as the basis for the *Politics*, the late medieval and early modern reader studied both books together. In particular the translation of Aristotle into Ciceronian language suggests that it reinforced the tendency to discuss the moral questions, such as the significance of virtues in conjunction with politics. As both works were considered a unit, they were published together.[340]

III.2.1 Virtue

It is difficult to give an exact definition of *arete,* the Greek term for virtue. The reason for this difficulty lies in the variety of meanings this term has already in the Greek language. Being derived from the word *agatos* - which can be translated as good - virtue might just be translated as goodness or the best. It refers to the best state of something. Hence, saying about someone that

[340] Tuck, *Philosophy and Government, 1572-1651*, 12-20.

he is virtuous could simply mean that someone is a good person.[341]

Looking at this rather general meaning of the initial Greek concept of virtue may help us to understand, why Sidney only sporadically names specific qualities as virtues. This meaning - which seems rather vague to anyone who is used to specific definitions - also draws our attention to the extent to which a consideration of the context may bring us closer to the term's meaning than a search for exact definitions. In Plato's as well as Aristotle's philosophy we find both the usage of *arete* to denote nothing but good, or useful, as well as the meaning of *arete* as goodness in consideration of the well being of man, or moral goodness. The latter concept, of course, is what is of greater interest to a discussion of Sidney's political thought.

> "[T]here are three kinds [...] of moral states to be avoided- vice, incontinence, brutishness. The contraries [...]are[...] virtue [and] continence; to brutishness it would be most fitting to oppose superhuman virtue[...]. Therefore [...] if men become gods by excess of virtue, of this kind must obviously be the state opposed to the brutish state: far as a brute has no vice or virtue, so neither has a god; his state is higher than virtue and that of a brute is a different kind of state from vice."[342]

One of the main issues linking Sidney to Plato's and Aristotle's political philosophy is a form of teleological anthropology. All three writers presuppose that human development has its own inherent target. Human life is

[341] In my discussion of the Greek terms I have relied on: Rüdiger Bubner, *Drei Studien zur Politischen Philosophie, Schriften der Philosophisch-Historischen Klasse der Heidelberger Akademie der Wissenschaften; Bd. 11* (Heidelberg: Universitätsverlag C. Winter, 1999), Rüdiger Bubner, *Welche Rationalität bekommt der Gesellschaft?: Vier Kapitel aus dem Naturrecht*, 1. Aufl. ed., *Suhrkamp Taschenbuch Wissenschaft; 1258* (Frankfurt am Main: Suhrkamp, 1996), Joachim Ritter et al., *Historisches Wörterbuch der Philosophie*, völlig neubearbeitete Ausgabe des Wörterbuchs der philosophischen Begriffe von Rudolf Eisler. ed. (Basel: Schwabe, 1971).

seen as a development which ought to strive towards moral cultivation. As we have seen in Chapter II in Sidney's thought we find a number of points that agree with the above statement: Firstly, Sidney takes up the idea that human life and moral development occur between the state of brutishness, characterised by a total lack of any virtue, and a state of divine perfection, unachievable for man, for which he still ought to strive. Secondly, man is seen as a rational creature,[343] able to follow the voice of reason and thus he has at least the capacity of achieving virtue, a capacity that he should aim to use.

Thirdly, Sidney shares the teleological anthropology which presupposes that there is a difference between man as he can be observed in everyday life and man as he ought to be. Sidney underlines this thought in a platonic manner, when he states,

> "The misery of man proceeds from his being separated from God [...and...] his restitution therefore to felicity and integrity [...] can only be brought about by his reunion to the good from which he is fallen."[344]

Although this quotation may look as if it is simply an expression of the Christian (and especially protestant) notion of man's fall and his duty to strive to return to his prelapsian state, Sidney makes clear that he has Plato in mind. He states in the next sentence, "Plato looks upon this as the only worthy object of man's desire".[345]

Assuming man develops towards a goal – *telos* – Sidney shares with Plato and Aristotle the idea that man develops towards the completion of his nature throughout his life. In Plato, we find the idea that there is a hierarchy of pleasures which a person can experience. The highest position has the exercise of reason, which is the acquiring of knowledge. Compared to the pleasures

[342] Aristotle, *EN* VII, 1145a

[343] Cf. e.g. *Discourses* II.20, 192.

[344] *Discourses* II.1, 83.

[345] *Discourses* Ibid.

man might get from other activities, such as eating or the enjoyment of carnal pleasures, the acquisition of knowledge is a higher form of being. Therefore, the devotion to an acquisition of knowledge and the exercise of reason is, for Plato, a virtue worthy to be achieved. The Tyrant, according to Plato, is far from this activity, hence also far from true virtue.[346] For Sidney, this comparative aspect of reasoning about virtue of the mind must have been an appealing development in Plato's philosophy. In his thoughts on Filmer's idea of Kingship, Sidney for example states, "'Tis strange that he who frequently cites Aristotle and Plato, should unluckily acknowledge such only to be kings as thy call tyrants, and deny the name of king to those, who in their opinion are the only kings."[347]

Finally, all thinkers distinguish a divine and a brutish state from the states achievable by man. The brutish state is below human life. Yet it is also the state which - according to Sidney's interpretation of Plato and Aristotle – is equivalent with tyranny. Referring to the Greek authors, he states that living under tyranny, or in what they call *barbarum regna*, is worse than being "subject to the lust of a beast".[348] Being unachievable, the divine state is above all human virtue. While Aristotle in the *Ethics* or *Politics* does not devote much attention to divine being, Sidney gives a hint of his own interpretation for this state. Like Milton, he refers to the fall as the explanation of man's imperfection, but always looks at it in conjunction with references to Plato's ideas.

