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Patriarchy, Primogeniture and Prescription: Algernon Sidney's *Discourses Concerning Government* (1698)

Jonathan Scott

CHAPTER ONE SECTION 8: There is no natural propensity in Man or Beast to Monarchy.

I see no reason to believe that God did approve the government of one over many, because he created but one; but to the contrary, in as much as he did endow him, and those that came from him, as well the youngest as the eldest line, with understanding to provide for themselves, and by the invention of arts and sciences, to be beneficial to each other; he shewed, that they ought to make use of that understanding in forming governments according to their own convenience, and such occasions as should arise, as well as in other matters; and it might as well be inferr'd, that it is unlawful for us to build, clothe, arm, defend, or nourish ourselves, otherwise than as our first parents did, before, or soon after the Flood, as to take from us the liberty of instituting governments that were not known to them. If they did not find out all that conduces to the use of man, but a faculty as well as a liberty was left to everyone, and will be to the end of the world, to make use of his wit, industry, and experience, according to present exigencies, to invent and practise such things as seem convenient to himself and others of the least importance; it were absurd to imagine, that the political science, which of all others is the most abstruse and variable according to accidents and circumstances, should have been perfectly known to them who had no use of it; and that their descendants are obliged to add nothing to what they practiced. (121)¹

Algernon Sidney (1623–83) wrote his *Discourses* with ill-concealed anger. The opinions of his opponent, 'brutally ignorant, or maliciously contentious'

(102) 'deserve[d] scorn and hatred' (101), and rather to be answered 'with stones than words'. He meant it, and paid the price, having the manuscript ruled as a sufficient witness to treason, before being beheaded on Tower Hill in December 1683. But his words survived, and over the century following their publication no political tract had a more powerful impact across both Europe (including Britain) and America.

One reason for the *Discourses*' percussive force, the verbal equivalent of an extended physical assault, was that it drew upon three intertwining contexts, each a deep repository of feeling and experience. The first was polemical: the *Discourses* was one of several replies to Sir Robert Filmer's *Patriarcha*, first published in 1680 but probably written half a century earlier, and so associated by Sidney, as also by John Locke, with the religious and political policies of Charles I's personal rule.² Nobody, he asserted, had dared to 'publish doctrines so contrary to commonsense, virtue, and humanity, till these times. The production of Laud, Manwaring, Sybthorpe, Hobbes, Filmer, and Heylyn seems to have been reserved as an additional curse to compleat the misery of our age and country' (11). This emphasis on the Caroline episcopate underlined Sidney's understanding of these doctrines as at root religious, not simply political. And this was a particular and severe understanding of what contemporaries condemned as 'popery and arbitrary government': that of a radical 'experimental' Calvinist. In a groundbreaking article Michael Winship has for the first time identified and analysed Sidney's theology (unchanged between his two major works, the earlier being *Court Maxims*). In so doing he has laid to rest the whig account of Sidney as an Enlightenment-friendly post-godly 'arminian'. To the contrary he was a religious as well as political disciple of Sir Henry Vane the younger (1613–62). Thus when Filmer attacked Calvin, Sidney responded that he was a "glorious servant of God", and 'when insisting that the observation of the Sabbath is a perpetual divine law', that he was 'willing' to take the "reproach" of being called 'a Puritan and a Calvinist'.³ More important, Winship has pointed out, Filmer's claim that humanity had a natural propensity to monarchy was dismissed partly on the grounds that

'Even if humanity did have that propensity... it would demonstrate nothing. Men have always been wicked liars, none do good, and evil thoughts proceed out of their hearts continually,' Sidney claims, stringing together Genesis 6:5, Psalms 116:11 and 14:3, and Matthew 15:19 without acknowledgement. He then loosely channels Romans 6 to demonstrate that grace alone can deliver people from this corruption... The spiritual man's 'proceedings can only be referred to God, and that only so far as he is guided by the spirit'. The 'natural man', by contrast, 'is

in perpetual enmity against God without any possibility of being reconciled to him, unless by destruction of the old man, and the regenerating or renewing him through the spirit of grace.⁴

Thus Sidney's first business was to reveal 'whose throne he [Filmer] seeks to advance, and whose servant he is, whilst he pretends to serve the king' (7). Soon after Sidney would go to his death expressing confidence that

God ... will in his mercy speedily visit his afflicted people ... [in] that his cause, and his people is more concerned now then it was in former time. The lust of one man and his favyrites was then only to be set up in the exercise of arbitrary power over persons and [e]states; but now, the tyranny over consciences is principally affected, and the civil powers are stretched into this exorbitant height, for the establishment of popery.⁵

Under Charles I, this was to say, popery was to be a means to arbitrary power. Between 1681 and 1683, with Charles II inaugurating a second personal rule with the support of France, the reverse was true.

