

Discourses concerning Government

Algernon Sidney
1681–1683

Liberty is natural to the human race; what needs explanation is the origin of rule. The cause is the free consent of the people, who seek justice and protection. This is especially clear when we consider those who never were in any society. In established society, rebellion is not always evil, for it is regularly directed to the preservation of the liberty of the nation. The word “rebellion” signifies the renewal of war, which ever exists between a cruel master and the people. Allegiance to the ruler demands no more than what the law directs. Governments are established for the good of nations, not those who despoil them.

Chapter Three

Section 33

The Liberty of a People
Is the Gift of God and Nature

If any man ask how nations come to have the power of doing these things, I answer, that liberty be-

Readings in American Deism

ing only an exemption from the dominion of another, the question ought not to be, how a nation can come to be free, but how a man comes to have a dominion over it; for till the right of dominion be proved and justified, liberty subsists as arising from the nature and being of a man. Tertullian speaking of the emperors says, *ab eo imperium a quo spiritus*; and we taking man in his first condition may justly say, *ab eo libertas a quo spiritus*; for no man can owe more than he has received.

The creature having nothing, and being nothing but what the creator makes him, must owe all to him, and nothing to anyone from whom he has received nothing. Man therefore must be naturally free, unless he be created by another power than we have yet heard of. The obedience due to parents arises from hence, in that they are the instruments of our generation; and we are instructed by the light of reason, that we ought to make great returns to those from whom under God we have received all. When they die we are their heirs, we enjoy the same rights, and devolve the same to our posterity. God only who confers this right upon us, can deprive us of it: and we can no way understand that he does so, unless he had so declared by express revelation, or had set some distinguishing marks of dominion and subjection upon men; and, as an ingenious person not long since said, caused some to be born with crowns upon their heads, and all others with saddles upon their backs.

This liberty therefore must continue, till it be either forfeited or willingly resigned. The forfeiture is

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hardly comprehensible in a multitude that is not entered into any society; for as they are all equal, and *equals can have no right over each other (par in parem non habet imperium)*, no man can forfeit anything to one who can justly demand nothing, unless it may be by a personal injury, which is nothing to this case; because where there is no society, one man is not bound by the actions of another. All cannot join in the same act, because they are joined in none; or if they should, no man could recover, much less transmit the forfeiture; and not being transmitted, it perishes as if it had never been, and no man can claim anything from it.

'Twill be no less difficult to bring resignation to be subservient to our author's purpose; for men could not resign their liberty, unless they naturally had it in themselves. Resignation is a publick declaration of their assent to be governed by the person to whom they resign; that is, they do by that act constitute him to be their governor. This necessarily puts us upon the inquiry, why they do resign, how they will be governed, and proves the governor to be their creature; and the right of disposing the government must be in them, or they who receive it can have none.

This is so evident to common sense, that it were impertinent to ask who made Carthage, Athens, Rome or Venice to be free cities. Their charters were not from men, but from God and nature. When a number of Phoenicians had found a port on the coast of Africa, they might perhaps agree with the inhabitants for a parcel of ground, but they brought their liberty with them. When a company of Latins, Sabi-

Readings in American Deism

nes and Tuscans met together upon the banks of the Tiber, and chose rather to build a city for themselves, than to live in such as were adjacent, they carried their liberty in their own breasts, and had hands and swords to defend it. This was their charter; and Romulus could confer no more upon them, than Dido upon the Carthaginians.

When a multitude of barbarous nations infested Italy, and no protection could be expected from the corrupted and perishing empire, such as agreed to seek a place of refuge in the scatter'd islands of the Adriatick gulf, had no need of any man's authority to ratify the institution of their government. They who were the formal part of the city, and had built the material, could not but have a right of governing it as they pleased, since if they did amiss, the hurt was only to themselves. 'Tis probable enough that some of the Roman emperors, as lords of the soil, might have pretended to a dominion over them, if there had been any colour for it: but nothing of that kind appearing in thirteen hundred years, we are not like to hear of any such cavils.

'Tis agreed by mankind, that subjection and protection are relative; and that he who cannot protect those that are under him, in vain pretends to a dominion over them. 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.

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The matter is yet more clear in relation to those who never were in any society, as at the beginning, or renovation of the world after the Flood; or who upon the dissolution of the societies to which they did once belong, or by some other accident have been obliged to seek new habitations. Such were those who went from Babylon upon the confusion of tongues, those who escaped from Troy when it was burnt by the Grecians; almost all the nations of Europe, with many of Asia and Africa upon the dissolution of the Roman empire. To which may be added a multitude of Northern nations, who, when they had increased to such numbers that their countries could no longer nourish them, or because they wanted skill to improve their lands, were sent out to provide for themselves; and having done so, did erect many kingdoms and states, either by themselves, or in union and coalition with the ancient inhabitants.