> "man, [...] when separated from law and justice is the worst of all [animals]; since armed injustice is the more dangerous, and he is equipped at birth with arms, meant to be used by intelligence and excellence, which he may use for the worst ends."[349]

[346] *Politeia* 584 d-590a.

[347] *Discourses* II.30, 287.

[348] *Discourses* II.30, 288.

[349] *Politics* I, 1253a

"The fierce barbarity of a loose multitude, bound by no law, and regulated, is wholly repugnant to [the way in which man ought to live...]. Whilst every man fears his neighbour, and has no other defence than his own strength, he must live in [...] perpetual anxiety".[350]

Although similar statements occur in a number of seventh-century writings, it is worth inquiring what this section may tell us about the Greek thinking that, in Sidney's case, may be considered a background from which his thought is more easily understood. I am not at all suggesting that Sidney is exclusively referring to the Greeks in this passage. But there is enough reason to believe that the Greek philosophers are the most decisive influence in the above quotation. This is particularly so in that Sidney embedded this discussion into references to Plato and Aristotle.

Having Aristotle's famous statement in mind, that man is a political animal, the above quotation of Aristotle seems surprising as it rather looks like an anticipation of a Hobbesian state of nature as described in *Leviathan*.[351] Yet the context in which Sidney's statement appears suggests that Sidney aims to emphasise the difference between man guided through the civilising effect of the state and man as he degenerates into a beast-like creature, if this effect is lacking. The proximity to Hobbes in this anticipation of a state of nature brings to mind a decisive difference between Sidney and Aristotle on the one side and Hobbes on the other. While Hobbes refers to a state of nature scenario to emphasise the importance of having political order at all, Sidney uses it, and here he is in line with Aristotle, to emphasise the need for a particular political order that allows man to practice, and we may infer, develop his talents. Thus the decisive difference from Hobbes is the purpose of civil society that is opposed to the state of war. While Hobbes is simply interested in disaster avoidance, Sidney and Aristotle have a teleological

[350] Discourses, II.1, 83

[351] Hobbes and Tuck, *Leviathan*, XIII.

conception of human nature that requires them to consider the state as a means to the end of human development.

Sidney makes clear that it is the "good discipline" that renders the "individual useful to the whole",[352] and allows him to achieve "happiness, and that sedate temper of mind" which is required for a righteous life. The former point, in particular, being "useful to the whole", is in line with the Aristotelian idea that man ought to live in the community of the state to which he contributes through bringing in his talents.[353]

This feature of Aristotle's thought requires us to recall some of his statements on human nature and the state. As early as in the first book of the *Politics* it becomes clear that the political state is a creation of man. From this, Aristotle derives the statement that man is a political animal. Yet he also makes clear that "man is more a political animal than bees or any other gregarious animals."[354] Thus he clarifies that it is not particularly human to be a political animal, but to be "more a political animal". Hence man has a higher quality of the political. Among the various answers spread out though the *Ethics* and *Politics* the reference to morality – the sense of good and evil - prevails.[355] The ideas behind this are extensively dealt with in the *Ethics*, but the point of greatest interest here is the thesis that morality is concerned with the good life within the community, which equals the fulfilment of human nature. This is only possible within the state, first, because it is the highest form of community as it encompasses all others, and secondly, because it enables the cultivation of the political – the sense of community – of man. In this sense the state is prior to human nature. The quotation at the beginning of the chapter precisely illustrates this thesis. By giving a short hypothetical statement, Aristotle outlines how unimaginable man's separation from the state is as a result of his thesis that the development of the particularly human

[352] *Discourses* II.1, 83.

[353] *Disourses* II.1, 83.

[354] *Politics* 1253a.

[355] *Politics* 1253a.

political quality depends on the state and cannot develop outside the state.

The same hypothetical move recurs in Sidney's *Discourses* for a similar purpose. Describing an extra-social condition that is determined by "affections, passions and vices,"[356] Sidney highlights how man is bound to lead life in a "bestial barbarity" unless "art and discipline" improve it.[357] But in Sidney's cultural context this statement gains another dimension. Due to Hobbes' well-known *Leviathan*, Sidney's statement appears much closer to the hypothetical state of nature theorem. Thus its rhetorical effect must be considered as a decisive one. The thesis of man's inability to live apart from the regulative mechanisms of the state thereby gains a strong emphasis. Opposed to the idea of the natural man is the idea of the good or virtuous man. He stands for the aim of the moral development of man. "An excess of virtue" was superhuman, as Aristotle stated.[358] By definition, man cannot achieve it. In the same way, Sidney states that a man of absolute virtue will never be found since "perfection is in God only".[359]

Following a rational principle implies acting in deliberate and goal-orientated ways. Yet the premise for acting in this manner is education, which plays a principal role in the thought of the Greek philosophers as well as in Sidney's thought: "Neither by nature nor contrary to nature do the virtues arise in us; rather we are adapted by nature to receive them, and are made perfect by habit."[360]

Sidney, like Aristotle, made it clear that man is not born virtuous, but, rather, that he is born to become virtuous during life. The fact that we are not born virtuous gives us the initial liberty to behave in a vicious, unjust, and harmful manner towards our neighbours. Sidney's "natural man" acts upon this capability, as do Aristotle's humans governed by passion. Aristotle

[356] *Discourses* II.1, 83.

[357] *Discourses* III.7, 357.

[358] Cf. above quotation and *EN* X.7-8.

[359] Discourses II.1.

[360] *EN* II, 1103a.

describes the "evil and unnatural condition" found in the nature of slaves,[361] in barbarous nations, and in "mad men or children".[362] Referring to children, Aristotle's statement has the connotation that such life conditions can only properly mark the starting point for development, but can never be a natural final state that would be the fulfilment of human nature. This natural fulfilment, however, can only be achieved by virtue of the innate human principle of reason that tends to human fulfilment.

