

Fordham Law School

FLASH: The Fordham Law Archive of Scholarship and History

Lectures

John F. Sonnett Memorial Lecture Series

11-2-1988

John F. Sonnett Memorial Lecture Series: The Invisible Prince

Francis T. Murphy

New York State Appellate Division

Follow this and additional works at: https://ir.lawnet.fordham.edu/events_programs_sonnet_lectures



Part of the [Law Commons](#)

Recommended Citation

Murphy, Francis T., "John F. Sonnett Memorial Lecture Series: The Invisible Prince" (1988). *Lectures*. 3.
https://ir.lawnet.fordham.edu/events_programs_sonnet_lectures/3

This Book is brought to you for free and open access by the John F. Sonnett Memorial Lecture Series at FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in Lectures by an authorized administrator of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact tmelnick@law.fordham.edu.

INTRO

MURPHY: THE INVISIBLE PRINCE

One of the most haunting and horrifyingly realistic figures in the history of literature has been Niccolo Machiavelli. His name has stood for all that is dark, deep and treacherous in statesmanship, yet his philosophy has survived to this day. While his work The Prince purports to be a how-to book for the Renaissance ruler to maintain power, his philosophy has gained a disturbing acceptance in contemporary society. As Justice Murphy points out, ethics of society have fallen victim to this dark yet pragmatic view of how to achieve success.

Machiavelli's philosophy of the ends justifying the means has been employed by members from almost every sector of society. The Iran-Contra scandal illustrates how a few members of the government try to justify their abuse of power by claiming their actions are taken in the name of freedom. The recent insider trading scandals of Ivan Boesky and Michael Milken remind us that the corporate sector is infested with those who practice predatory business agendas, both legal and illegal.

The specter of Machiavelli can also be seen in the current state of the legal profession. An inherent quality of the field of law is that an attorney must represent a client zealously, whether the client is Charles Manson or Jimmy Stewart. If he were alive today, Machiavelli would have had no difficulty with representing an unfavorable client. In 1512, Machiavelli was plucked from his political office and imprisoned by the Medici. Despite years of torture, he sought employment at the palace of his tormentor, Lorenzo de Medici. Machiavelli offered his work,

The Prince, to convince Lorenzo that his political talents were required to maintain order.

Many lay persons view the lawyer as just such, a gun for hire. The public sees the lawyer not as an officer of the court seeking the truth, but rather as a contractor attaining the goal sought by his client. The public sees an attorney embracing a client, an alleged underworld figure, after a verdict of not guilty is announced. The public sees a defense attorney trying to get his client exonerated by procedural defect even if the substantive proof clearly calls for a conviction. These images do not make the legal profession seem ethical to the rest of society. In the public's eye, maybe Shakespeare was right on target when he penned the phrase "let's kill all the lawyers."

In our day, corruption in politics is commonplace and occasionally expected. Ethics in government and the legal profession continue to be an overriding concern in bar associations across the country. One thing is definite, Machiavelli was obviously a man ahead of his time and would have made both an effective lawyer or politician today. Whether the legal profession should strive for Machiavellian qualities is a disturbing question which Justice Murphy explores in the following lecture.

"THE INVISIBLE PRINCE"

Hon. Francis T. Murphy

17th Annual John F. Sonnett Memorial Lecture

November 2, 1988

Fordham University School of Law

On a December night in 1513, a poor, thin, middle-aged man of medium height, having a bony face, piercing eyes, and thin lips lining a secretive smile, entered a little house in Sant'Andrea, seven miles from Florence. For fourteen years he had been a dedicated statesman of Florence which he had so loved that, fourteen years later, two months before his death, he wrote to his friend, Francesco Vettori, "I love my native city more than my own soul." In August, 1512, Florence had been sacked by the Medici, and, in November, he was dismissed from office. In February, 1513, two assassins, intent upon slaying Giuliano de'Medici, were arrested. Four days later, they were executed. In the possession of one of them, a list of about twenty names was found, among them that of our poor friend. He was seized and tied to a rack. Normally, four turns were the maximum torture inflicted by the rack, but our friend endured six turns, yet he would not confess. In March, 1513, after having been kept handcuffed and shackled in prison, the walls of which were "full of lice so big and fat they seem like butterflies," he was released. Exiled from Florence, he returned to his five children, to whom he had been a good father, and to his wife, to whom he was constantly affectionate, and constantly unfaithful. After he entered that little house that December night, he sat at his table and, in a remarkable letter to his friend, Vettori, he described his impoverished, desolate life. In autumn, he wrote, he had been rising before dawn and going out with bird cages on his back in order to snare thrushes. Now, in winter, he rose with the sun and engaged in the selling of wood and in the petty arguments that accompanied

it. At lunch, his family and he ate meager food. At the local inn, he spoke to travelers, and played cards all day with the innkeeper, the butcher, a miller, and two bakers. With these there were many loud and offensive arguments over a few pennies. In words that, like a door flying open, suddenly reveal his soul, he told Vettori: "Caught this way among these lice I wipe the mold from my brain and release my feeling of being ill-treated by Fate: I am happy to be driven along this road by her, as I wait to see if she will be ashamed of doing so." In one of the famous passages of Italian literature, our friend told Vettori what he does at night:

"When evening comes, I return to my home, and I go into my study; and on the threshold, I take off my everyday clothes, which are covered with mud and mire, and I put on regal and curial robes; and dressed in a more appropriate manner I enter into the ancient courts of ancient men and I am welcomed by them kindly, and there I taste the food that alone is mine, and for which I was born; and there I am not ashamed to speak to them, to ask them the reasons for their actions; and they, in their humanity, answer me; and for four hours I feel no boredom, I dismiss every affliction, I no longer fear poverty nor do I tremble at the thought of death: I become completely part of them . . . I have noted down what I have learned from their conversations, and I composed a little work . . . where I delve as deeply as I can into thoughts of this subject, discussing what a principality is, what kinds there are, how they are acquired, how they are maintained, why they are lost.

Thus, in that little house was The Prince written by Niccolò Machiavelli, in spirit talking as a peer to the great ancients, to Aristotle, Caesar, Cicero, and Alexander.¹

The Prince, one of the most powerful political works ever written, was given by Machiavelli to Lorenzo de' Medici, the ruler of Florence, in the vain hope that Machiavelli would thus prove himself of value to the Medici and would be able to support his family by having a position in that world of politics that he loved with unbridled passion. Indeed, Machiavelli wrote to Vettori, "I am wearing myself away, and I cannot remain in this state for long

without being despised for my poverty, not to mention my desire that these Medici lords begin to make use of me, even if they start me off by rolling stones."²

Machiavelli's writing of The Prince was indeed a curiously ugly gift, for by it he betrayed himself. As a servant of the Florentine republic, he had proved his absolute dedication to the ideal of freedom in a republic. Now, for the sake of a political job, for the sake of entering the political game that was his inner life, he wrote - The Prince, a handbook for autocrats, a bedside book for those who would use the state to dominate the people. Lorenzo de' Medici, it is said, accepted Machiavelli's gift of The Prince with less enthusiasm than two hunting dogs that were given to him at the same time.³ The story is told in proof of Lorenzo's intellectual insensibility. I read the story differently. Lorenzo, I suspect, knew that two hunting dogs would give him more loyalty than a politician whose principles were for sale.⁴

This slim book is one of the classics of our civilization. Like the Bible, few have read it and everyone claims to know its contents.⁵ What did Machiavelli write in The Prince that so captured the imagination that, for more than four hundred and fifty years, many have read his words, celebrated their realism inwardly, yet drawn back from publicly identifying with him?⁶ What in Machiavellianism made the noted twentieth-century German historian, Meinecke, say that it "was a sword thrust in the body politic of Western humanity, causing it to cry out and to struggle against itself"?⁷ Why did the philosopher, Maritain, say of it that it was "the most violent mutilation suffered by the human practical intellect"?⁸ Yet what is it, in the face of these judgments, that makes it the rare reader who puts down The Prince without an inexplicable disquiet, perhaps the pain of a suppressed benevolence towards Machiavelli for appealing to that pagan desire for an amoral realism that lies deep within each of us?

What did Machiavelli write in The Prince?

Man, said Machiavelli, desires the creation of a powerful State. However, in order to create such a state man cannot have delusions

about mankind, else the truth will punish him. He must therefore closely observe reality and history, particularly the minds of antiquity, for man never changes. He is everywhere and always the same. Therefore, man must guard against those who do not look at men as they are, but who look at them as they ought to be. Statesmen of that idealistic kind do not deal with things as they are; they drag men to ruin. They commit the mortal sin of unrealism. Men are not as Jews and Christians idealize them. In the main, men are, said Machiavelli, "ungrateful, wanton, false and dissimulating, cowardly and greedy . . . arrogant and mean, their natural impulse is to be insolent when their affairs are prospering and abjectly servile when adversity hits them."⁹ There is no universal scheme, no *a priori* method, by which one can learn about man. Men say they love liberty, when, in fact, they care little for it. The idea means more to them than its reality. Liberty means less to them than security and property. Man responds to love, but in dealing with him fear is more reliable, though the ruler should be cautious that fear does not turn into hate. As for the morals of the men in Machiavelli's ideal state, these are to be found in the classical societies that dominated Machiavelli's imagination. States, he says, are made great by pagan virtues -- power, pride, public spirit, austerity, the pursuit of glory, and the expansion of the *patria*.