'Tis in vain to say, that wheresoever they came, the land did belong to somebody, and that they who came to dwell there must be subject to the laws of those who were lords of the soil, for that is not always true in fact. Some come into desert countries that have no lord, others into such as are thinly peopled, by men who knowing not how to improve their land, do either grant part of it upon easy terms to the new comers, or grow into a union with them in the enjoyment of the whole; and histories furnish us with infinite examples of this nature.

If we will look into our own original, without troubling ourselves with the senseless stories of Sa-

Readings in American Deism

mothes the son of Japheth and his magicians, or the giants begotten by spirits upon the thirty daughters of Danaus sent from Phoenicia in a boat without sail, oars or rudder, we shall find that when the Romans abandoned this island, the inhabitants were left to a full liberty of providing for themselves: and whether we deduce our original from them or the Saxons, or from both, our ancestors were perfectly free; and the Normans having inherited the same right when they came to be one nation with the former, we cannot but continue so still unless we have enslaved ourselves.

Nothing is more contrary to reason than to imagine this. When the fierce barbarity of the Saxons came to be softened by a more gentle climate, the arts and religion they learnt, taught them to reform their manners, and better enabled them to frame laws for the preservation of their liberty, but no way diminished their love to it: and tho the Normans might desire to get the lands of those who had joined with Harold, and of others into their hands; yet when they were settled in the country, and by marriages united to the ancient inhabitants, they became true Englishmen, and no less lovers of liberty and resolute defenders of it than the Saxons had been.

There was then neither conquering Norman nor conquered Saxon, but a great and brave people composed of both, united in blood and interest in the defence of their common rights, which they so well maintained, that no prince since that time has too violently encroached upon them, who, as the reward of his folly, has not lived miserably and died shamefully.

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Such actions of our ancestors do not, as I suppose, savour much of the submission which patrimonial slaves do usually render to the will of their lord. On the contrary, whatsoever they did was by a power inherent in themselves to defend that liberty in which they were born.

All their kings were created upon the same condition, and for the same ends. Alfred acknowledged he found and left them perfectly free; and the confession of Offa, that they had not made him king for his own merits, but for the defence of their liberty, comprehends all that were before and after him. They well knew how great the honour was, to be made head of a great people, and rigorously exacted the performance of the ends for which such a one was elevated, severely punishing those who basely and wickedly betray'd the trust reposed in them, and violated all that is most sacred among men; which could not have been unless they were naturally free, for the liberty that has no being cannot be defended.

Section 36

The General Revolt of a Nation Cannot Be Called a Rebellion

As impostors seldom make lies to pass in the world, without putting false names upon things, such as our author endeavour to persuade the people they ought not to defend their liberties, by giving the name of rebellion to the most just and honourable actions that have been performed for the preserva-

Readings in American Deism

tion of them; and to aggravate the matter, fear not to tell us that rebellion is like the sin of witchcraft.

But those who seek after truth, will easily find, that there can be no such thing in the world as the rebellion of a nation against its own magistrates, and that rebellion is not always evil. That this may appear, it will not be amiss to consider the word, as well as the thing understood by it as it is used in an evil sense.

The word is taken from the Latin *rebellare*, which signifies no more than to renew a war. When a town or province had been subdued by the Romans, and brought under their dominion, if they violated their faith after the settlement of peace, and invaded their masters who had spared them, they were said to rebel. But it had been more absurd to apply that word to the people that rose against the decemviri, kings or other magistrates, than to the Parthians or any of those nations who had no dependence upon them; for all the circumstances that should make a rebellion were wanting, the word implying a superiority in them against whom it is, as well as the breach of an establish'd peace.

But tho every private man singly taken be subject to the commands of the magistrate, the whole body of the people is not so; for he is by and for the people, and the people is neither by nor for him. The obedience due to him from private men is grounded upon, and measured by the general law; and that law regarding the welfare of the people, cannot set up the interest of one or a few men against the publick. The whole body therefore of a nation cannot be tied to

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any other obedience than is consistent with the common good, according to their own judgment: and having never been subdued or brought to terms of peace with their magistrates, they cannot be said to revolt or rebel against them to whom they owe no more than seems good to themselves, and who are nothing of or by themselves, more than other men.