The aim implied is goodness; the way to achieve it and the result of having achieved it is to act in a way that is "wise, just and good".[363] Thus Sidney, after Plato and Aristotle, associates rationality with virtue. These statements concerning reason pinpoint the idea of virtue as it occurs in both thinkers' writings. Unlike Sidney, Aristotle gives a rather detailed account of his understanding of virtue by saying, "some of the virtues are intellectual and others are moral, philosophic wisdom and understanding and practical wisdom being intellectual, liberality and temperance moral."[364] It goes without saying that perfect virtue encompasses both aspects of virtue in Sidney's as well as in Aristotle's text. Yet Sidney also expresses in accordance with Aristotelian principles a hierarchy among the conceptions of a virtuous life. Taking the excellence of intellectual virtues for granted, he makes it clear that life in society aims towards the attainment of a "sedate temper of mind"[365] which can be seen as a contemplative state resembling the Aristotelian "theoretical life", which Aristotle finally values higher than all other forms of life.[366] For Sidney this is the state which leaves behind the 'corrupted nature' of the natural man

[361] *Politics* I.5, 1254b.

[362] *Politics* VII, 1323a.

[363] *Discourses* I.20, 74. These are the characteristics for the good magistrate. They can be taken as representative for Sidney's idea of the virtuous man since he requires the greatest virtue in magistrates.

[364] *EN* I, 1103a.

[365] *Discourses* II.1, 83.

[366] *EN* 1141b3.

and appears as the highest achievable state.

Looking for particular examples of a virtuous life, Sidney also names Plato and Socrates as "wise men following the light of nature". In this reference to the private life, he emphasises that abating "the lusts and passions that arise in the hearts of men [... raises] our hearts to the love of those treasures that perish not."[367] Here we find an admiration for the *vita contemplativa* which, thanks to the reference to Plato, allows the conclusion that Sidney deliberately follows this Ancient Greek concept. Unlike in Aristotle's philosophy, this highest form of being has distinct religious implications. The "sedate temper of mind"[368] is seen as a form of theoretical life striving to attain the nature of the spiritual man which is aimed to be renewed "through the spirit of grace".[369] Hence a religious idea appears here in conjunction with the emphasis on the *vita contemplativa.* Sidney is not alone with this Platonic approach. John Milton also took the constant striving of man to regain the paradise lost as a moral challenge.[370] A closer look at the ideas behind this aspect reveals the Platonic interpretation of Sidney's metaphysical and religious ideas, as the 'spiritual man' appears as a form of being that aims to regain a former state.[371] The state of contemplation, as interpreted, remains the highest form of being in Sidney's thought and the creation of opportunities for achieving it one of the principal roles that Sidney ascribes to the state.

If we consider Greek influences on the political dimensions of Sidney's idea of virtue, we are turned to Aristotle. A key idea in Sidney is that men are equal in nature, yet he still allows a hierarchy on the basis of political virtue, when he states, "equality continues till virtue makes the distinction"[372]. This

[367] *Discourses* I.19, 67.

[368] *Discourses* II.1, 83.

[369] *Discourses* II.8, 23.

[370] Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683*, 218-9.

[371] Cf. in particular: Ibid., 214-20.

[372] *Discourses* III.23, 453.

understanding of hierarchy, borrowed from the Ancient Greek world, is simply defined through the ability of political capacity in relation to the ends of society. As they are, according to Sidney, "defence, and the obtaining of justice", the persons excelling the rest of the people, are required to have

> "a mind, unbiased by passion, full of goodness and wisdom, firm against all the temptations to ill, that may arise from desire of fear; tending to all manner of good, through a perfect knowledge and affection to it; and this to such a degree, that he or they have more of these virtues or excellencies than all the rest of the society, tho computed together".[373]

The idea of military virtue has its main source in Roman Republican and Machiavellain thought. Sidney, being strongly influenced by Machiavelli's *Discourses on Livy*, found warfare crucial for the achievement of virtue. This idea was appealing to him for a number of reasons. Firstly, Sidney considered the old English aristocracy, to which he himself belonged, as a group of families who had initially obtained their social standing through the proof of military virtue in warfare, and thereby also through the proof that they were willing to subordinate their own good to the well-being of the whole nation. Secondly, Sidney considered the activity of warfare as a balancing force against the corrupting force a civil life has on the character. The inconveniences of a life of warfare, as Sidney believed, would maintain the individuals' appreciation for fundamental values rather than for decadent amenities. Thirdly, as stated in the biographical chapter, Colonel Sidney himself had experienced war during the Irish Revolt as well as during the civil war. While he seems to have experienced the difficulties of maintaining virtue during the Irish Revolt, he had also proven through his military success during the civil war that military virtue was not simply an abstract concept, but could

[373] *Discourses* III.23, 453.

[374] *Discourses* I.5, p. 18.

be translated into personal experience. In this light of such information about Sidney's life, it seems as if his speaking for the value of military virtue meant, for Sidney, to express appreciation for his own experience and life.

III.2.2 Liberty

In Greek antiquity freedom or liberty did not exist as a distinct idea, yet a great deal of Sidney's understanding of it can be explained within the context of ancient Greek thinking. In the discussion of natural liberty, Sidney attacks Filmer. He rectifies the authorities who are misinterpreted by Filmer and names Plato, Arsitotle, Plutarch, Thudydides, Xenophon, Polybius in one breath as proponents of the "natural freedom of mankind"[374]. Even if we do not find liberty as a commonly used term in Greek philosophy, we do find the idea of self government. It finds its Greek equivalent in *autarkia* – which stands for an independence from external means and self sufficiency. In the *Discourses*, the aspect of popular sovereignty comprehends *autarkia* as well as the idea of military strength as a means to prevent foreign invasion. It may be said that the valour of armed citizens exists for the sake of maintaining independence from foreign nations.

