Good Arms and Good Laws: Machiavelli, Regime-Type, and Violent Oppression

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Dissertation submitted in partial fulfillment of
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ABSTRACT

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Abstract

The problem of violent oppression is a persistent one. Every regime – autocratic or democratic – has an obligation to prevent the violent oppression of its citizens. My dissertation "Good Arms and Good Laws: Machiavelli, Regime-Type, and Violent Oppression" uses Machiavelli's understanding of different regime-types and their political dynamics to explore the means by which democracies and autocracies alike can prevent violent oppression within their borders. My exploration produces a standard for praiseworthy political regimes and action, based on what Machiavelli identifies as the people's desire "not to be oppressed."

Machiavelli's analysis of this problem of political violence leads to the conclusion that all types of regimes are united in needing an interdependent, yet competitive political relationship between their leading political figure(s) and the people at large. Different kinds of regimes vary, however, in the roles that their primary political classes must play in order to prevent oppression within their borders. After using the *Florentine Histories* to identify the lines of thinking central to Machiavelli's work, in chapter 1 I turn to Machiavelli's discussion of the citizen-militia in *The Art of War*. In chapters 2 and 3, I detail Machiavelli's recommendations for praiseworthy principalities in the *Prince*, where Machiavelli actually exhorts princes to arm their people (chapter 2) while simultaneously crafting for them the political ethics for which the text is notorious

(chapter 3). In Chapters 4 and 5, I detail Machiavelli's recommendations for

praiseworthy republics in the *Discourses on Livy*, where Machiavelli charges the people

with policing the elites that would engage in projects of oppression if left to their own

devices (chapter 4) while simultaneously praising elites who help to create and maintain

mechanisms of violence (chapter 5). Machiavelli's analysis compels us to recognize that

it is the particulars of these interdependent, yet competitive relationships between the

people and their leading political figure(s) that define a regime and that our praise of

that regime ought not depend categorically on whether the people rule, but rather

whether the a regime's political classes effectively cooperate to prevent violent

oppression.

Dedication

To Barnaby Wittels and Joseph Linsk, men of letters.

And to Dan, Danny, and Daniel: "From a little spark may burst a mighty flame"

- Il Paradiso; Canto I, Line 33.

Contents

Acknowledgements

Introduction

      The consensus that has emerged around the idea of democracy puts policy-

makers in a difficult bind. They correctly take healthy democratic rule as the ultimate

goal for every society, yet must also contend with the reality that rapid democratization

can result in state failure. While we posit an intrinsic value to democracy, in many cases

this value seems to be outweighed by the internal conflict and economic collapse that

democratization may bring. This conflict arises because there may be some goods that

are more valuable than democratic participation or the legitimacy it confers upon a

government. Can a person facing brutal civil war be blamed for choosing familiar

stability even if it comes at the cost of disenfranchisement? Questions such as these get

at the very heart of what politics can do to make a life worth living. While the argument

on behalf of democracy's contribution to a fully human life is very strong, the arguments

on behalf of some other goods are equally so.

      Niccolò Machiavelli makes one such argument on behalf of freedom from

oppression.[1] For him, violent oppression of one's fellow citizens is the *summum malum* of

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I will make all citations to Machiavelli's major works in text and will use the following format: initials for
the text (AW – *Art of War*, D – *Discourses on Livy*, P – *The Prince*, FH – *Florentine Histories*) followed by book
in uppercase Roman numerals, chapter or page in Arabic numerals, and paragraph in lowercase roman
numerals where applicable. Translations used are listed in the bibliography.

[1] I take Machiavelli's understanding of oppression to be something like the active exercise of arbitrary
power of one person over another person in a position of dependence. I borrow the language for this
formulation from Frank Lovett and Philip Pettit who separately offer a definition of domination that has the

politics. While he is an advocate of the Renaissance equivalent of a democracy – a

republic – his advocacy is a conditional one at best and turns upon his concerns over

violent oppression.[2] Where regimes fail to prevent violent oppression in their territories,

he suggests improvements. Where they succeed, he suggests imitation. In doing so, he

becomes a rich resource for us in evaluating the strengths and weaknesses of democracy

as a regime-type.

Beyond supporting these kinds of deliberations, Machiavelli also helps us reflect

on the nature of democratic regimes in general. Machiavelli considered himself a faithful

servant of the Florentine Republic; we may consider him a faithful servant of the idea of

popular rule, but not an uncritical one. Those criticisms confound the dichotomy

between democracy on the one hand and autocracy on the other. We frequently take this

dichotomy to be a strong one, but Machiavelli shows how the most successful republics

– like successful principalities – sometimes use force as a means of rule. Similarly he

shows how the most successful principalities – like successful republics – use popular

participation as a source of stability and power. For Machiavelli, the best republics and

arbitrary exercise of power at its core. See Frank Lovett, *A General Theory of Domination and Justice* (Oxford: Oxford University Press, 2010), 2; Philip Pettit, *Republicanism: a Theory of Freedom and Government*, (Oxford: Clarendon Press, 1997), 22-26.

[2] There are important differences between "principalities" and "republics" on the one hand and "autocracies" and "democracies" on the other, but for the most part they can be used interchangeably when talking about regimes where the people at large participate in political rule and those where they do not. Nevertheless, I will use Machiavelli's terms when discussing his thinking in detail, particularly in chapters 1-5. I will use today's more resonant "democracy" and "non-democracy" when explaining the importance and implications of Machiavelli's ideas at present.

the best principalities resemble each other more than committed partisans of either

regime-type might be willing to accept.

Accepting the idea that democracy functions better by using means typically

associated with autocratic rule (and vice versa) ought not diminish our support for

democracy, but it ought to put it on a different footing. To understand that footing we

have to understand democracies and autocracies as Machiavelli understood republics

and principalities. He understood these different types of regimes as composite bodies,

which is to say as made up of disparate parts meant to function in concert. Prominent

among those parts are two political classes: the people at large and the elites. We tend to

think of autocracies as ruled by only one or a few members of the political elite.

Machiavelli, we shall see, offers us a different way to think about them. According to

Machiavelli, a prince – the analogue of an autocrat – can try to rule alone, over and

against the people, but to do so would be to cripple his power. Instead, a prince should

solicit popular participation, particularly via the citizen-militia, in order to partner with

the people in marginalizing the greatest sources of violent oppression, the prince's

fellow political elites and rival states seeking conquest. Machiavelli views the people as

fundamentally motivated to avoid being oppressed, rather than oppressing others, and

so as the greatest guardians of liberty even in a principality. Of course, Machiavelli still

endorses the prince's use of force and fraud, but he endorses these shocking practices for

the purposes of intervening against rampant violent oppression in his territory.

He endorses similar practices in republics for similar reasons. For Machiavelli, avoiding violent oppression justifies the use of force and fraud even in regimes where the people are meant to rule. Elites in republics perform many of the same functions as princes do in principalities. In contrast to those regimes, however, the people participate in rule in many more ways than only participating in the citizen-militia. In particular, the people are responsible for using the threat of force to police elites, who they in turn rely upon to intervene against each other when one steps out of line to engage in practices of oppression. Both classes rely upon each other for the health of the republic – and so share a symbiotic relationship – but frequently confront and compete with each other – and so share an agonistic relationship.