This brings us to the *Discourses*' second context, what Sidney called 'that OLD CAUSE in which I was from my youth engaged, and for which thou hast often and wonderfully declared thyself'.⁶ The lord had declared himself amid the soldiers of Parliament, Colonel Sidney included, as they had vanquished a king who was an instrument of the Devil. Sidney had taken his seat at the helm of the Free State which replaced Stuart monarchy in 1649. Thereafter he had personally experienced the difference between what the quote above calls 'the government of one over many' and one which had used a God-given 'faculty as well as a liberty' of 'instituting governments that were not known' to their predecessors. Had there been any doubt about the superiority of a rational meritocracy over a patriarchal dynasty the spectacular contrast between the dismal military record of Charles I abroad and at home and the republic's conquest of Ireland (1649), Scotland (1651) and defeat of the Dutch at sea (1654) more than sufficiently cleared it up, for Sidney at least. Thus it was from his pen that there emerged some of the most stirring utterances of a newly created ideology. This was not that the republic's military successes reflected an array of new-found resources, but rather that it was a consequence, as Machiavelli had insisted it would be, of the replacement of monarchy by a republic.

When [the Dutch Admiral Maarten] Van Tromp set upon [the English Admiral Robert] Blake in Foleston-Bay, the parliament had not above thirteen ships against threescore...to oppose the best captain in the world...But such was the power of wisdom and integrity in those who sat at the helm,

and their diligence in chusing men only for their merit was blessed with such success, that in two years our fleets grew to be as famous as our land armies; the reputation and power of our nation rose to a greater height, than when we possessed the better half of France ... All the states ... of Europe ... sought our friendship; and Rome was more afraid of Blake and his fleet, than they had been of the great king of Sweden, when he was ready to invade Italy with a hundred thousand men. (278–9)

Then, following the republic's collapse and the restoration of monarchy (1660), Sidney had endured a seventeen-year exile, being granted leave to return to see his dying father in 1677. The eruption the following year of a major crisis and the publication of *Patriarcha* two years later showed that the struggle was not over, nor was Sidney's moral and ultimately military obligation to engage.⁷

The third life-defining context for Sidney's assault upon *Patriarcha* was peculiar to him among that text's opponents. It was also deeply personal, so much so that Filmer's very title made Algernon see red. As the second son of the second earl of Leicester he could hardly have taken a dimmer view of the custom of primogeniture inheritance to which Sir Robert's argument committed him. Not only was it manifestly unjust that the oldest son should inherit the title: the individual in question, Philip, Lord Lisle, was in Algernon's opinion a dullard as well as a Cromwellian, and thus doubly unfit for purpose. Chapter Two, Section 4 of the *Discourses* carries the title: '*The Paternal Right devolves to, and is inherited by all the Children*'.

As a plethora of suits in Chancery plus related documents make clear, throughout his adult life Algernon waged a battle with Philip for what he considered an appropriate share of his inheritance. Thus when Sidney wrote in the quote above that, contrary to Filmer's opinion God 'did endow him, and those that came from him, as well the youngest as the eldest line, with understanding to provide for themselves' he was saying something as deeply personal as it was political. And when he added that 'a faculty as well as a liberty was left to everyone, and will be to the end of the world, to make use of his wit, industry, and experience, according to present exigencies, to invent and practise such things as seem convenient to himself', he was asserting the moral superiority of merit (wit, industry and experience) in matters of family inheritance as well as in government. Thus in 1656 Philip wrote to his father Leicester of

my constant sorrow, to see that your Lordship never omits a opportunity of reproach to me; and in earnest I thinke, laying all other matters aside ... [it] is very extraordinary, that the younger sonne should so domineer in your house [Penshurst Place] that ... it is not only his chamber but the greate rooms of the house, and perhaps the whole, he commands. And I thinke I may most properly say it, that his extreamest vanity and want of judgement are so knowne that there will be some wonder at it.⁸