Another aspect of liberty we have encountered in the *Discourses* is the idea of self government. This idea has some similarities to the Greek idea of *proheiresis*. This term stands for the freedom and ability to decide. *Proheiresis* is the precondition for independent decision making. Thus Sidney picks up Aristotle's theory of the natural slave, but adjusts it for his own purposes. Sometimes it helps to understand Sidney's concept of liberty by looking at sections concerned with its absence:

> "Asiaticks and Africans, for being careless of their liberty, or unable to govern themselves were by Aristotle and other wise men called *slaves by*

nature, and lookes upon us little different as beasts. /This [...] has its root in common sense [and] reason."[375]

The phase most striking here is: "being careless of their liberty". It highlights both Sidney's aim to discredit all social and political structures built on a high limitation of liberty and his emphasis on individual human autonomy. The *Discourses* "concern" not only the issue of political "government", but also the issue of self-government, which is the ability to be responsible about liberty instead of careless as the slavish man is bound to be. As for the precise anthropological status of 'Asiaticks and Africans' to Sidney, it is fair to say that their state was not a primary concern to Sidney's anthropological theory, This is so even if Sidney's utilisation of Aristotle in their regard is very significant to us today as an illustration of an early modern attitude to the 'New World's' inhabitants. In highlighting self-government, Sidney echoes the Aristotelian principle of – *proheiresis* – a principle concerned with deliberate action and decision-making.[376] The deliberation in the act of deciding appears as a moment in which the agent takes his freedom seriously by using his reason in order to act virtuously and in a manner appropriate to the temporary circumstances. As it is a deliberate act it looks like a principle which we relocate in Sidney's plea for the responsible handling of liberty.

This similarity is clearer if the situation of the slave is considered. The slave lacks precisely the ability of deliberate action and becomes therefore slave of his passions. The same is so with the natural man. Both examples of moral inferiority are characterised by their inability or lack of will to make the most out of the freedom with which they are born. Aristotle's famous theory of the master and the slave gives a further example for these characteristics of

[375] *Discourses* I.2, 9. In the seventeenth-century context, not many people had contact with slavery and savages, there were various examples for the use of the term slave to illustrate lack of virtue. Writings in literature, philosophy and Political theory content various examples. Due to this context, an adoption of the Aristotelian conception was at hand.

[376] *EN* 1113a.

human states, which is, in various forms, gratefully adopted in Sidney's theory. Being incapable of self-determination, the slave can only lead an adequate life if he follows the voice of his master to compensate for his inability to follow the voice of his own reason.[377] Sidney refers to the relation between master and slave as partially similar to the relation between King and subject, thus underlining the necessity that reason governs all and that the ruler himself behave with virtue. In several passages[378] he discredits absolutist and arbitrary rule as slavish behaviour, so he shows that the tyrant is himself a "slave". Thus we already find in Sidney's Aristotelian anthropology intimations of his political theory. As the idea of the natural man already tells us of the limitations of government, the ideas of the virtuous man himself tells of the virtues required for just rule.

III.2.3 Justice

We can suppose, from Jonathan Scott's findings about Sidney's education, that our author was introduced to the Greek idea of *dikaiosyne* (derived from *deik*, which means something like state, manner, adequate, as well as right legal issue), a term, originally used for a Goddess, which became in Greek political philosophy the term for a divine universal norm. In the *Republic*, a text Sidney was particularly familiar with, Plato defines justice in the second book and classifies it as one of the four cardinal virtues. The religious implication still plays a role, yet the emphasis is on the ethical and legal implications of the term. While the three other virtues are allocated to the different classes within the state, or the different parts of the soul, Plato defines justice as superior, being the foundation of all other virtues. He states in Book IV that justice was everyone doing his due,[379] or *suum cuique tribuere,* to allocate to each his own, as the idea is more famously known.

[377] *Politics* 1155b.

[378] *Discourses* II.24.

Hence, he relates the idea of justice to the order of the state, which recurs in the *Discourses* as the idea of the good order.

Aristotle, whose philosophy is seen by Sidney as closely related, inherited the idea from his master and devotes Book V of the *Nicomachean Ethics* to the discussion of justice. Naming justice as completed virtue or *arete teleia*, he follows Plato. Yet, unlike Plato, Aristotle sees justice as an idea covering all other virtues in regard of interpersonal relationships. He considers justice as one virtue among others and ascribes to it primarily juridical connotations. He looks at it in greater detail by dividing justice into corrective and distributive justice, a division we encounter in Sidney's political writings. While the former involves arithmetically equal distribution, the latter requires proportional distribution, that is to say giving everyone his due.[380] It is justice in relation to the law and customs of the *polis*. This principle recurs in Sidney's idea of social structure. The idea of corrective justice governs Sidney's thoughts regarding equality before good and in the founding of political order. However, for the political philosophy of the ancients as well as for Sidney the idea of distributive justice is more important. The idea of justice as virtue is in the foreground.

A further aspect of justice that links Sidney with the Ancient World is Natural Law. It comes into the discussion of justice in conjunction with the idea of teleology. This basic idea, which is related to the Classical Greek anthropology, is the principle behind Sidney's ideas as well. Although later influences such as Thomism and English early modern natural law theory played a part in shaping Sidney's ideas of natural law, the impact of the Ancient Greek ideas is still significant particularly because we have sufficient evidence that Sidney familiarised himself through reading the originals. In regard of the power of laws, Sidney follows Aristotle rather than Plato when he gives preference to the rule of laws rather than to the rule of an individual.

[379] *Republic*, IV, 433a.

[380] "That the proper end of justice is to give to everyone his due;" *Discourses* II.1,82.