And now we come to Machiavelli's notoriously dark side. He is so candid that one can almost become fond of him. Machiavelli tells us that, in order to rule, one may have to be ruthless. Force and fraud, cruelty, treachery, and even the slaying of the innocent, may be used. If men must be governed by measures that violate Judeo-Christian morals, then so be it. And this is the heart of Machiavellianism. Machiavelli did not liberate politics from morals, or ethics, or religion. Machiavelli said that man must choose between a pagan and a Judeo-Christian life. If he chooses the Judeo-Christian life, then man chooses virtues that are insuperable obstacles to the creation of that Roman society that men want. Machiavelli does not deny that what Jews and Christians call good is actually good, and what is evil, is indeed evil. He does not say that cruelty, fraud, and the slaying of the innocent are good attributes. He argued simply that it is impossible to practice Judeo-Christian virtues and enjoy a strong society. Practice

Judeo-Christian virtues and you will be politically impotent, for the powerful, the clever, and the unscrupulous are waiting in the woods to overwhelm you. If you want Athens or Rome, take your eyes away from Jerusalem. This unresolved choice between two incompatible moral worlds is the secret wound that man suffers until today, and suffered before Machiavelli wrote The Prince.

Expressing varying levels of horror, Machiavelli's commentators have given The Prince meanings so different that one wonders whether they have read the same text. Some say that The Prince is a satire.¹⁰ Others say it is a disguised warning or cautionary tract.¹¹

One thinks The Prince a literary performance common in the Renaissance, a "mirror for princes."¹² Others say that it is an anti-Christian piece, a defense of the pagan life.¹³ Others see in him a kind of Hamlet, a humanist grieved by human vices that make evil decisions politically unavoidable, thus he separated politics from ethics.¹⁴ Some look at Machiavelli as a technician of power, ethically and politically neutral.¹⁵ Many identify Machiavelli as the supreme realist.¹⁶ Among the multitude standing in the bibliographical forest, there are those who say that Machiavelli saw the State as a work of art, and so treated politics as an esthetic exercise.¹⁷ An original interpreter saw Machiavelli as a religious and national reformer who might have been for the Italians, if they had been like the Germans, what Luther, Machiavelli's contemporary, had been for Germany.¹⁸ Whatever these views, the one commonly held of Machiavelli is that of most Elizabethan dramatists and scholars: For them, Machiavelli was called by the devil to lead men straight to hell.¹⁹

While opinions of Machiavelli and his origination of The Prince vary radically, the text of The Prince is fixed for those who want to judge its ethical nature. For them, Machiavellianism is an unarmed, stationary target.

Of course, Machiavelli was a radical pessimist who did not see in man the image of God, and thus anointed the forehead of totalitarianism. Of course, politics is a part of ethics. Everyone can see that Machiavelli reversed that relationship by shaping ethics for

the sake of politics. Indeed, he taught that religion should be used for the State because of religion's "power as a myth in unifying the masses and cementing their morale."²⁰ Certainly, the true end of politics is the common good, an ethical end, while for Machiavelli the purpose of politics was conquest by power. And surely everyone knows the answers of personal ethics to political ethics, that man may never commit evil for any good of any kind, and that the common good is provided by justice and political morality.²¹ Yet, while these arguments are intellectually persuasive, they do not explain why man is so drawn to Machiavelli, almost like a sightseer drawn to an abyss. It is this human fact that draws me to Machiavelli as the subject of this address, for it has led me to detect in Machiavelli the invisible Prince in our society, a society that Machiavelli could never have foreseen.

There is something in Machiavelli's brutally frank choice of evil over good that simultaneously fascinates and repels man. If The Prince was a mirror for princes, Machiavelli is in some way a mirror for man. The choice between good and evil, like a persistent beggar standing at the door of man's soul, demands an answer to the tormenting question of whether God exists. In writing The Prince, however, Machiavelli did not assume that God exists. Indeed, he showed no interest in conscience or in any theological issue, for The Prince is not an abstract or philosophical treatise. It is an empirical analysis of politics written independently of any philosophical construct. Machiavelli, neither a jurist nor a philosopher, was free of the intellectual convictions of his age. He does not even refer to natural law, the language of which was used in his time by Christians and pagans, jurists, philosophers and theologians. In The Prince, there is no sign of Platonic or Aristotelian teleology, no allusion to any ideal order, no shadow of any belief in man's place in nature. Machiavelli lays all of his cards on the table face-up. He warns us that he has taken a path never before trodden by any man.

Man, however, knows that the moral nature of his life, and that of the world, turns upon the answer to the abstract but very real question of God's existence. And man knows the answer that ordinary man has given.