Machiavelli's view of a praiseworthy republic clashes strongly with the vision of democracy that has triumphed in the world. A praiseworthy republic's political classes will be far more antagonistic in their political interactions than democrats of today might be willing to accept. Nevertheless, the popular use of the threat of violence to police elites and the elite use of force and fraud to police themselves, manipulate the people where necessary, and defend the republic are all essential to the health of a Machiavellian republic. Machiavelli would be a defender of democracy were he alive today, but for the sake of preventing violent oppression he would temper our habit of always seeing the democratic solution as the best one for a given problem. For instance, voting may not always be enough to police oppressive elites in democracies, the use of

force that saves lives may be legitimate even if not democratically authorized, and democratic institutions may not be suitable to a society when they pave the way to internecine fighting.

The reading that follows will bring to light the framework of Machiavelli's thought that would undergird such criticism. For Machiavelli, as I read him, the relationship between the use of force and fraud, class politics, and regime-type fundamentally turned on the pursuit of non-oppression within a given territory. Principalities and republics can successfully minimize such oppression through the use of force, fraud, and appropriate leveraging of class politics, in addition to the creation of laws, institutions, and political norms. While Machiavelli saw republics as better at minimizing oppression within their own territories, he saw principalities as capable of being successful in their own right. More importantly, he saw the kinds of practices vital to the survival of a principality as necessary for republican success, from moments of founding to moments of renewal and crisis. Likewise, he saw pure autocracy as impossible, advising princes to take the people rather than a clientelistic machine as their basis for power. My Machiavelli, to put the matter succinctly, crafted a political theory to serve the interests of the people by minimizing violent oppression and created a rich and surprising account of regime-types in doing so.

The State of Machiavelli Scholarship

There are 4 prominent strands of existing Machiavelli scholarship that are relevant to the question at hand. To those 4, this dissertation adds a 5th perspective from which to view Machiavelli's work. The first is what Yves Winter has called the "democratic turn" in the secondary literature. It celebrates Machiavelli as one who sees the ends of the people as the touchstone for politics and one who regards the people as a tremendous source of political power.[3] The second view emphasizes Machiavelli's radical newness, most often insofar as this view sees Machiavelli describing a new understanding of politics that divorces it from exogenous sources of morality, be those sources religion, ancient or humanist ethics, or natural law. The third sees Machiavelli as an enthusiast of violence: one who loved war, conquest, and the pursuit of violence for various reasons – be they his admiration of Roman spiritedness and pagan morality, aesthetic understanding of politics, or anxieties over masculinity. The fourth sees Machiavelli as an extension and expression of various Renaissance worldviews, including but not limited to civic humanism, republicanism, and Renaissance cosmology.

The unifying contention of the "democratic turn" is that the people will be the primary beneficiary of a Machiavelli properly understood. Mary Dietz, for example, argues that *The Prince* outlines a political strategy that, if followed by *The Prince's* Medici

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[3] Yves Winter, "Plebian Politics: Machiavelli and the Ciompi Uprising," *Political Theory* 40, no. 6 (2012): 737.

recipient, would result in a regime so harsh and so unstable that it would incite a

Florentine revolution and the reinstallation of a republican form of government.[4]

Marxist interpreters such as Antonio Gramsci and Louis Althusser see Machiavelli as an

analyst of hegemony in general and hegemony in Italy specifically.[5] For them,

Machiavelli's lasting contribution is the roadmap to a popularly grounded, unified

political power capable of overcoming the lasting oppression of socioeconomic elites.

For Maurice Merleau-Ponty, populism is simply the axiom from which Machiavelli's

ethics begin. Merleau-Ponty writes "[Machiavelli] has even indicated the conditions for

a politics which is not unjust: it will be the one which satisfies the people. Not that the

people know everything, but because if anyone is innocent they are."[6] For all these

scholars, the interests of the people are the moral foundation upon which Machiavellian

politics are built.

     John McCormick's recent book, *Machiavellian Democracy*, is perhaps the purest

expression of this view, so his text is worth a closer look in order to introduce what

follows. For McCormick, Machiavelli's political theory, or "Machiavellian Democracy"

as he calls it, "is characterized by class-specific, popularly empowering, and elite-

constraining institutions that accomplish two tasks: they raise the class consciousness of

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[4] Mary Dietz, "Trapping The Prince: Machiavelli and the Politics of Deception," *The American Political Science Review* 80, no 3 (1986): 777.

[5] Louis Althusser, *Machiavelli and Us*, (New York: Verso, 1999); Antonio Gramsci, *Selections from the Prison Notebooks* (New York: International Publishers, 1972), 123-205.

[6] Maurice Merleau-Ponty, "A Note on Machiavelli," in *The Merleau-Ponty Reader*, edited by Ted Toadvine, and Leonard Lawlor, (Evanston, Ill: Northwestern University Press, 2007), 125.

common citizens and formally enable them to patrol more exalted citizens with a vigor

that electoral politics in and of itself does not provide."[7] McCormick is absolutely

correct, and the reading that follows in this dissertation details the importance of

Machiavelli's recommendations that institutions like the citizen-militia and the

tribunate, which are fundamentally grounded in the popular use of violence, be created

to that end.[8] That said, McCormick overcompensates in his corrective to the popular

image of Machiavelli. He writes, "while Machiavelli's most famous political book, *The

Prince*, appears to instruct rulers how they might best manipulate the people, I will

demonstrate, on the contrary, that his most important and perhaps most original piece

of political advice is something quite different: how common people might control

elites."[9] McCormick is right on the second count, but wrong on the first. *The Prince*, does

not simply "appear" to teach elites how to manipulate the people, it does so *in fact*. This

facet of *The Prince* cuts against the grain of a democratic Machiavelli. Many of the

exercises of princely power that Machiavelli recommends (including, but not limited to

the use of fraud) are in tension with most democratic norms.[10]

    In fact, Machiavelli exhorts the leaders of principalities and republics alike to use

both force and fraud in the practice of politics. This exhortation leads the second strand

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[7] John McCormick, *Machiavellian Democracy* (Cambridge: Cambridge University Press, 2011),16.

[8] McCormick, *Machiavellian Democracy*, 34.

[9] McCormick, *Machiavellian Democracy*, 3.

[10] They are also not limited to *The Prince* and appear as well in Machiavelli's more 'democratic' work, *The Discourses on Livy*. Compare P18 to DI.14 and DIII.40.

of literature under consideration in this introduction to reevaluate Machiavelli's ethics and conclude that, in the words of Sheldon Wolin, "Machiavelli's conception of civic virtue marked an important stage in the development of modern political thought and practice, for it symbolized an end to the old alliance between statecraft and soulcraft."[11] Vickie Sullivan, for example, argues that Machiavelli launches an attack on both pagan and Christian Rome in order to develop a politics in which "human beings are to be liberated from fear of the gods, but not from human beings, for human beings are to assume the role of punisher that had been consigned to divine beings."[12] For Leo Strauss, Machiavelli's separation of statecraft and soulcraft is an artifact of Machiavelli's placing love of one's country over love of one's soul and opens the way for him to be a "teacher of evil."[13] In this vein, Steven Forde claims "Machiavelli insists that realist logic inevitably points in the direction of universal imperialism and the *repudiation of all ethical restraints*."[14] (Emphasis mine) In doing so, to return to the words of Strauss, Machiavelli "abandons the quest for the best political order, or the best regime as a regime most conducive to the practice of virtue or of how men should live" and in his wake

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[11] Sheldon Wolin, *Politics and Vision; Continuity and Innovation in Western Political Thought*, (Boston: Little, Brown, 1960), 213.