In Book III of the *Politics*, Aristotle expresses his preference for the rule of law.[381]

II.3 The *Polis* and its influence

III.3.1 Political architecture

> "[T]he various talents that men posess, may by good discipline be rendered useful to the whole, as the meanest piece of wood or stone being placed by a wise architect, conduces to the beauty of the most glorious building. But every man bearing in his own breast affections, passions and vices that are repugnant to this end, and no man owing any submission to his neighbour; none will subject the correction or restriction of themselves to another, unless he also submit to the same rule. They are rough pieces of timer or stone, which 'tis is necessary to cleave, saw, or cut: This is the work of a skillful builder, and he only is capable of erecting a great fabrick, who is so: Magistrates are political architects; and they only can perform the work incumbent on them, who excel in political virtues."[382]

Sidney's political architecture, which we have already encountered in Chapter II, leads us directly to the platonic influence. Chapter II.1. of the *Discourses* tells us a lot about Sidney's understanding of politics as well as about the extent to which Sidney relies on Plato and Aristotle. The image Sidney creates by means of the above text reminds of Aristotle's idea that the state is to be considered a unity built out of manifold individual parts.[383]

[381] *Politics*, III, 13, 1284 a 3-17.

[382] Sidney, *Discourses* II.1, 83.

[383] Cf. *Politics* III. 1252a-1254b, 1276a – 1277a.

"The state comes into existence for the bare needs of life, and continues in existence for the sake of the good life."[384]

"The first step [towards] society is for many to join in one body, that everyone may be protected by the united force of all; and the various talents that men posess, may by good discipline be rendered useful to the whole, as the meanest piece of wood or stone being placed by a wise architect, conduces to the beauty of the most glorious building."[385]

The two statements above have one decisive similarity: it is the idea that, though the state begins in the establishment of protective order, this only marks one step in the process but does not stand for the full purpose of government. Such a purpose is to enable that good and virtuous life which is only possible - to use Sidney's words -in the "glorious political building" of a just state. In reference to the Ancient Greeks, Sidney states that governments are instituted as the result of people seeking "their own good". And he continues by paraphrasing a *topos* of Platonic philosophy,

> "for the will is ever drawn by some real good, or the appearance of it. This is that which man seeks by all the regular or irregular motions of his mind. Reason and passion, virtue and passion do herein concur, though they differ vastly in the objects, in which each of them thinks this good to consist."[386]

The real good that men desire in their decision to set up a government is the aim of setting up a good government. The question whether a government is good or not is fundamental for Sidney's political thought in general. From all that we have discussed about Sidney in Chapter II, it seems that he subscribes

[384] Aristotle, *Politics*.
[385] Sidney, *Discourses* II.1, 83.
[386] *Discourses* I.16, 49.

to the Greek idea of a good government. Within this philosophical framework, a government is considered good, if it allows the good life - *eudamonia* - and allots to everyone his right office and work.

Seeing politics as a constructive science, as the above quotation suggests, which we have already looked at in Chapter II.4, is reminiscent of Plato's *Politia*. And it is not only the above quotation, but the whole section II.1 of the *Discourses*, which introduces the reader of the *Discourses* to the extent to which Sidney has imbibed platonic ideas. Key issues here are the nature and the purpose of political order, and the importance of virtue and justice as guiding principles. Apart from the relation between the constitution and the good life, we have seen that Sidney places importance on stability.[387] This aspect brings in an issue of neo-stoicism. The notion of virtue and constancy is particularly shaped by Lipsius *de Constantia.* Lipsius aimed to establish constancy as the "crown of the virtues".[388] Neo-Stoicism has in Sidney's theory a complementary function to the Aristotelian conception of virtue.[389]

Sidney also employs Aristotle as a source for asserting the natural liberty of man,[390] which implies that a people can choose their own government. Here, of course, his contractualism and the related idea of liberty become even more evident.[391] The dependence of the actual form of the constitution on the will of the nation is once again highlighted.[392]

At this point, Aristotle's *Nicomachean Ethics* proves once again very revealing. Aristotle states about human nature:

[387] Cf. Discourses II.11, 137.

[388] Tuck, *Philosophy and Government, 1572-1651*, 52.

[389] Cf. Justus Lipsius, *De Constantia*, trans. Florian Neumann (Mainz: Dietrichsche Verlagsbuchhandlung, 1998).. Cf. e.g. I.6, 40-42.

[390] *Discourses* I.5, 18.

[391] *Discourses* II.5.

[392] *Discourses* II.6.

"There are three things which make men good and excellent; these are nature, habit and reason. In the first place, everyone must be born a man and not some other animal; so, too, he must have a certain character of both body and soul. But some qualities there is no use in having at birth, for they are altered by habit, and there are some gifts which by nature are made to be turned by habit to good or bad."

More clearly than Sidney, Aristotle names the means that mould imperfect human nature to good and virtuous creatures: these are nature, habit, and reason. While the particularly human character of body and soul is due to nature, habit turns the natural gifts to good or bad. Reason, finally, is of paramount importance since it mainly comes into play as the source of self-discipline,[393] which frees the person's cultivation of virtue from continued dependence upon external education and laws. As we saw earlier, in Sidney's account of political virtue he considers self discipline as one of the key features of a magistrate. For Sidney, as for Aristotle, law represents reason and has a prerogative over reason due to its greater stability. As such it fosters the good life, by stimulating and sustaining good habits. By placing emphasis on the role of law both authors intend to leave the citizen more willing and, at the same time, more able to live virtuously through their own self-discipline. The well-being that is achieved by a perpetual process within the Aristotelian *polis* had been adapted into Sidney's idea of a God-pleasing virtuous life and is hence reflected in his political theory.