As this complaint suggests, Philip might indeed have had reason for worry, though Algernon's subsequent exile in Scandinavia, Italy, the United Provinces and France (1660–77) removed him from the immediate field of play. In fact, Leicester remained on bad terms with his eldest son for the rest of his life. The latter wrote to his father bitterly in 1672 that he had received nothing from him 'for thirty years' but one suit of clothes for his son.⁹ The result was a final settlement of the Leicester estate, confirmed only three days before the earl's death (at which time he was attended by Algernon and Henry, but not by Philip) overwhelmingly favourable toward the younger sons. Moreover Algernon and Henry, but not Philip, were made executors of the will. Philip inherited the title of third earl of Leicester. But while Henry and Algernon received immediate lump sums of 10,000 pounds each, plus annuities of 150 pounds per year, Philip remained debarred from possession of any part of the estate until he had agreed to a development of the family's London properties which he had refused for almost a decade. When, following his father's death, he continued to refuse, Henry moved into Penshurst Place and Algernon into the family's London mansion Leicester House. Philip then challenged the will in Chancery, Algernon and Henry hired lawyers to resist the challenge, and the matter remained unsettled at the time of Algernon's execution six years later.

Thus we can see that Sidney resisted Filmer's advocacy of the 'government of one [man] over many' throughout his life, and in several ways. His adult existence was spent in multifaceted rebellion against both patriarchalism and primogeniture, in the public and private spheres. It is therefore not surprising that both the *Court Maxims* (unpublished in his lifetime) and the *Discourses* advocated such rebellion, in fact, on grounds that were religious (no man would govern Sidney's conscience), political (no one would govern him without his consent) and personal (the foundations of authority and power were reason and merit, not inheritance).

The other notable feature of the advocacy of these positions in the above quote was its defence of political and other change and development over time. Sidney thus resisted not only Filmer's attempt to collapse the elementary distinction traceable as far back as Aristotle, between the domestic and political government of fathers. He did so because the true, God-given sources of government lay elsewhere. He did so, further, because it was in the nature of those sources, in particular the right use of reason, that they would by experience lead to change and improvement over time. It was on these grounds that Sidney rejected not only the government of fathers, but any obligation to govern in the manner of our fathers: that is to say, adherence to political prescription in general.

Not only was it not the case that humankind's 'descendants were obliged not to add anything to what their forefathers practiced'. If this were the case, he said elsewhere in the same book, we would still be eating acorns and living in trees. But the 'invention of arts and sciences' showed that invention, innovation and improvement were natural effects of reason, industry and experience. Here too there is no reason to doubt that Algernon was speaking from experience, not only individual – Bishop Gilbert Burnet reporting that he 'had studied the history of government in all its branches beyond any man I ever knew'¹⁰ – but political, the innovations of 1649–53 having transformed Britain from a military basket case into a superpower. And although this was what Machiavelli had said was usually the consequence of liberty, and Sidney's *Discourses* made constant and extensive use of this Florentine source (Machiavelli's *Discourses Concerning the First Ten Books of Titus Livy*), Sidney's defence of innovation and improvement, one of the most characteristic and important features of his work, also established a key distinction between them on this point. Like Sidney, Machiavelli had insisted upon the inescapability of change. The best change he could envisage, however, was to imitate the most successful (Roman) examples of the past. What Sidney argued was not only that change was inevitable, but that it should take the form of improvement.

Such is the condition of mankind, that nothing can be so perfectly framed as not to ... stand frequently in need of reparations and amendments ... Some men observing this, have proposed a necessity of reducing every state, once in an age or two, to the integrity of its first principle: but they ought to have examined, whether that principle be good or evil, or so good that nothing can be added to it, which none ever was; and this being so, those who will admit of no change would ... deprive ... mankind of the benefits of wisdom, industry, experience, and the right use of reason.¹¹

This was one of the more striking examples of a broader difference between Italian and Northern humanism. Sidney's political colleagues Marchamont Nedham and John Milton also defended the right of political societies to outgrow precedent and effect beneficial change. In his elaboration of this position, however ('he that should ... blame those that go out of that [way] in which their fathers had walked, when they find it necessary, does as far as in him lies, render the worst of errors perpetual' (173)), Sidney was indeed updating humanism for the Enlightenment. He was helping to prepare the ground for Thomas Paine who would make the point still more strenuously a century later: that it was a monstrosity for present generations to be bound by the customs of their ancestors; and that liberty entailed a freedom, not simply to form the best possible government, but in order to do so a freedom within time.