[12] Vickie Sullivan, *Machiavelli's Three Romes: Religion, Human Liberty, and Politics Reformed.* (DeKalb, Ill: Northern Illinois University Press. 1996), 11.

[13] Leo Strauss, *Thoughts on Machiavelli*, (Chicago: University of Chicago Press, 1978), 9.

[14] Steven Forde, "International Realism and the Science of Politics: Thucydides, Machiavelli, and Neorealism," *International Studies Quarterly* 39, no. 2 (June 1995): 158.

modernity is left not with the aspiration for what is highest in human beings, but rather the mere management of conflict.[15]

This view, too, captures part of the "effectual truth" of Machiavelli. Machiavelli *does* launch an attack on his ancient and Christian antecedents in order to bring about "new modes and orders" of politics. (D PR.i) In place of those antecedents, Machiavelli must formulate a code of political conduct capable of maintaining political and social order. Harvey Mansfield has done much to explain this dimension of Machiavelli's thought. In, *Machiavelli's Virtue*, Mansfield encapsulates the task Machiavelli assigns to political leaders in principalities and republics alike. He writes, "when fear replaces justice as the ground for politics, acquisition is loosed from restraint; political science then assumes the task of explaining to princes how they must acquire and keep their states, and to republics how they must overcome corruption and expand."[16] Machiavelli's teachings on force, fraud, and "cruelties badly used or well used," (P 8) are thus just so many lessons on how to survive and even thrive in a world where others can just as easily resemble foxes, lions, and wolves as they can human beings. Politics, on such a view, is a life and death contest in which winners earn survival and even acclaim, but can never be Aristotle's "Great Souled Man" and can forget about entering the

[15] Leo Strauss, "Three Waves of Modernity," in *An Introduction to Political Philosophy: Ten Essays By Leo Strauss*, edited by Hilail Gildin, (Detroit: Wayne State University Press), 86.
[16] Harvey Mansfield, *Machiavelli's Virtue*, (Chicago: University of Chicago Press, 1996), 303.

kingdom of heaven.[17] Mansfield summarizes this trade-off, "On our behalf, as well as for his own glory, Machiavelli shuns the noble and closes down the soul in the belief that these uplifting notions are sources of slavery. He keeps virtue, partly as a sop to virtuous fools, mostly to provide the energy of liberty."[18] Like McCormick, however, Mansfield is right on one count and wrong on another. Machiavelli does keep virtue to "provide the energy of liberty," but to say that Machiavelli "shuns the noble" is misleading. Machiavelli shuns one kind of nobility for another, namely the pursuit of non-oppression on behalf of one's fellow citizens. This pursuit does not amount to state-sponsored soulcraft to be sure, but for Machiavelli, the experience of violent oppression nevertheless results in moral and political corruption. Violent oppression, when it does not simply break the will of the oppressed, fuels a desire for vengeance at the individual and the class level. As Machiavelli sees it, cycles of violent civil conflict corrupt social institutions in a manner reminiscent of Thucydides' depiction of the Corcyrean civil war.[19] Fighting that corruption is an unquestionably noble pursuit and requires the ethical innovations for which Machiavelli is notorious.

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[17] Aristotle, *The Nichomachean* Ethics, trans. J. A. K. Thomson (New York, NY: Penguin, 1976), Book IV, Chapter 3.

[18] Mansfield, *Machiavelli's Virtue,* 52.

[19] "In their acts of vengeance the went to even greater lengths, not limiting them to what justice or the good of the state demanded, but making the party caprice of the moment their only standard, and invoking with equal readiness the condemnation of an unjust verdict or the authority of the strong arm to glut the animosities of the hour." Thucydides, *The History of the Peloponnesian War*, trans. Richard Crawley, (New York: Free Press, 1996), Book 3, Chapters 82. See chapters 82-84 for further discussion of the corrupting effects of the civil war.

Part of that notoriety stems of course, from the apparent gusto with which

Machiavelli discusses acts of political violence. There is a third strand of the literature

which seeks to explain Machiavelli's enthusiasm for blood and gore by positing on

Machiavelli's part a commitment to something other than the necessities of power

politics, which is the favored position of the strand just discussed. Hannah Pitkin, for

example, identifies autonomy as Machiavelli's "central preoccupation," which in the

context of what she sees as Machiavelli's "anxiety about being sufficiently masculine"

produces many of his violent tendencies.[20] Diego von Vacano advances the view that

Machiavelli's politics – and his imperial politics in particular – must be understood as

part of an aesthetic framework. Von Vacano writes "Machiavelli is concerned with

drawing a picture of his own perspective on (*political*) power for the world to *admire* as

superior to others. This explains why he is able to follow up the first part of the

Discourses (often considered proto-democratic in its sense of liberty) with the second

part, which is an unflinching admiration of Rome's expansion, which-like any empire

took the freedom of the many."[21] Mikael Hörnqvist and Paul Hulliung need no such

recourse to aesthetics to explain Machiavelli's imperialism. For the former, it is the

natural extension of a Florentine twin ideology of *Libertas* and *Imperium* and for the latter

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[20] Hannah Pitkin, *Fortune is a Woman: Gender and Politics in the Thought of Niccolò Machiavelli*. (Berkeley: University of California Press, 1984), 5-7.
[21] Diego von Vacano, *The Art of Power: Machiavelli, Nietzsche, and the Making of Aesthetic Political Theory*, (Lanham: Lexington Books, 2007) 15.

it is the natural extension of Machiavelli's fascination with Rome.[22] Hulliung writes, "of

all republics past and present to choose from, it was the *world-conquering* Roman

republic that arrested Machiavelli's attention."[23] (Emphasis mine) All of the readings in

this strand of literature rightly seize upon Machiavelli's admiration of political heroism

in general and martial valor in particular.

　　Patrick Coby's *Machiavelli's Romans* is no exception and is particularly insightful.