Man does not *know* whether God exists. Man, if he has given the matter any consideration, *believes* that God exists and *hopes* that good will be rewarded and evil punished in an afterlife. If this is so, if man's soul is like a frozen sea out of which he can escape only by faith, then the man of faith, just as Machiavelli has said, has much to fear, for he knows also that among the mass of mankind faith is for many, if not for most, a dry reed waiting for the first soft wind to break it. Hence, man's anxiety over Machiavellianism is rooted, on one hand, in a sense of genuine peril should he live totally in faith, and, on the other hand, in a revulsion for the evil of which - *he* is capable should he, in his painful, existential condition, deny God. Nor is man's sense of a Machiavellian danger limited to Machiavellianism in politics. Logically, Machiavellianism engages not only political life but the whole of human life.²² Thus the reader of The Prince profoundly senses that only his faith in God separates him from Machiavelli, and that that faith, under pressure, may give way, as it does whenever he violates any of his moral beliefs. Man, after all, knows nothing if he does not know his own inconstant heart. Further, if the reader of The Prince reflects at all upon what Machiavelli has said, he will suddenly realize that The Prince, written for the eyes of a prince over four hundred and fifty years ago, might as well have been addressed to the reader's ears for his guidance as an ordinary citizen in a modern democracy.

What one man may do, millions may do as one man. Hence, Machiavellianism may be expressed in the majoritarian rule of a democracy as well as in the person of an autocrat.²³ It may be expressed by people acting independently of their governmental structures. It may be found in private social institutions, in economic classes, behind the eyeglasses of a profession, and under the birettas of pious cardinals. Wherever power is consecrated to the preservation of an entity or of a class, there in the evening twilight sits the invisible Prince. Indeed, his residence has a chameleon character, for he always seems to be in someone else's country, never one's own. Yet, however invisible he may be, he leaves an imprint, a mark, a scar. Our nation yields examples, past and current, from which we naturally avert our eyes.

Prior to our Civil War, the legislatures of slave states showed

their love of a much professed Christianity by enacting statutes of a kind designed to sustain slavery, and hence the economy of the slave states, by stripping the black man of his humanity. Section 59 of chapter 92 of the laws of Mississippi of 1840, for example, provided:

"Sec. 59. If any negro or mulatto shall be found . . . to have given false testimony, every such offender shall, without further trial, be ordered by the . . . court, to have one ear nailed to the pillory, and there to stand for the space of one hour, and then the said ear to be cut off, and hereafter the other ear to be nailed in like manner, and cut off at the expiration of one other hour, and moreover to receive thirty-nine lashes on his or her bare back, well laid on, at the public whipping post . . ."

Alabama's laws of 1843 thoughtfully drove the knife of slavery into that part of a black man that would never leave him in doubt about his condition:

"Sec. 16. All slaves are hereby prohibited from keeping dogs, under any pretence or consideration whatsoever; and the slave or slaves so offending, upon complaint thereof before any justice of the peace, shall be punished with not exceeding twenty-five stripes for every such offense...."

A Christian society that would not allow a man a dog would be careful about allowing him to learn of the Gospel. Accordingly, the people of Alabama provided:

"Sec. 35. If any slave...shall preach to... any ... slaves ... unless in the presence of five respectable slave-holders, any such slave ...shall, on conviction before any justice of the peace, receive ...thirty-nine lashes for the first offence, and fifty lashes for every offence thereafter...."

These slave statutes are not anecdotal material. They are laboratory specimens of Machiavellianism. Other historical slides may be placed under the microscope.

Our trade union movement arose out of the clash between property's self-interest and labor's demand for social justice. However, when our labor unions reached a point of equilibrium with their capitalistic managerial opponents, many unions used their members for purposes that had little to do with social justice, and much to do with the enlargement of raw union power. These union members expressed a majoritarian will for 'power that blinded them to the ethical character of the means they used and the ends they sought.

Law firms paying large salaries set the standard for the success of law schools. Law firms and their clients need skilled legal artisans. They do not need lawyers who will question both the morality of their professional services and the morality of their clients' businesses. Accordingly, it is not by chance that law schools do not require the study of moral philosophy, and particularly the problems of distributive justice. It is not by chance that law school catalogues read like handbooks for uncritical minds intent solely upon earning fees. The law school has thus developed as an institution less intellectually inquisitive than the university of which it is a part. In fitting itself within our economic system, the substantial material rewards of which are found neither in the middle nor the lower economic classes, it pays the price of accommodation. It has produced students whose pockets are stuffed with laws and whose minds are as distant from issues of morality as they are from problems in biochemistry.

In the main, our established religions have carefully protected their institutional popularity by accommodating themselves to things as they are, not as they ought to be. Neither the labor movement, nor the struggle of women for equality, nor the confrontation of anti-Semitism or racism, nor the peace movement of the Vietnam period²⁴ or the peace movement of today, can trace their leadership to the steps of institutionalized religion. Notwithstanding the unconditional, ethical commitments of our religious faiths, their histories in this country have generally shown a contentment with silence when speech required courage.

Surely, the invisible Prince would have approved the silence of those churchmen in this country who for generations have known of the appalling poverty of Latin America where a feudal system, without feudalism's historical justification, enabled landowners to dominate the wretched and agonized poor upon whose backs the landowners lived.

Surely, the invisible Prince would have approved the uncritical silence of our religious institutions following the nuclear bombings of Hiroshima and Nagasaki, to say nothing of the obliteration bombing of Dresden and other German cities, acts that violated the principle of discrimination in the conduct of warfare.