For Aristotle, as well as for Sidney, man seems to be born in a kind of natural state. Yet in childhood habits develop which affect our ability to become virtuous as adults. The idea of the natural man as well as the reference to barbarous people show that the man who has not developed practical wisdom to rule himself may just naturally follow the untamed passions. Concerning the development of man and the relation to passion, Aristotle, for

[393] *Politics* VII.13, 1332a-b.

example, is very explicit right at the beginning of the *Nicomachean Ethics*. Even well brought up young men should not bother to attend his lectures until their natural passions are controlled by practical wisdom and make them receptive enough for the theoretical side of ethical instruction.[394]

Looking at Sidney's own personality, one may wonder to what extent he was in fact capable of governing himself appropriately, as he was well known for his hot temper. It would not be surprising if this personal weakness made him particularly attentive to this issue of human development. Sidney's own experience of human moral weakness (see Chapter I.1) made him believe that law was necessary to work against the frailty of man's character. The way he implements this idea in his theory reminds us of Aristotle again, who emphasises the educational function of law. He states it is "the intention of every legislator [...] to make their citizens good by habituation"[395]. In addition, he clarifies this idea by such statements as that the good man would be encouraged to act virtuously, "while a bad man, whose desire is for pleasure, is corrected by pain like a beast of burden."[396] The aim of Sidney, like Aristotle, is to construct a theory conducive to the development of virtue in a political situation where people act virtuously in free will rather than as a reaction to the fear of punishment.[397] As Aristotle states, the truly virtuous man acts intentionally well because of his good nature, since goodness is not only an activity but primarily a state which is the cause of good activity. Since it is the innate idea of the state to "care for virtue", a state that cares only for the lawful behaviour of its citizens but not for the origin of this behaviour "is

[394] *EN* 1095a2.

[395] *EN* III, 1103b.

[396] *EN* X, 1179b-1180a.

[397] This concept of law and punishment goes together with the conviction that the individual is totally responsible for his actions. It goes together with Houston's statement that Sidney's conception of freedom was much more individualistic than that of Locke. Referring to *Discourses* III.40, he claims that the natural freedom makes man very responsible for his

nothing but an alliance".[398]

It has been argued that liberty and virtue are constitutive for Algernon Sidney's political thought. The notion of virtue and constancy is particularly shaped by Lipsius *de Constantia.* Lipsius aimed to establish constancy as the "crown of the virtues".[399] Neo-Stoicism has in Sidney's theory a complementary function to the Greek conception of virtue.[400]

> "[T]he proper act of justice is to give to everyone his due; to man what belongs to man, and to God that which is God's. [...] [It is] impossible for any man to perform the part of a good magistrate, unless he have the knowledge of God; or to bring a people to justice, unless he baring them to the knowledge of God., who is the root of all justice and goodness. If Plato therefore deserve credit, he only can duly perform the part of a good magistrate, whose moral virtues are ripened and heightened by a superinduction of divine knowledge."[401]

Through this quotation, we gain insight into Sidney's attempt to blend his Platonism with his Christian principles. It becomes clear that the role of the magistrate is the highest and most responsible office Sidney presents, not only because the magistrate's knowledge of the principles of justice is outstanding, but also because he fulfils a *quasi* religious function.

The ideal image of the magistrate, which is presented above, resembles Plato's philosopher king. His position is superior to all other classes within

own actions (Houston, *Algernon Sidney and the Republican Heritage in England and America.*, 113).

[398] Accusing Sidney of proclaiming the need of virtue without providing a method of cultivating it, Houston describes Sidney's theory as intellectually unsatisfying (Ibid., 177). In the light of an Aristotelian interpretation this accusation has to be rejected, as the method of cultivating virtue is ascribed to the influence of law on human character.

[399] Tuck, *Philosophy and Government, 1572-1651*, 52.

[400] Lipsius, *De Constantia*, I.6,40-2.

society because he has the task of overseeing the citizens' activities and allotting to everyone the task that is most suitable to his nature. This is what Sidney means by the statement, "that the various talents that men possess, may by good discipline rendered useful to the whole."[402] As we can deduce from these statements, Sidney fully subscribes to the Platonic approach of seeing the concept of justice realised in every detail of state and society.

If we recall Sidney's statement about the "beauty of the glorious building", we can understand that just as the "skilful builder" has to have an awareness for the final beauty of a building, so the magistrate - being the builder's equivalent - has to have an awareness of the ideal of justice. It is his task, in his political function, to be guided in all his activities by the knowledge of the ideal of justice, so that he may always find the right means to decide in particular situations. This knowledge, according to Plato, is the knowledge necessary for leading a fulfilled life. Justice is being achieved for the sake of happiness.[403]

III.3.2 The good *polis* and Sidney

Referring to Aristotle, Sidney states,

> "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. [...] And if Aristotle deserve credit, the power of altering, mitigating explaining or correcting the laws of England, is only in the Parliament, because none but the Parliament can make them."[404]

Despite this stress on freedom of choice, Sidney's political conception has a

[401] *Discourses* II.1, 32-3.

[402] *Dicsourses* II.1, 83.

[403] Cf. *Respublica.* I, 344a, 347e.

[404] *Discourses* III.22, 451.

normative tone as he derives the necessity of a virtue-based system from the combination of liberty, equality and justice. From this compound it follows that liberty must be used responsibly. Clarifying this, Sidney sees that freedom of choice ought to result in virtue-orientated constitutional principles,[405] as expressed in the following: "rational creatures would [not] advance one or a few of their equals above themselves, unless in consideration of their own good."[406]

However much this normative moment seems to predict the shape of the constitution, the theory still has a great flexibility concerning its concrete institutional structure. Sidney states, "political science [is most] variable according to accidents and circumstances."[407] The key for this flexibility lies in the Aristotelian principle of virtue, or excellence. This idea implies that the virtue of every thing is its best state. For example, as a knife exists for the sake of cutting well, its best state is to do so. This teleological conception results in the following: since the state exists for the sake of the good and virtuous life, the state that fosters a good and virtuous life perfectly, is a good state. Owing to the various possible forms of both human character and changing circumstances that influence it, the actual best structure of a state is bound to depend on the principle of virtue, but be flexible in its actual institutional shape. Despite the requirement for general flexibility, Sidney does, nevertheless, express his preference for one form of government. For him, the form of government allowing the required flexibility is that of the mixed constitution.[408] In this respect, his preference for Aristotelian political thought becomes evident once again. But here he is not unusual in the context of early modern constitutional thought. Fortescue had previously described the

[405] It is the idea of positive or classical liberty which comes into sight. Its nature is revealingly analysed in Skinner, *Liberty before Liberalism*. Even though Roman and Machiavellian origins are decisive, Arsitotelian origins also have a share in this concept..