To call forth imagery from Plato's *Republic*, Coby's Machiavelli writes for the timocrat

who has usurped the power of the philosopher king. "Machiavelli," he writes, "regards

spiritedness as higher than reason, which is its auxiliary, and higher than appetite,

which is its rival."[24] Machiavelli so understood values liberty as an ingredient of

greatness.[25] A liberated people is a people that will defend itself at home and pursue

empire abroad with the greatest spirit and vigor. Liberated peoples competing with each

other will produce a world filled with exceptional glory and strength rather than

tediousness and weakness. For Coby's Machiavelli, "glory spread round is the common

benefit, plus liberty in the interim. What Machiavelli wants is simply this—a first-rate

performance by champions and challengers alike."[26] There is no question that

Machiavelli admires an aggressive, masculine form of politics. Nevertheless, Coby and

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[22] Mikael Hörnqvist, *Machiavelli and Empire,* (Cambridge: Cambridge University Press, 2004), 38.
[23] Mark Hulliung, *Citizen Machiavelli* (Princeton, N.J.: Princeton University Press, 1983), 5.
[24] Patrick Coby, *Machiavelli's Romans: Liberty and Greatness in the Discourses on Livy*. (Lanham, Md: Lexington Books. 1999), 17.
[25] Coby, *Machiavelli's Romans,* 264.
[26] Coby, *Machiavelli's Romans,* 283.

the others in this strand of literature err when they lose sight of the nature of Machiavelli's ends for principalities and republics alike. Consider Machiavelli's praise of Rome. The Rome that Machiavelli sees as having the most virtuous and glorious politics is that of the mature republic. This republic is the republic of the Punic wars. It is the republic that looks to establish its dominance within and around the Italian peninsula. Once Rome became the 'world-conquering' republic, its domestic politics became corrupt and it fell to a similar kind of factional strife that plagued Machiavelli's beloved Florence. Beyond a certain point, as Rome's empire expanded outward, violence and violent oppression became more and more frequent at home. So, while Machiavelli praises the Roman army and Roman elites for their conquests, there is a reason that he spends far more time with Roman examples like Scipio Africanus and Fabius Maximus than he does with Julius Caesar and Pompey.

The Roman republic as it expanded outward became unbalanced and lost its ability to maintain itself as a republic. This observation is one common to the fourth strand of Machiavelli scholarship under consideration. In general, this strand emphasizes Machiavelli's continuity with various intellectual traditions, such as ancient political philosophy, civic humanism, and renaissance metaphysics and anthropology. These readings see Machiavelli as drawing upon and contributing to a larger tradition of republican thinking. Some of these scholars, such as J.G.A. Pocock, agree with Coby and Hörnqvist that Machiavelli accepts the costs of republican imperialism and endorses it

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anyway. Pocock says that, "Machiavelli's contributions to republican theory were extraordinarily original, but were based on and limited to his decision that military dynamism was to be preferred before the search for stability."[27] While Quentin Skinner agrees that Machiavelli's preoccupation with military matters is one of Machiavelli's original contributions to the republican tradition of which he is a part, Skinner nevertheless sees Machiavelli as subordinating his militarism to communal liberty.[28] Moreover, Erica Benner, who reads Machiavelli as extending and elaborating upon the ideas of the ancient thinkers who were his sources, cites the Tuscan League as Machiavelli's preferred mode of expansion. She observes, "compared with the built-in tendencies of the Roman mode of unchecked ambition, violence, and tyranny, the self-imposed limits found in the mode of leagues seem more likely to achieve the benefits of strong *imperio* without the risks of *dominio*."[29] This mode of "collaborative self-defense," she argues, is far more consistent with Machiavelli's aims than Roman conquest.[30] Given these various interpretations, we can see that Machiavelli's record on the question of violence and its use to prevent or cause oppression is mixed among those who see him as expanding or building upon a given extant tradition of thought.

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[27] J.G.A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition.* (Princeton, N.J.: Princeton University Press, 1975), 209.

[28] Quentin Skinner, *Foundations of Modern Political Thought: Volume 1, The Renaissance*, (Cambridge: Cambridge University Press, 1978), 130; See also Quentin Skinner, "The Idea of Negative Liberty," in *Philosophy in History: Essays in the Historiography of Philosophy*, ed. Richard Rorty, Jerome B. Schneewind, Quentin Skinner (Cambridge: Cambridge University Press, 1984), 210.

[29] Erica Benner, *Machiavelli's Ethics*. (Princeton, N.J.: Princeton University Press, 2009), 476.

[30] Benner, *Machiavelli's Ethics*, 479.

That said, this strand has provided considerable insight into Machiavelli's concerns, motivations, and conceptual frameworks, and are particularly helpful in explaining why Machiavelli would endorses the use of violence in the pursuit of eliminating or at least reducing oppression. While Quentin Skinner in his essay "The Idea of Negative Liberty," makes an incredibly persuasive argument for considering the liberty of the people to be Machiavelli's central priority, it is Anthony Parel who points out that Machiavelli's politics from *The Prince* and the *Discourses* to the *Art of War* and *Florentine Histories* are geared to satisfy the demand of one's own people not to be oppressed, that is to be left alone. In *The Machiavellian Cosmos*, Parel explains Machiavelli's use of the theory of the humors, which was dominant in the Renaissance. The theory of the humors originated as a medical theory with Hippocrates and retained its dominance in medical circles till the eighteenth century. For Machiavelli, they form the basis of his understanding not of human bodies, but of political ones. Humors are the political drives, associated with political classes, which fuel the behavior of a regime.[31] In one of his rare moments of consistency across *The Prince* and the *Discourses*, Machiavelli associates the drive to oppress with political elites and the drive to not be oppressed with the people. As a result, principalities, republics, and everything in between can be classified in terms of their humoral states, i.e., who is and who is not

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[31] Anthony Parel, *The Machiavellian Cosmos*, (New Haven, Yale University Press, 1992), 8.

oppressed and how.[32] Parel writes, "seen from the perspective of *umore/i*, *The Prince*

appears to present us with the picture of a body politic whose humours [sic] are not in

proper proportion, and whose cure would require the intervention of an able 'doctor'

prepared to administer purges, strong medicines, or whatever else it might take to

improve the health of the organism."[33] We will see in what follows that the prince is that

"able doctor" who must use "strong medicines" against the humor associated with the

elite's desire to oppress. Parel continues, "the *Discourses*, on the other hand, presents us

with the picture of a healthy body politic. Rome is able to develop itself into a free,

virtuous, and expanding republic precisely because here the humours [sic] were

operating in an ordered manner."[34] I agree with Parel and will argue below that Rome's

praiseworthy political outcomes were the product of her partnership between political

classes (i.e., a product of her properly ordered humors). This partnership, though it may

have been agonistic, was symbiotic, satisfying the popular humor for non-oppression

and venting the elite humor outward through Rome's "mighty enterprises." (D I.53.iv)

  For all the perspicacity of his understanding of Machiavelli, however, Parel

historicizes him. While it may be true that "philosophic anthropology is no longer based

on *fantasia*, humours [sic], and temperament," one need not abandon them as metaphor

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[32] "The *Florentine Histories*, in its turn present us with the picture of a body politic whose humours [sic] are malignant, and which is unlucky enough to be without an innovator – until, that is, Machiavelli himself was asked by Leo X to write a constitution for it." Parel, *The Machiavellian Cosmos*, 8.

[33] Parel, *The Machiavellian Cosmos*, 8.

[34] Parel, *The Machiavellian Cosmos*, 8.

or guiding idea.[35] Indeed, at the core of what follows is a presumption in favor of the ongoing utility of the idea of political humors because they create a foundation for non-oppression of one's fellow citizens as the guiding standard for the use of political violence in a given territory. That is how the idea operates in Machiavelli's body of political thought, and the pages that follow are motivated by the *prima facie* confidence in the value of that political thought.