Again, the thing signified by rebellion is not always evil; for tho every subdued nation must acknowledge a superiority in those who have subdued them, and rebellion do imply a breach of the peace, yet that superiority is not infinite; the peace may be broken upon just grounds, and it may be neither a crime nor infamy to do it. The Privernates had been more than once subdued by the Romans, and had as often rebelled. Their city was at last taken by Plautius the consul, after their leader Vitruvius and great numbers of their senate and people had been kill'd: Being reduced to a low condition, they sent ambassadors to Rome to desire peace; where when a senator asked them what punishment they deserved, one of them answered, *The same which they deserve who think themselves worthy of liberty.*

The consul then demanded, *what kind of peace might be expected from them, if the punishment should be remitted:* The ambassador answer'd, *If the terms you give be good, the peace will be observed by us faithfully and perpetually; if bad, it will soon be broken* (*Si bonam dederitis, fidam & perpetuam; si malam, haud diuturnam.* Liv.). And tho some were offended with the ferocity of the answer; yet the best part of the sen-

Readings in American Deism

ate approved it as *worthy of a man and a freeman* (*virī & liberi vocem auditam*. Ibid.); and confessing that no man or nation would continue under an uneasy condition longer than they were compell'd by force, said, They only were fit to be made Romans, who thought nothing valuable but liberty (*Eos demum, qui nihil praeterquam de libertate cogitant, dignos esse, qui Romani fiant*. Ibid.). Upon which they were all made citizens of Rome, and obtained whatsoever they had desired.

I know not how this matter can be carried to a greater height; for if it were possible, that a people resisting oppression, and vindicating their own liberty, could commit a crime, and incur either guilt or infamy, the Privernates did, who had been often subdued, and often pardoned; but even in the judgment of their conquerors whom they had offended, the resolution they professed of standing to no agreement imposed upon them by necessity, was accounted the highest testimony of such a virtue as rendered them worthy to be admitted into a society and equality with themselves, who were the most brave and virtuous people of the world.

But if the patience of a conquer'd people may have limits, and they who will not bear oppression from those who had spared their lives, may deserve praise and reward from their conquerors, it would be madness to think, that any nation can be obliged to bear whatsoever their own magistrates think fit to do against them. This may seem strange to those who talk so much of conquests made by kings; immuni-

Selections by the American Deist

ties, liberties and privileges granted to nations; oaths of allegiance taken, and wonderful benefits conferred upon them. But having already said as much as is needful concerning conquests, and that the magistrate who has nothing except what is given to him, can only dispense out of the publick stock such franchises and privileges as he has received for the reward of services done to the country, and encouragement of virtue, I shall at present keep myself to the two last points.

Allegiance signifies no more (as the words, *ad legem* declare) than such an obedience as the law requires. But as the law can require nothing from the whole people, who are masters of it, allegiance can only relate to particulars, and not to the whole. No oath can bind any other than those who take it, and that only in the true sense and meaning of it: but single men only take this oath, and therefore single men are only obliged to keep it: the body of a people neither does, nor can perform any such act: Agreements and contracts have been made; as the tribe of Judah, and the rest of Israel afterward, made a covenant with David, upon which they made him king; but no wise man can think, that the nation did thereby make themselves the creature of their own creature.

The sense also of an oath ought to be considered. No man can by an oath be obliged to anything beyond, or contrary to the true meaning of it: private men who swear obedience *ad legem*, swear no obedience *extra* or *contra legem*: whatsoever they promise or swear, can detract nothing from the publick liber-

Readings in American Deism

ty, which the law principally intends to preserve. Tho many of them may be obliged in their several stations and capacities to render peculiar services to a prince, the people continue as free as the internal thoughts of a man, and cannot but have a right to preserve their liberty, or avenge the violation.

If matters are well examined, perhaps not many magistrates can pretend to much upon the title of merit, most especially if they or their progenitors have continued long in office. The conveniences annexed to the exercise of the sovereign power, may be thought sufficient to pay such scores as they grow due, even to the best: and as things of that nature are handled, I think it will hardly be found, that all princes can pretend to an irresistible power upon the account of beneficence to their people.

When the family of Medici came to be masters of Tuscany, that country was without dispute, in men, money and arms, one of the most flourishing provinces in the world, as appears by Machiavelli's account, and the relation of what happened between Charles the eighth and the magistrates of Florence, which I have mentioned already from Guicciardini. Now whoever shall consider the strength of that country in those days, together with what it might have been in the space of a hundred and forty years, in which they have had no war, nor any other plague, than the extortion, fraud, rapine and cruelty of their princes, and compare it with their present desolate, wretched and contemptible condition, may, if he please, think that much veneration is due to the princes that gov-

Selections by the American Deist

ern them, but will never make any man believe that their title can be grounded upon beneficence.

The like may be said of the duke of Savoy, who pretending (upon I know not what account) that every peasant in the duchy ought to pay him two crowns every half year, did in 1662 subtly find out, that in every year there were thirteen halves; so that a poor man who had nothing but what he gained by hard labour, was through his fatherly care and beneficence, forced to pay six and twenty crowns to his royal highness, to be employ'd in his discrete and virtuous pleasures at Turin.