Of course, there have been activist clergymen who have engaged themselves as their consciences directed, but our characterization of them as activists distinguishes them from their churches.

As to activism, one must indeed keep a sharp eye out for the invisible Prince. Consider, for example, why our college students demonstrate against apartheid in South Africa, but never, never against poverty in the United States. There are about 33 million Americans who are poor, and another 20 to 30 million who have so little that, by any measure, they are in need. Why are not college students demonstrating for the poor in America? Is it because American college students have nothing to risk in South Africa but, in the United States, they risk much if they have to divide the economic pie with the poor?

Are American college students disciples of a materialism so hypocritical, so self-centered, that they pretend to love the black poor in Pretoria but would not give a nickel for the tears of the black poor in Detroit or the white poor in Georgia?

Ask our politicians what they actually intend to do for the millions of America's poor. You will see that love beyond family, bed, and friends has very narrow limits, and that all the Bible thumping in the world, all of the praying and chanting, all of the handclapping, bowing and singing will not move a hair on a poor man's head.

And then ask how much we are willing to deny ourselves to help the poor. If we are willing to do very little, and if we are but a few of the tens of millions of our class, then we will begin to see the silhouette of the invisible Prince defending a society's economic system by violating its religious ethics. Should we look even closer, we will see that we, the politically dominant working and middle classes, eager to compel the upper classes to share economic benefits with us, are unwilling to share our economic benefits with the lowest economic classes. Moreover, we may hold to our positions even though the limitations of our natural resources indicate that the working and middle classes in the West must make substantial sacrifices if the lowest classes are to receive a sufficiency for their human development.

What we do to our poor at home, we do to the poor abroad. Developed nations have given only 1 to 2% of their gross national products in assistance to underdeveloped nations. The failure to give more is traceable in great part to the refusal of middle-class electorates to reduce their own level of consumption.

In the end, Machiavelli was right. We must choose between the Rome of pagan antiquity and the Jerusalem of Judeo-Christian ideals. And Machiavelli was right in his view that the great body of mankind chooses neither Rome nor Jerusalem but instead vacillates between them, attempts to compromise, weakens and fails. Yet, Machiavelli was fatally wrong about the nature of man. He saw in man a selfish, treacherous animal, unchangeable by time or place, whose history was worthy of study because it was bound to repeat itself. Machiavelli therefore chose Rome.

Man, however, is not the weak victim of the rules of a Platonic world of perfection. He is capable of living an ethical life while doing so with the cunning of the serpent and the innocence of the dove.²⁵ He is capable of living a life in which he has transcended himself by reaching out in love to others. If he lives that life, the life of the Judeo-Christian tradition, then he will have lived a life in a dimension that has made him truly human. In the end, he will know that by love he has touched the heart of the mystery of

creation.

If, however, man chooses a life in the abyss between Rome and Jerusalem, then he will have taken, in Machiavelli's words, "middle ways that are very injurious".²⁶ Medicine yields an appropriate analogy.

There is in neurology a curious, catastrophic condition sometimes suffered by victims of stroke. In the prose of medical understatement, it is called "neglect of the left."²⁷

The patient acts as if nothing is wrong, yet he reports that his left side has disappeared. When shown his paralyzed left arm, he denies that it is his arm, asserts that it belongs to someone else, and taking hold of it may fling it aside. He looks dull, apathetic, inattentive. He is indifferent to failure, and reports a feeling of "something missing". He neglects the left side of his body in dressing and grooming. He fails to shave one side of his face or to comb his hair on one side. He cannot put on eyeglasses or insert dentures, for half of him does not exist. His perception of the unity of his body, of the bodily parts to one another, has been ripped root and branch from his mind. At night, while other patients sleep, he lies in bed, repeatedly pressing his right side against a sideboard, all in search of an unreachable sense of limitation, of wholeness, of unity.

So it is with Machiavelli's conception of man. The half of him that is animalistic, that is attracted by the invisible Prince, that part remains; but the part that inclines itself to God, to "what ought to be", is abandoned and atrophies.²⁸ A sense of subtle paralysis of the will intrudes and, with it, a sense of a lack of wholeness, of unity, a sense of the abyss. In pathology, the condition is called a morbid inertia. In theology, it is called "an oppressive sorrow that so weighs upon a man's mind that he wants not to exercise any virtue". It is the deadly sin of sloth, the sin of neglect by which we separate ourselves from humanity. It is the sin by which we open our door to the world only wide enough to take in the morning paper.