That claim, however, can only be verified on the basis of an accurate portrait of Machiavelli's thought. Such a portrait requires that one first view Machiavelli from all four perspectives we have just examined: that of the democratic Machiavelli, the Machiavelli who separates statecraft and soulcraft, the Machiavelli enthused with violence, and the Machiavelli who reflects continuity more than change in western political and philosophical thought. All offer something necessary to understanding Machiavelli's views on the use of violence for the purposes of preventing the oppression of one's fellow citizens, but also only represent a partial view and often sit in tension with the others. The "democratic turn" for example, rightly points out that the people, and their ends, are Machiavelli's moral touchstone. That said, this view often ignores or downplays the hardball politics that Machiavelli endorses, especially in *The Prince*. Those who separate Machiavelli's statecraft from ancient soulcraft, attend well to Machiavelli's cutthroat tactics, but ignore the fact that the purpose of those tactics is the

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[35] Parel, *The Machiavellian Cosmos*, 159.

liberation of large numbers of one's fellow citizens from violent oppression, which

degrades their souls. Likewise, those who see Machiavelli as an enthusiast for violence

rightly observe the aggressive and muscular nature of his politics, but mistake the

means for the ends. Machiavelli does admire a kind of political heroism, especially

among the elites of Rome, but they are not heroes solely because they wielded power. It

is this point, especially in the context of Machiavelli's thinking on republics, that those

who see Machiavelli as situated within and building upon various traditions make so

well. Machiavelli may be for the people, but relies upon the people and the elite alike to

reduce violent oppression within their shared political body. This strand, however, too

often historicizes Machiavelli and relegates him to whichever tradition with which it

seeks to align him, be it civic humanist, Greco-Roman, Renaissance cosmological

thinking, and so on. Each of these traditions, in turn are far too optimistic about the

collegial nature of class politics. Machiavelli is a theorist of class antagonism, and that

antagonism results in the freedom from violent oppression for the many and only

secondary goods for the few.

     The interpretation of Machiavelli that follows draws on all four of these

perspectives on his thought and adds to them an additional motif: the intimacy between

Machiavelli's thinking on violence and Machiavelli's quest to discover a means by which

states – principalities and republics alike – can prevent or at least minimize violent

oppression within their borders. This quest took Machiavelli down various roads. As a

military thinker, it led him to a consideration of the virtue of a citizen-militia. In writing

on principalities, it led him to develop countermeasures to the brutal nature of elites

bent on oppression and the necessity of a prince allying with and empowering the

people. As a student of republics, it led him to see the wisdom in recruiting the people to

police the elites by leveraging their authority through the tribunate to intervene by force,

if necessary, against oppression from those elites. Simultaneously it led him to see the

wisdom in opening avenues by which elites could satisfy their desire for glory as a

substitute for satisfying their more pernicious drives. Finally as a lover of Florence, he

sought means by which the Florentine people (and Italians in general) could liberate

themselves from their own condition of violent oppression.

Plan of the dissertation

"I love my native city more than my soul," writes Machiavelli in a letter to

Francesco Vettori on April 16, 1527.[36] Given this claim, it seems fitting to enter into

Machiavelli's thought by way of that love. If Machiavelli set Florence above his own

soul, then Florence, and its suffering, probably occupied the central place in

Machiavelli's thought. At the very least, the problems that beset Florence defined the

questions he sought to answer. In order to preview those questions, I begin with a

consideration of Machiavelli's *Florentine Histories* to specify the problems of violent

[36] Niccolò Machiavelli, "Letter to Francesco Vettori, April 16, 1527," In *Machiavelli: Chief Works and Others, Vol. 2*, ed. and trans. Allan Gilbert, (Durham: Duke University Press, 1989), 1010.

oppression that he addresses in his other principal texts: *The Art of War*, *The Prince*, and *Discourses on Livy*.

The *Florentine Histories* is not simply a discursive account of events, but like Machiavelli's ancient historical sources, featured a set of quasi-fictional speeches. The use of such speeches was common among renaissance historians as well as the ancient historians who frequently served as their models. While some historians explain the purpose of the use of such speeches in their texts, Machiavelli does not.[37] Machiavelli may have used the speeches in part as a covert way to critique the Medici, the family to which the commissioner (Pope Leo X) and the dedicatee (Pope Clement VII) both belonged.[38] The speeches may simply have been rhetorical flourishes, designed to embellish the work.[39] They may also have been a way in which Machiavelli could make his own thinking more apparent. In any case, they give us great insight into Machiavelli's understanding of the historical attempts to solve the chronic problems that resulted from the relentless pursuit of domination that plagued Florentine politics. The speeches may have been fictitious, but the arguments they made and their proposed

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[37] Thucydides, *The History of the Peloponnesian War*, Book 1, Chapter 22.

[38] Machiavelli never confesses to this bit of literary deception in his own letters. Donato Giannotti, a friend of Machiavelli's reports it in a letter Antonio Michieli, dated 30 June 1533. Donato Giannotti, "Letter to Antonio Michieli, June 30 1533," in Niccolò Machiavelli, *Chief Works, and Others, vol. 2*, trans. Allan H. Gilbert, (Durham, NC: Duke University Press, 1989), 1028.

[39] Felix Gilbert, "Machiavelli's Istorie Fiorentine: An Essay in Interpretation," in *History, Choice, and Commitment* (Cambridge, MA: Belknap Press, 1977), 137.

solutions to the problems of their times were both serious enough to merit space in Machiavelli's history of the city that he loved more than his soul.

With this in mind, I will examine five of these speeches to help us come to terms with the problems of violent oppression Machiavelli tried to address and the solutions he recommends. The five speeches are made during two moments of Florentine political upheaval: the rule of the Duke of Athens (Walter VI, Count of Brienne) in 1342 and the Ciompi Revolt in 1378. Such moments are prime examples of Florence's chronic political crises, the diagnosis of which Machiavelli declares to be his principal interest in writing the *Florentine Histories*. Extant histories of Florence by Bruni and Bracciolini, he notes, failed to give a proper account of civil discord. Detailed accounts of civil discord, however, deserve pride of place in histories because "if no other lesson is useful to the citizens who govern republics, it is that which shows the causes of the hatreds and divisions in the city." (FH PR.1.i) If civil discord is not properly managed, Machiavelli goes on to note, it undermines political unity. In Florence it resulted in "as many dead, as many exiles, and as many families destroyed as in recent memory." (FH PR.1.i) Had Florence not suffered from improperly managed civil discord, Machiavelli can think of "no republic either modern or ancient that would have been its superior, so full of virtue, of arms, and of industry it would have been." (FH PR.1.i) Most importantly, civil discord of the kind experienced by Florence ended in uncontrolled violence and so was a tool of oppression for some, a scourge for many others. Compare Florence to

Machiavelli's aspirational touchstone: Rome. In Rome, "the grave and natural enmities that exist between the men and the nobles" were resolved "by disputing," "ended with law," "and always increased military virtue." In Florence, they were resolved by "fighting," ended "with the exile and death of many citizens," and "eliminated [military virtue] altogether." (FH III.1) These divergent patterns of violence and conflict resulted in a Rome that "by growing in virtue, grew in power," and a Florence that became "ever more humble and abject." (FH III.1) Did Machiavelli, who signed himself "historico, comico et tragico" in a letter to his friend Guicciardini, find Florence's struggles to be both tragic and comic?[40] Possibly. Whatever the case, Machiavelli's flare for the dramatic certainly makes the fictional speeches of the *Florentine Histories* a good place to take stock of the puzzle pieces that I will examine in my discussion of the *Art of War*, *the Prince*, and *The Discourses on Livy*.