[406] *Discourses* I.6, 21.

[407] *Discourses* II.8, 121.

[408] Cf. *Discourses* I.10, 31.

English constitution as mixed government.[409] During England's troubles in the seventeenth century, Neville and Harrington, for example, followed this tradition. That Sidney is indebted to Aristotle for his preference of the mixed constitution is unquestionable and has often been discussed in writings on his thought.

Looking at the relation between constitution and law, a similar situation occurs. It is true that there is a tendency in seventeenth-century constitutional thought to believe that a right constitution has to be based on the rule of law. This is not only a republican idea, but also a general thesis discernible in the thought of lawyers, that was already established in the 16th century.[410] It is Fortescue again who laid the foundation for this stream of thought and thereby stimulated a tendency to take up Aristotelian principles. Although magistrates have to "excell in all manner of virtue", deviations from this code can never be totally excluded.[411] This is due to the instability of human nature.[412] Therefore the law plays a role as a remedy to minimise the unavoidable deviations and to sustain the virtue of the magistrate. Consequently the law is set above magistrates, even above kings. Here the Aristotelian idea appears that the good citizen has both to rule and to obey. This subjection to the law

[409] Worden, "Republicanism and the Restoration, 1660-1683," 56.

[410] Brooks, *Lawyers, Litigation and English Society since 1450*, 202-09.

[411] According to Houston, the fear of passion and arbitrary rule initiated Sidney's "Legalism" (Houston, *Algernon Sidney and the Republican Heritage in England and America*, 156-7. Due to the importance law has as a source of virtue in his Sidney's conception, it seems not totally adequate speak about legalism. Carrive, for example, draws the consequence that Sidney's thought lacks a theory to obligation (Carrive, *La Pensée Politique D' Algernon Sidney, 1622-1683: La Querelle De L'absolutisme.* which is wrong. Owing to Sidney's statements on rebellion it may seem as if Sidney does overlook the necessity of obligation. Yet, a closer look at the *Discourses* reveals, that the whole people is not obliged to continue obedience in a corrupted state, but that individuals are generally bound. *Pacta servanda sunt!*). This is of course exaggerated but illustrates that the rule of law is not stressed in a way that legalism would appear as a emphasised foundation of the theory.

holds even for those who hold tenure obligatorily, and their virtue is judged on their ability to do so willingly.[413]

With Tacitus, Sidney shares an admiration for the Germans. While idealising their virtue may be considered one side of his admiration, the other side might be Sidney's understanding of the Germans as the ancestors of the Saxons and their nobility, whom he might have considered the root of his own family line.[414] Both have an appreciation for the importance virtue plays in the life of the Germans, and particularly as a principle of rulership. In *Germania* Tacitus hails values that are as much of Greek origin as the values that are all-pervasive in Sidney's key concepts. Like Sidney, Tacitus had experienced political reality as a politician and not only as an observer. Both lived in a time that they perceived as corrupt and in which they frequently encountered the want of virtue in politicians as well as in citizens. The idealised Germans and particularly the Ancient Greeks served as an ideal against which to measure their own time. In the case of Sidney, the ancient Greek ideas of Aristotle provide the background for his assessment of his own time and the premises for the conclusions he drew for political reality. Accordingly he states:

[412] *Discourses* III.

[413] *Politics* 1277b. Following this interpretation, an apparent problem of coherency in Sidney's thought can be solved. Due to the lack of a - for instance Harringtonian – theory of education to virtue, he blames Sidney for presenting an incomplete theory of virtue (Houston, *Algernon Sidney and the Republican Heritage in England and America*, 177.). The above Aristotelian interpretation solves the problem in so far as a different concept of virtue lays the foundation. The decisive point in this respect is that the theory encompasses both: the classical concept of civic and the Aristotelian of moral virtue.

"virtue alone [...] ought to give pre-eminence. And as Aristotle, following the wise men of those times, shews us how far reason, improved by meditation, can advance in the knowledge and love of that which is truly good".[415]

As counter example to Filmer's thesis, Sidney advances in reference to Arisotle the idea that virtue is to be maintained for the sake of the "happiness for which governments are instituted".[416] To sum up, the appreciation that Sidney shares with Tacitus amounts in his political system to the plea for a form of government that furthers the good life of the citizen in a broader sense than just protection and security; his approach clearly goes beyond an appreciation for military virtue. As a result, the *telos* of Sidney's ideal government is the good life of the citizens.

[414] Cf. *Discourses* III. 28, 490.

[415] *Discourses* II.11, 134.