END NOTES

1. See, Allan Gilbert (ed. and trans.), The Letters of Machiavelli (Chicago, 1961), p. 249; Peter Bondanella and Mark Musa (ed. and trans.), Machiavelli (Penguin Books 1979), p. 69; Roberto Ridolfi, - The Life of Niccolo Machiavelli (Chicago 1963), trans. from the Italian by Cecil Grayson, pp.135-138, 151-153; J. Hale, Machiavelli and Renaissance Italy (London, 1961); the painting of Machiavelli by Santi di Tito (1536-1603) in the Palazzo Vecchio, Florence.
2. The Italian novelist, Alberto Moravia, tried his hand at a psychoanalytical interpretation of The Prince in Portrait of Machiavelli, XXII Partisan Review 357, 369 (1955): ". . . Machiavelli had written the Prince not out of conscious Machiavellianism or the conscious wish to condense into one book all that he had learned and practiced during his years as a professional in politics; nor with the instinct of a poet who observes with delight and cherishes a terrible figure in a wholly aesthetic atmosphere. Instead . . . he wrote in order to drag himself up from the mire of indifference, to prove to himself that he was alive, to hurt himself and feel the pain." There is nothing like the voice of a Freudian mystic.
3. Giuseppe Prezzolini, Machiavelli anticristo (Rome, 1954), trans. by Gioconda Savini from the Italian as Machiavelli (New York, 1967), p. 148.
4. Machiavelli's gift of The Prince to Lorenzo is a collector's specimen of man's almost sublime capacity to deceive himself. Did Machiavelli, the great political realist, believe that Lorenzo de'Medici, successor of Giuliano de'Medici, would grant Machiavelli a governmental position when Lorenzo knew that (a) Machiavelli had been a suspect in a conspiracy to assassinate Giuliano, (b) the Medici's had recently treated Machiavelli to six turns on the strappado, (c) Machiavelli had zealously loved the republic that the Medici's had overthrown, and (d) The Prince itself justified

Machiavelli's betrayal of Lorenzo in order to restore a republic? See Mary G. Dietz, Trapping the Prince: Machiavelli and the Politics of Deception, 80 *American Political Science Review* 777 (1986). Indeed, the reader might smile when he learns that, in order to write *The Prince*, Machiavelli interrupted his writing of his great work in favor of a republic, The Discourses. See, The Discourses of Niccolo Machiavelli, trans. from the Italian with an introduction and notes by Leslie J. Walker, 2 vols. (New Haven, 1950). On the other hand, the reader will stop smiling when he examines arguments that the Discourses was begun after Machiavelli had completed *The Prince*. H. Baron, Machiavelli: the Republican Citizen and the Author of 'The Prince', 76 *English Historical Review* 217-253 (1961).PG

5. An extraordinary accounting of the conflicting theories that have barnacled *The Prince* is found in Eric W. Cochrane, Machiavelli: 1940-1960, 33 *Journal of Modern History* 113-136 (1961). The bibliographical list exceeds three thousand. See Richard C. Clark, Machiavelli: Bibliographical Spectrum, 1 *Review of National Literatures* 93-135 (1970); Felix Gilbert, Machiavelli and Guicciardini (Princeton, 1965); De Lamar Jensen (ed.), Machiavelli: Cynic, - Patriot, or Political Scientist? (Boston, 1960). A major study of Machiavelli's political thought is that of J. Pocock, The Machiavellian Moment (Princeton, 1975); see also, J. Whitfield, Machiavelli (Oxford, 1947), S. Anglo, Machiavelli: A Dissection (London, 1969). The only work of Machiavelli that was published in his lifetime, apart from Mandragola, a comedy, and The First Decade, a poem, was the Art of War (1521). The first edition of The Discourses appeared in 1531 (Blado, Rome), four years after Machiavelli had died. *The Prince* and the History of Florence first saw print in 1532 (Blado, Rome).

6. The November, 1972 interview of Henry Kissinger by Oriana Fallaci, the Italian journalist, includes this exchange: Q: Not Machiavellian by any chance, Dr. Kissinger? A: No, not at all. Why? Q. Oh, only that, listening to you, one sometimes wonders not how much you have influenced the President of the United States, but to what extent you have been influenced by Machiavelli. A. To none whatever. There is very little of Machiavelli's one can accept

or use in the contemporary world.**** Oriana Fallaci, Kissinger, - The New Republic. December 16, 1972, pp. 17, 21.

7. Friedrich Meinecke, Machiavellism (London, 1957), trans. from the German by Douglas Scott, p. 49 [Friederich Meinecke, Die Idee der Staatsrason in der neueren Geschichte, 2d ed. (Munich/Berlin, 1927), p. 61].

8. Jacques Maritain, The End of Machiavellianism, 4 *Review of Politics* 292, 294 (1942).

9. See, Giuseppe Prezzolini, The Christian Roots of Machiavelli's Moral Pessimism, 1 *Review of National Literatures* 26, 27 (1970).

10. See, Garrett Mattingly, Machiavelli's Prince: Political Science - or Political Satire?, 27 *American Scholar* 482-491 (1958).PG

11. Benedictus de Spinoza, Tractus politicus, c.5, sec.7; Rousseau, Du contrat social, book 3, c.6, note; see, L. McKenzie, Rousseau's Debate with Machiavelli in the Social Contract, 43 *Journal of the History of Ideas* 209 (1982).