When Mastino della Scala, Lord of Verona, sought to divest himself of his possession of Lucca in 1341 by selling it rather than losing it by force, he struck a deal with Florence for the sale of the city for 250,000 florins.[41] Lucca, particularly under the able rule of Castruccio Castracani in the early 14th century, had long been a counterpoint to the dysfunction of Florence and, like Pisa, a counterweight to Florence's pursuit of

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[40] Niccolò Machiavelli, "Letter To Guicciardini, Oct 21, 1525" in Niccolò Machiavelli, *Chief Works, and Others, vol. 2*, trans. Allan H. Gilbert, (Durham, NC: Duke University Press, 1989), 987.

[41] John Najemy, *A History of Florence: 1200-1575*, (Malden, MA: Blackwell, 2006), 421.

regional hegemony.[42] As a result, it is fitting that Florence's attempt to acquire a military

and political rival by purchase would result in not only a fiscal crisis within Florence but

also a military crisis in the ensuing war with Pisa over control of Lucca. Florence's

attempt to *buy* power in the mid 14th century was a spectacular failure. In the case of the

Lucchese episode, "the Florentines were driven off with a loss of money and acquisition

of shame." (FH II.33.i) Florence needed her own arms. Rather than taking the proper

steps to arm the city in the midst of a chaotic and dangerous interstate system, "the

Twenty" (a council of leading citizens entrusted with emergency powers) wrote to

Robert, King of Naples for assistance, and received Walter VI, count of Brienne (titularly

"Duke of Athens") in return. (FH II.33.i)

In an attempt to garner public support and to come under the protection of the

Duke, the Twenty turned most of their powers over to him.[43] (FH II.33.i) Their intentions

were good perhaps, but they failed to attend to the following question: "What kind of

armed forces are the least likely to engage in practices of oppression and most likely to

be sufficiently capable of civil defense?" This question would occupy Machiavelli for

much of his life. The political crisis that followed the Duke's rise to power was a case

study in the virtues of homegrown arms over those bought or borrowed, which is the

subject of Machiavelli's *Art of War* and chapter 1 of this dissertation. To the shock and

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[42] Machiavelli wrote a fictionalized account of Castruccio's life as quasi-parallel to that of Cesare Borgia. Niccolò Machiavelli, "Life of Castruccio Castracani," in *Chief Works, and Others, vol. 2*, trans. Allan H. Gilbert, (Durham, NC: Duke University Press, 1989), 553.

[43] Najemy, *A History of Florence*, 135.

dismay of the Twenty, the Duke of Athens turned on them as the parties responsible for

Florence's ills. To consolidate his political power, the Duke of Athens marginalized the

power of the noble families by purchasing in mercenary style the poorest of Florence's

citizens into his service and importing French military and political muscle. As

Machiavelli tells the story in the *Florentine Histories*, the Duke did so following a speech

in which he attempted to soothe the concerns of the Signori over his political aims and

methods. Indeed, the Duke said all the things that the concerned families might want to

hear. He promised the restoration of Florence's freedom "for only disunited cities were

enslaved and united ones free." (FH II.35.i) To project power abroad, the Duke promised

to pursue the elimination of "sects, ambitions, and enmities." (FH II.35.i) While

Machiavelli would not counsel the complete elimination of ambitions and enmities,

because the agonistic and symbiotic partnership between the people and elite can be

politically useful, the Duke's intention to eliminate sects was certainly laudable at the

time in Machiavelli's view. The Duke, however, did not do as he promised, eliminating

no sects and instead created his own clientelistic military and political structure. This

kind of rule, for Machiavelli, is among the most damnable. In the case of the Duke's rule,

"citizens live(d) full of indignation as they saw the majesty of their state ruined, the

orders laid waste, the laws annulled, every decent being corrupted, all civil modesty

eliminated." (FH II.36.ii) And "above all else, what displeased was the violence that he

and his men did, without any respect to the women". (FH II.36.ii)

Where did the Twenty go wrong? They had turned to the Duke as a protector,

even rendering that title upon him. But in doing so they failed to attend to the question

that occupies much of book III of Plato's *Republic*: the control of those vested with

military and police power. In the *Republic*, the interlocutors focus on the training of the

"souls" of those who bear arms as a method of control.[44] As it turns out, Machiavelli's

solution to this particular problem of violent oppression, as I shall show below, also

takes up the question of the character of those who bear arms. For Machiavelli, only an

armed body made up of citizen-soldiers – and citizen-soldiers who do not rely on the

use of violence for income – is both capable of projecting sufficient force abroad and can

be relied upon to forswear and even prevent projects of oppression at home.

Machiavelli's *Art of War*, if nothing else, is a defense of the citizen-militia and the citizen-

soldier who serves in it. The Duke of Athens correctly identified political sectarianism as

an opening for political violence. But whether by design or by error, he created a

clientelistic machine that operated as a sect to oppress everyone else. The Duke of

Athens was right to bring Florentine citizens into the fold, but the citizens he recruited

were so poor and so eager for avenging the constant abuse that they suffered at the

hands of Florentine elites that they used their newfound power to commit the crimes

mentioned above. The *Art of War* teaches its reader how to balance these concerns. It

answers questions such as: What kind of person can be trusted as a protector? How does

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[44] Plato, *The Republic,* trans. Allan Bloom (New York: Basic Books, 1991), 63-96.

one properly balance private interests with public duties? And what kind of armed forces resist being used in projects of oppression? For Machiavelli, using violence to prevent violent oppression begins with the creation of mechanisms for the reliable and non-oppressive use of force. I begin this dissertation there as well.

Machiavelli's insistence on broad citizen participation in "guarding" their "patria" does not, however, end with the *Art of War*. Florence strived to be a republic, which begs the question of whether citizen arms are meant to be republican arms or universal arms. Machiavelli's answer indicates the latter. Chapter 2 turns to the prominent role played by the citizen-militia in *The Prince*. There, Machiavelli repeats his assertion that citizen-militias are the most reliable mechanism by which a state can defend itself. He also goes on to tie such institutions to the satisfaction of the popular humor, which articulates itself as a desire not to be oppressed. This desire is so strong and of such moral weight that Machiavelli recommends that even princes cater to it. This recommendation is underscored by the prudence of doing so. The ability of a regime, republic or not, to satisfy the people's desire not to be oppressed is a core element of the goodness of a regime, both in terms of being praiseworthy and sound.

The Duke of Athens, who did not "lack anything as a prince, but the title," should have understood this dynamic. (FH II.34.i) His rule in Florence was going to succeed or fail on the basis of his ability to navigate the hatred and enmities of that city. Indeed, it is the Florentine Signori that warn him to secure himself against the power of

hatred. "Amidst universal hatred," they warn the Duke, "one can never find any security." (FH II.34.iii) These Florentine nobles counsel the Duke to maintain his alliance with them, condemning foreign support as dangerous and popular support as fickle. This self-serving argument is half-right and half-wrong. Foreign support is dangerous, but popular support is only fickle when the government abuses the people. A population that suffers violence becomes one that is willing to do violence. The signori warn the Duke "to find a violent state with a good prince is impossible, for of necessity they must become alike or the one quickly ruins the other." (FH II.34.iii) How right they are from Machiavelli's perspective. How wrong, however, is their assumption that one should eschew popular support. Machiavelli would have them take their own exhortation to "Think, lord, how much force will be necessary to keep such a city enslaved." (FH II.34.iii) '*Think, Signori*, Machiavelli might say, *how much* less *force one requires when your arms are those of people you have not abused*.'