[416] *Discourses* II.11, 133

IV Conclusion

Among the responses to Filmer's absolutism, only Locke's *Second Treatise on Government* has attracted attention as an independent political theory. In the present thesis, this work has only played a minor role in the consideration of the context. Locke's *Two Treatises* serve in this respect simply as a contrast to Sidney's ideas so that we may see the unique character of the political ideas of the *Discourses*. Despite similarities between the starting point of the political thought of Sidney, James Tyrrell and John Locke, the unique character of Sidney's political thought has found little attention to date. Considering similarities in the anti-Filmerian writings, there are topics that suggest on first sight that Sidney's arguments are in line with Locke and Tyrrell. For example, like his fellow anti-Filmerians, Sidney uses the concept of the contract as one of the battlegrounds on which he challenges absolutism. Like Tyrrell and Locke, Sidney contests Filmer's argument for the original right of kingly sovereignty with the concept of initial liberty as an "original principle" of government. Likewise, he derives from this concept of liberty both the social contract and the necessity of establishing political order. These points are all imprinted on the nature of the *Discourses* through the discussed shape of Filmer's *Patriarcha*. Regardless of how important these points are to understand the context in which the *Discourses* developed, they do not lead to the core of Sidney's political thought. Rather one starting point of all three authors leads to the core of Sidney's political thought. This starting point is the mutual endeavour to reveal the original principles of government. In Sidney's case, these principles have been identified as the intellectual concepts of virtue, liberty, and justice as they form the foundation of Sidney's political thought. In the course of the discussion of these concepts, virtue ethics appeared as a governing principle in Sidney's thought that sets him apart from his contemporaries.

The discussion of virtue as the key principle showed that Sidney builds his ideas around a normative idea of human nature. Differentiating between man

as he ought to be - virtuous man - and man as he is found in society, Sidney ascribes to the state a civilising function that ought to enable man to move from an unimproved natural state to a state of virtue. This idea of human nature marks his main difference from his contemporaries as it has implications for Sidney's ideas of political order.

Considering the institutional shape Sidney is favouring, the key to understanding his uniqueness lies in the answer to the question of what in particular determined the value of a political order. This aspect gained significance in the discussion of the social contract. While Locke and also Hobbes - who may stand as an example for other contemporaries - see the primary tasks in developing political order as such, Sidney is concerned about the establishment of a particular political order that fits his values.

To Sidney, it is not just the form that matters, but the question whether form and substance are in accordance. While Locke is anxious, and Hobbes even more so, that political order is established at all, Sidney's key question is whether a political order maintains liberty, provides justice and, above all, has a civilising effect on the citizens' moral development towards virtue.

On the basis of the discussion of the above matters, it has been shown that there is a fair case to be made for the Greek influences on the developments of Sidney's concepts. Apart from the biographical reasons for Sidney's inclination towards the political philosophy of Plato and Aristotle, textual evidence confirmed that, in particular, Sidney's concept of virtue, his concept of justice and the metaphysical premises for his idea of human nature owe a great deal to the Greeks. This influence revealed itself as an intellectual context that allows an interpretation of the fundamental principles of Sidney's political thought.

Regarding the relation between Ancient Greek moral and political thought and other influences on Sidney's political ideas, it may be said that it is important to pay particular attention to the Greek ideas as they allow us to see Sidney's political thought in a more holistic context. Instead of seeing the impact of various currents of thought on different aspects of Sidney's theory, a consideration of the Greek ideas allows us to understand the interaction a of

number of opposing ideas, such as the contract and virtue ethics, or the modern idea of liberty and the educating function of the state.

This method of looking at *implicit concepts* of Aristotelian philosophy in Sidney's thought has proved a satisfactory one. Revealing the Aristotelian influence on Sidney has added to the variety of influences that are discernible in him by showing the links between Aristotle's and Sidney's thought. Although this approach has been limited to exploring the ideas of Aristotle in particular and to a limited extent those of Plato, it may still be taken up for exploring in greater detail some of the additional influences, which have hitherto similarly been noted, but so far have not undergone scholarly scrutiny.

Although the limitation of the present study to the significance of ancient Greek concepts in the *Discourse* may not provide a definite answer to the question of what sort of republican Sidney really was, the research presented so far allows one at least to conclude that Sidney's fundamental principles suggest that he was favouring an order that allowed the virtuous to advance in the political hierarchy. The research on the nature of Sidney's concept of virtue and the intertwined concepts revealed what the further implications are of Sidney's account of virtue. We know that an idealised virtuous nobility is the group Sidney wants to see in power as long as it fulfils the purpose of running the state for the sake of the sound development of the people. Even if those virtuous people were not to be selected from one particular group of society, his aristocratic idealism at least suggests that he considered men of Algernon Percy's standing and character, or himself, as some of the rare examples of those virtuous noblemen who would be prepared to burden their shoulders with the responsibility of political office that requires the people to be stimulated to live a life that does not neglect the endeavour to fulfil their moral capacity.

While it has already been revealed by Blair Worden that Sidney looked to politics "to raise men above beasts and to secure the victory of reason and

understanding over passion and will",[417] the present thesis enhances our understanding of the foundations of Sidney's thought through substantiating the above claim. The question of why Sidney was pleading for a political order in which "liberty is the path that leads men through virtue to wisdom"[418] has been answered in consideration of the impact of Aristotelian concepts from the *Nicomachen Ethics* and *Politics.* The statement that Aristotle was the "fountainhead of the classical political inheritance,"[419] had already indicated that an inquiry into the significance of Aristotelian ideas for republicanism is worthwhile. Jonathan Scott, for example, has emphasised that Sidney "took his basic political categories" from Aristotle,[420] but his argument does not place significant weight on exploring the relation between Aristotle's and Sidney's text. Conversely this thesis has explored the relationship between Sidney and Aristotle to lay open the reasons for, firstly, the lack of constitutional dogmatism which characterises Sidney's thought and allows him to be considered as an author whose political theory stretches beyond republicanism. Secondly, the present approach provides an explanation for the emphasis Sidney places on the moral purpose of the state through taking into account the teleological anthropology in the respect in which it is derived from *implicit* Aristotelian *concepts* present in Sidney's thought.

[417] Worden, "The Commonwealth Kidney of Algernon Sidney," 22.

[418] Ibid., 25.

[419] Worden, "English Republicanism," 445.

[420] Scott, *Algernon Sidney and the English Republic, 1623-1677*, 29.

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