12. See, A.H. Gilbert, Machiavelli's Prince and its Forerunners (Durham, North Carolina 1938).

13. Giuseppe Prezzolini, op. cit., note 3; Hiram Haydn, The Counter-Renaissance (New York, 1950).

14. See, Benedetto Croce, Elementi di politica (Bari, 1925), p.62.

15. See Ernst Cassirer, The Myth of the State (London and New Haven, Conn., 1946), c. 12; W.K. Hancock, Machiavelli in Modern - Dress: an Enquiry into Historical Method, 20 *History* 97-115 (1935-36).

16. See, De augmentis, book 7, chapter 2; book 8, chapter 2; The Works of Francis Bacon, ed. Spedding, Ellis and Heath (London, 1857-74), vol 5, pp. 17, 76.

17. Jacob Burckhardt, The Civilization of the Renaissance in Italy, trans. S.G.C. Middlemore (London, 1929), part I, chapter 7, pp.104 et. seq.; Charles S. Singleton, The Perspective of Art, 15 *Kenyon Review* 169-189 (1953).

18. Leonhard von Muralt, Machiavellis Staatsgedanke (Basel, 1945); see Giuseppe Prezzolini, op. cit., note 3, pp. 281, 325. In the mind of the Communist, Antonio Gramsci, Machiavelli's The Prince became a work advocating an anti-feudal revolution by the Italian peasants. A. Gramsci, The Modern Prince and Other Writings (New York: International Publishers, 1957).

19. Mario Praz, Machiavelli and the Elizabethans, 13 *Proceedings of the British Academy* 49-97 (1928); Felix Raab, The English Face of Machiavelli (London, 1964); see also, Jacques Maritain, op. cit., note 8, Leo Strauss, Thoughts on Machiavelli (Glencoe, Illinois, 1958).

20. The Prince and The Discourses (The Modern Library 1940), Introduction by Max Lerner, p. xxxvii; trans. by Christian E. Detmold (1891). Cochrane, op. cit., note 5, p. 114, recommends George Bull's (Penguin) translation The Prince as the more accurate version.

21. Jacques Maritain, op. cit., note 8.PG

22. Jacques Maritain, op. cit., note 8, p. 295. Croce, however, interprets Machiavelli as granting, out of necessity, an amoral autonomy to politics. Like two stepping stones in a brook, the amorality of politics and the morality of Judeo-Christian private life are seen as close together but forever apart, surely a weak grasp of reality, for an amoral state would inevitably infect the totality of its society. As for Machiavellianism's penetration of life, one need only scan a social sciences index. See, M. Dingler-Duhon and B. Brown, Self-disclosure as an Influence Strategy: Effects of Machiavellianism, Androgyny, and Sex, 16 *Sex Roles* 109 (1987); S. Flynn and others, Cheating as a Function of Task Outcome and Machiavellianism, 121 *Journal of Psychology* 423 (1987); C. Poderico, Machiavellianism and Anxiety among Italian Children, 60 *Psychology Reports* 1041 (1987);

J. M. Comer, Machiavellianism and Inner and Outer Directedness: A Study of Sales Managers, 56 *Psychology Reports* 81 (1985); G. Nigro and I. Galli, On the Relationship between Machiavellianism and Anxiety among Italian Undergraduates, 56 *Psychology Reports* 37 (1985); M. M. Okanes and L. W. Murray, Machiavellian and Achievement Orientations among Foreign and American Master's Students in Business Administration, 50 *Psychology Reports* 519 (1982); M. Ames and A. H. Kidd, Machiavellianism and Women's Grade Point Averages, 44 *Psychology Reports* 223 (1979); M. M. Okanes and L. W. Murray, Manipulative Tendencies and Social Insight in a Hospital Setting, 47 *Psychology Reports* 991 (1980); D. C. Martinez, Differences among Chicano and White Students on Items of Machiavellianism Scale, 48 *Psychology Reports* 433 (1981); P. B. Johnson, Need Achievement and Machiavellianism, 46 *Psychology Reports* 466 (1980).

Of interest to the corporate executive might be Antony Jay's - Management and Machiavelli (1968), and surely of interest to bench, bar, and society at large is the argument that the lawyer's role is an amoral one. See, Symposium on the Lawyer's Amoral Ethical Role, 1986 *American Bar Foundation Research Journal* 613-73 (1986). For a feminist perspective of Machiavelli, see Hanna Pitkin, Fortune is a Woman: Gender and Politics in the Thought of Niccolo Machiavelli (Berkeley: University of California Press, 1984).PG

23. But cf., Giuseppe Prezzolini, op. cit., note 3, p. 326.

24. One wonders what our young Vietnam dead would have thought had they read the recent article of Michael Vlahos, now Director of the Center for the Study of Foreign Affairs, U. S. Department of State (The End of America's Postwar Ethos, 66 *Foreign Affairs* 1091, 1100 [1988]):

"Worse, the war trampled upon the old myths of America itself. In Vietnam we were fighting like a corrupted European monarchy, insensitive to the squandered blood of our young men, pursuing objectives defined by a pseudoaristocratic elite. That this war was prosecuted by the party of reform and revolution (in recent mythic terms) and that its members developed the callous theories of 'graduated

response' and 'signaling' only heightened the perception of corruption. The military was fighting the war, but a sinister bank of academic and political sorcerers was pulling the strings."