In Chapter 2 I argue that Machiavelli's advice in *The Prince* very much turns upon how much less force one requires to maintain power by using citizen arms. By arming the people, the prince arms himself. Contrary to the claims of the Signori, Machiavelli asserts that the people are the prince's most reliable partners. Machiavelli argues that their humor – the desire not to be oppressed – can be easily satisfied and is "more decent" than that of the elites. The humor of the elites – the desire to engage in oppressive practices – is not so easily satisfied. In fact, Machiavelli argues, it is

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insatiable; so much so that the elite represent a dangerous threat to the prince himself

and an alliance with the people maximizes the prince's relative security. This alliance

also has the effect of redounding to the security of the people themselves, and so helps

them avoid the oppression of the elite, the prince included. The people, properly armed

and properly trained, become a constraint against potential abuses.

Easier said than done, of course. The Duke of Athens rejected at least in part the

Signori's advice and behaved partially in accordance with the advice Machiavelli's gives

in *The Prince*. Where did he go wrong? Without a doubt, his liberal incorporation of

foreigners into his political and military apparatus contributed to the abuses of his rule –

but what of those committed by Florentines themselves? Machiavelli's exhortation to

use a citizen militia is predicated upon the loyalty and fidelity of the people and the fact

that abusive practices are contrary to the popular humor. The answer lies in the fact that

the popular humor, even armed and embodied in the citizen militia, is not always

enough to curb the machinations of the elites that seek to oppress them. The steps that

Machiavelli recommends in *The Prince* in order to account for this gap are the subjects of

chapter 3. They make up Machiavelli's answer to question, "when is the prince justified

in using force and fraud on behalf of the people without first securing their consent?"

Among them would have been included a recognition on the part of the Duke that the

lowest of Florence's economic classes – upon whom he relied for so much muscle – had

been so abused, so "beaten and despoiled" to borrow the language of *The Prince* (P 26.i),

that abuse had become part of their nature and a desire for vengeance was in their

blood. Sometimes a prince must move the people away from a dominant strategy of

violence before he can rely on them as partners against the elite. Machiavelli praises

another Duke – Cesare Borgia (Duke Valentino) – for taking on precisely such a project

in the Romagna. Previous lords of the Romagna had "been readier to despoil their

subjects" than to promote lawful behavior. (P 7.iv) That previous behavior created an

obstacle that Borgia had to clear because "when that community of which you have need

to maintain yourself is corrupt, whether they are the people or the soldiers or the great,

you must follow their humor to satisfy them, *and then good deeds are your enemy*."

(Emphasis mine, P 19.vii) Borgia had to take steps to bring some semblance of order

back to the region before he could rely on the "decency" of the popular humor. In the

case of Florence, the Duke of Athens could not have attempted to rule virtuously, even if

he knew and wished to do so, till he had brought the cycle of abuse and oppression to an

end. Stopping that cycle may have required the use of force and fraud on his part, as it

did on the part of Duke Valentino in the Romagna.

That Florence suffered from a people that had come to mirror the elite in its

destructive tendencies is born out in Machiavelli's description of the Ciompi Revolt, a

civil crisis that took place nearly four decades after the rise and fall of the Duke of

Athens. In 1378, following legislative controversies between representatives of the guild

community and the Guelf Party, guildsmen attacked and burned the homes of party

leaders in response to the resignation of Salvestro Di Medici from his position as

Gonfaloniere of Justice. While Salvestro would later be a major player in the counter-

revolution following the Ciompi Revolt his resignation represented, at the time, a major

blow to the advancing interests of the guildsmen as a whole and even the low-skill

wool-workers (the 'Ciompi') who were underrepresented in the guild system. The

ensuing confrontations led to the armed installation of Michele Di Lando (a wool-carder

and former corporal in the communal army) and the reorganization of political

representation, which was greatly expanded to include minor guildsman in general and

the Ciompi in particular.[45] Lando's government, however, proved unsatisfactory to the

Ciompi who had installed him, which led to a confrontation between Lando and the

most radical wing of his governing coalition.[46] Fairly or unfairly, the Ciompi thought his

reforms were insufficiently radical. Following a night of arson and burglary, an

unnamed ciompo gives a rousing speech to his comrades in favor of armed insurrection

and being "left princes of the city." (FH III.13) His speech – the only one for which

Machiavelli did not have a model in his sources - makes many observations that

resonate with *The Prince*.[47] The ciompo claims that necessity teaches that arms may be

the only way to secure oneself from evil; those who "come to great riches and great

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[45] "Michele di Lando, a former corporal in the communal army and variously described as a comber, carder, and supervisor of textile workers, entered the palace with the Standard of Justice and declared himself, obviously by prior agreement with the syndics of the guilds, Standardbearer of Justice." John Najemy, *A History of Florence*, 164.

[46] Najemy, *A History of Florence*, 166.

[47] Winter, "Plebian Politics: Machiavelli and the Ciompi Uprising," 751.

power" use force or fraud and then cover those acts in a false patina of nobility; those who shun "these modes always suffocate in servitude or poverty;" "when necessity presses, boldness is judged prudence and spirited men never take account of danger in great things." (FH III.13) But the ciompo's insight into the cutthroat nature of politics nevertheless oversteps Machiavelli's counsel to a prince in critical ways. While the ciompo sees power as an avenue to "more freedom," he also sees it as an avenue toward "greater satisfaction." (FH. III.13) He recommends, "multiplying evils" as a way of diluting past crimes. He suggests that one cannot escape poverty without being "rapacious" and that "one should use force *whenever* the occasion for it is given." (FH. III.13) I argue in chapter 3 that the half-truths of the ciompo are just as disastrous as the Duke of Athens failure to understand how deeply corrupted the Florentine people had become. A virtuous prince – and both the Duke and the ciompo sought to rule as princes – takes on the necessary challenge of using force and fraud to consolidate power. But he does not do so for "greater satisfaction" as the ciompo puts it, but rather to eliminate "evils" and not multiply them. The political ethics developed in *The Prince* places a limit on the use of force and fraud even as it endorses their use where necessary. The ciompo advocates their use whenever the opportunity arises and the Duke of Athens certainly created a political apparatus that stooped to such behavior. The Duke failed as a prince and the ciompo certainly would have as well because they each in turn did not understand the proper, way for a prince to use violence against violent oppression. The

Duke of Athens never made the effort to reestablish norms of lawfulness and the ciompo advocated a dangerous program of public brutality. Both misunderstood the proper targets, proper use, and the proper ends of force and fraud that Machiavelli develops in *The Prince*. In chapter 3, I identify the proper target of violence as the elites who are the eternal source of practices of oppression and the cycles of violence they engender. I show further that the use of force must be limited in scope and concentrated in the hands of the prince and that the proper end of force is to prevent the oppression of the people.