The condition of the seventeen provinces of the Netherlands (and even of Spain itself) when they fell to the house of Austria, was of the same nature: and I will confess as much as can be required, if any other marks of their government do remain, than such as are manifest evidences of their pride, avarice, luxury and cruelty.

France in outward appearance makes a better show; but nothing in this world is more miserable, than that people under the fatherly care of their triumphant monarch. The best of their condition is like asses and mastiff-dogs, to work and fight, to be oppressed and kill'd for him; and those among them who have any understanding well know, that their industry, courage, and good success, is not only unprofitable, but destructive to them; and that by increasing the power of their master, they add weight to their own chains. And if any prince, or succession of princes, have made a more modest use of their power, or more

Readings in American Deism

faithfully discharged the trust reposed in them, it must be imputed peculiarly to them, as a testimony of their personal virtue, and can have no effect upon others.

The rights therefore of kings are not grounded upon conquest; the liberties of nations do not arise from the grants of their princes; the oath of allegiance binds no private man to more than the law directs, and has no influence upon the whole body of every nation: Many princes are known to their subjects only by the injuries, losses and mischiefs brought upon them; such as are good and just, ought to be rewarded for their personal virtue, but can confer no right upon those who no way resemble them; and whoever pretends to that merit, must prove it by his actions: Rebellion being nothing but a renewed war, can never be against a government that was not established by war, and of itself is neither good nor evil, more than any other war; but is just or unjust according to the cause or manner of it.

Besides, that rebellion which by Samuel is compar'd to witchcraft, is not of private men, or a people against the prince, but of the prince against God (1 Sam. 15.23): The Israelites are often said to have rebelled against the law, word, or command of God; but tho they frequently opposed their kings, I do not find rebellion imputed to them on that account, nor any ill character put upon such actions. We are told also of some kings who had been subdued, and afterwards rebelled against Chedorlaomer and other kings; but their cause is not blamed, and we have some reason to believe it good, because

Selections by the American Deist

Abraham took part with those who had rebelled. However it can be of no prejudice to the cause I defend: for tho it were true, that those subdued kings could not justly rise against the person who had subdued them; or that generally no king being once vanquished, could have a right of rebellion against his conqueror, it could have no relation to the actions of a people vindicating their own laws and liberties against a prince who violates them; for that war which never was, can never be renewed. And if it be true in any case, that hands and swords are given to men, that they only may be slaves who have no courage, it must be when liberty is overthrown by those, who of all men ought with the utmost industry and vigour to have defended it.

That this should be known, is not only necessary for the safety of nations, but advantageous to such kings as are wise and good. They who know the frailty of human nature, will always distrust their own; and desiring only to do what they ought, will be glad to be restrain'd from that which they ought not to do. Being taught by reason and experience, that nations delight in the peace and justice of a good government, they will never fear a general insurrection, whilst they take care it be rightly administered; and finding themselves by this means to be safe, will never be unwilling, that their children or successors should be obliged to tread in the same steps.

If it be said that this may sometimes cause disorders, I acknowledge it; but no human condition being perfect, such a one is to be chosen, which carries

Readings in American Deism

with it the most tolerable inconveniences: And it being much better that the irregularities and excesses of a prince should be restrained or suppressed, than that whole nations should perish by them, those constitutions that make the best provision against the greatest evils, are most to be commended.

If governments were instituted to gratify the lusts of one man, those could not be good that set limits to them; but all reasonable men confessing that they are instituted for the good of nations, they only can deserve praise, who above all things endeavour to procure it, and appoint means proportioned to that end. The great variety of governments which we see in the world, is nothing but the effect of this care; and all nations have been, and are more or less happy, as they or their ancestors have had vigour of spirit, integrity of manners, and wisdom to invent and establish such orders, as have better or worse provided for this common good, which was sought by all.

But as no rule can be so exact, to make provision against all contestations; and all disputes about right do naturally end in force when justice is denied (ill men never willingly submitting to any decision that is contrary to their passions and interests) the best constitutions are of no value, if there be not a power to support them. This power first exerts itself in the execution of justice by the ordinary officers: But no nation having been so happy, as not sometimes to produce such princes as Edward and Richard the Seconds, and such ministers as Gaveston, Spencer, and Tresilian, the

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ordinary officers of justice often want the will, and always the power to restrain them.

So that the rights and liberties of a nation must be utterly subverted and abolished, if the power of the whole may not be employed to assert them, or punish the violation of them. But as it is the fundamental right of every nation to be governed by such laws, in such manner, and by such persons as they think most conducing to their own good, they cannot be accountable to any but themselves for what they do in that most important affair.