25. Matthew 10:16.

26. Discourses I 26.

27. In neurology, it is designated as unilateral asomatognosis (Anton-Babinski syndrome). Raymond D. Adams and Maurice Victor, Principles of Neurology, 3rd ed. (New York 1985), pp. 339-340.

28. See T.S. Eliot, Niccolo Machiavelli, in For Lancelot Andrewes (1928), p. 50: "Lord Morley . . . intimates that Machiavelli . . . saw only half of the truth about human nature. What Machiavelli did not see about human nature is the myth of human goodness which for liberal thought replaces the belief in divine grace." See Giuseppe Prezzolini, *op. cit.*, note 9. But cf., Machiavelli's letter of May 17, 1521 to Francesco Guicciardini, an administrator in the papal states, a confidant of the Medici Pope Clement VII, and Renaissance Italy's leading historian, through whose friendship Machiavelli must have hoped to gain the favor of the Medici's: "When your letter arrived, I was sitting on the toilet thinking about the vanities of this world, and I was completely absorbed in constructing a preacher after my own tastes for Florence, one that would suit me perfectly It is true that I differ with my fellow citizens in this as well as in other matters, for they want a preacher to show them the way to Paradise, and I want to find one that will show them how to go to the devil I believe that the true way of going to Paradise is to learn the way to Hell in order to avoid it." Peter Bondanella and Mark Musa (ed. ad trans.), *op. cit.*, note 9, pp. 73-74.

THE HONORABLE FRANCIS T. MURPHY

Francis T. Murphy, Presiding Justice of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, received his undergraduate degree from Fordham College and his law degree from New York Law School.

Justice Murphy began his career on the bench in 1957 when Mayor Robert F. Wagner appointed him to the Municipal Court of the City of New York. The following year, he was elected to that court for a full term. In 1962, upon the merger of the Municipal and the City Courts, Justice Murphy became a Judge of the Civil Court of the City of New York. That same year, he was elected as a Justice of the New York State Supreme Court, and in 1979, Governor Nelson Rockefeller designated him as an Associate Justice of the Appellate Division, First Judicial Department. In 1976, he was elected to serve an additional term as a Justice of the Supreme Court and Governor Hugh Carey designated Justice Murphy as a Presiding Justice.

As Presiding Justice, Justice Murphy has been a leading advocate of the continuing education and training of lawyers. He is the originator and principal proponent of a statewide lawyer disciplinary plan for New York, a plan supported by, among other, the American Bar Association and the City Bar. He is a pioneer in the development of clinical programs for child protective services and is the originator of a system requiring random auditing of attorney's trust accounts. He has written extensively in these areas and his articles have appeared in law reviews, bar association journals, and other publications.

Justice Murphy is currently serving as President of the Federation of New York State Judges. He is a member of the Council of Chief Judges of Courts of Appeal, the Advisory Board to the Governor's Task Force on Domestic Violence, the Council on Requirements of the Courts, and the Special Committee of Honors of the New York City Bar Association. He is a member of the Board of Visitors of Fordham University School of Law. In 1983, he was invested as a Knight of Malta.

Throughout his career, he has received numerous awards and citations for judicial excellence and has received honorary degrees from New York Law School and Long Island University.

JOHN. F. SONNETT

1912 - 1969

John F. Sonnett, a 1933 graduate of Fordham College and a 1936 graduate of the School of Law, was a senior partner in the firm of Cahill Gordon & Reindel. This lecture series has been endowed by his partners and friends as a permanent memorial to him.

In 1933, Mr. Sonnett joined that firm, then known as Cotton & Franklin, as managing clerk, a position he held for the next three years while attending Fordham Law School. Upon graduation he became an associate at the firm. In 1941 he joined the U.S. Attorney's Office for the Southern District of New York where he became Chief Assistant United States Attorney.

During the Second World War, Mr. Sonnett was Special Counsel to the Under Secretary of the Navy. Later, as Special Assistant to the Secretary of the Navy holding the rank of Lieutenant Commander, he conducted the final Navy investigations of the attack on Pearl Harbor.

At the conclusion of the war, Mr. Sonnett was named Assistant Attorney General and Chief of the Antitrust Division of the United States Department of Justice.

He returned to the Cahill Gordon Firm in 1948 and established an international reputation as a pre-eminent trial and appellate lawyer. A devoted son of Fordham, his death in July 1969 was a great loss to the profession and his alma mater. His excellence as an advocate is memorialized through this lecture series.