What of those who sought to rule Florence as a republic? After all, Florence was formally a republic though its republicanism vacillated between more and less popular rule, when not ruled as a de facto principality. The other two speeches from the Ciompi Revolt, both preceding the ciompo's, were made either to or on behalf of the Signori. They each outline, in their own way, the ways that Florentine republicans could have contained, suppressed, and used political violence to liberate rather than oppress their fellow citizens. These strategies are developed in far greater detail in Machiavelli's *Discourses on Livy* and fall, largely, into two categories: the use of the people in addressing problems of violent oppression and the use of the elite in addressing the same. I shall detail these arguments in chapters 4 and 5. These two speeches underscore their importance.

A persistent question for Machiavelli was "what are the best means by which citizens in a republic can both defend that republic from rival states and defend themselves from potentially oppressive elites?" In chapter 4 I detail Machiavelli's praise of the Roman people in both defending the state and influencing domestic politics via the use of the tribunate. The people in Florence had the opposite experience, becoming a political class to be placated and pacified, rather than an agonistic partner in rule. A speech by Luigi Guicciardini, the Gonfaloniere of Justice deposed by the people during the Ciompi Revolt, exemplifies this attitude. Speaking on behalf of the Signori, he admonishes the people for abusing the Florentine nobility. "We see now by experience that the more humbly we behave, the more we concede, the more you grow proud and the more indecent things you demand." (FH III.11) And he goes on to pose the costs of continued armed conflict: "Why then do you want your discords to make a slave of a city in peace that so many powerful enemies left free in war? What do you get out of your disunion other than servitude?" Given that Florence faced violent insurrection, Machiavelli endorses Guicciardini's exhortation to civility over "tumult and arms." In part, he does so because the Florentine citizens that Guicciardini temporarily talks down from revolt had no outlet for productive clashes with Florentine elites.

Nevertheless, while Guicciardini correctly identifies one of the costs of civil strife as a weakened position within the interstate system, he incorrectly assumes that the people ought "to be content to rest quietly with the things that have been ordered

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through [the elite]." (FH III.3) In chapter 4 I contrast Machiavelli's treatment with this case with that of Rome. There, praiseworthy political dynamics came about not through the quiet rest of her people, but rather through the structured political participation and challenges to Roman elites enabled by the institutions such as the tribunate. Rome relied on her people for civic defense and in exchange the people demanded significant political influence and received it in the form of the tribunate. This institution leveraged Rome's dependence on her people for military power to give them the power to defend their own liberty by policing the ambitions of the elites. This institution was at the heart of Rome's response to a variety of problems of violent oppression. Not only did it enable her to call upon her citizens for civic defense, it also enabled Roman citizens to use the threat of violence against elites who would be tempted by projects of oppression.

The remaining speech related to the Ciompi Revolt, is delivered by an unnamed group of citizens to the Signori. It also speaks to the question that may have been dearest to Machiavelli's heart and which I take up in chapter 5: "how can elites in republics be made to use their positions as elites in a manner that strengthens rather than enervates those republics?" The speech reflects the growing factionalism that, in part, preceded and precipitated the Ciompi revolt. The unnamed citizens begin by speaking of a growing evil in Florence, namely the failure to create political orders that channel ambition, punish factionalism, and reward political virtues such as fidelity to the republic. Calling this failure "the common corruption of all the Italian cities, " they go on

to detail the ways in which avarice and the "contemptible honors on which hatreds, enmities, differences, and sects depend; and [how] from these arise deaths, exiles, persecution of the good, [and] exaltation of the wicked." (FH III.5) The repeated iteration of factional strife produced a political environment precisely the opposite of that created by Romulus, Numa, Brutus and other leading citizens in Rome. Florentine political elites maintained an order that exacerbated both Florence's weakness and her penchant for violent internal conflict. For Machiavelli, elites in a republic have a crucial role to play in creating and defending institutions that channel and constrain the ambitions that they have. Across his works, Machiavelli treats political elites as restless and ambitious creatures. In Chapter 5 I explain how those restless and ambitious men, motivated by glory rather than oppression, can create robust political institutions that support – to quote the petitioners to the Signori - a "free way of life." (FH III.5) Just as principalities rely upon the prince setting aside the elite humor for domination in favor of the security of an armed people and the glory of a strong state, republics rely upon elites setting aside that same humor in favor of the glory that founding, reforming, or virtuously serving a republic offers. Not only does that shift in elite behavior reduce incidents of violent oppression, the institutions that Machiavelli exhorts them to create lead to a state capable of projecting strength beyond its borders and thereby secure its citizens from the threat of oppression from rival states.

To recapitulate the plan of the dissertation in brief: In chapter 1, I use

Machiavelli's *Art of War* to explore his insistence on citizen-militias in all regimes,

because all regimes need armed forces to prevent violent oppression and citizen-militias

are, in his view, best equipped to do so. In chapters 2 and 3, I detail the treatments for

violent oppression in principalities that Machiavelli describes in the *Prince*, explaining

how he exhorts princes to arm their people (chapter 2), while he simultaneously crafts

for princes the political ethics for which the text is notorious (chapter 3). In chapters 4

and 5, I describe the treatments for violent oppression in republics that Machiavelli

recommends in the *Discourses on Livy*, where he charges the people with policing the

elites that would engage in projects of oppression if left to their own devices (chapter 4),

while he simultaneously praises elites who help to create and maintain institutions that

prevent violent oppression (chapter 5). I conclude the dissertation by describing some of

the possible consequences of Machiavelli's ideas for the way we think about different

kinds of regimes and their attempts to liberate their own peoples from the problem of

violent oppression.

1. Good Arms, Violent Oppression, and the *Art of War*

Machiavelli praises the virtue of citizen-soldiers and condemns the vices of mercenary ones in each of his major works.[1] Nowhere is his praise of the citizen-soldier greater, however, than in the *Art of War*. A careful reading of the *Art of War* reveals a strongly forged link between Machiavelli's praise of citizen-soldiers (and the citizen-militias of which they are a part) and his concerns over violent oppression.[2] The two are related as cause and effect. On the one hand, armies and police forces can prevent violent oppression from both external and internal sources via successful civil defense and law enforcement. On the other hand, armies are capable of mounting coups against popularly elected governments, police forces are capable of suppressing political dissent, and both are capable of general abuse of the people they are supposed to protect. In this respect, armed forces can be sources of violent oppression just as easily as they can prevent it.[3] This causal link makes the *Art of War* a good place to begin an

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[1] See, for example, P 12 and D II.20

[2] Machiavelli's praise of a citizen-militia is very likely also a defense of the Florentine Militia Ordinance of 1506, of which he was the chief Architect. For more information on the Militia Ordinance of 1506, see Mikael Hörnqvist, "Perché non si usa allegare i Romani: Machiavelli and the Florentine Militia of 1506," Renaissance Quarterly. 55, no. 1 (2002): 148-191; and Felix Gilbert: "Machiavelli: the Renaissance of The Art of War" in *Makers of modern strategy: from Machiavelli to the nuclear age,* ed. Peter Paret, (Princeton, N.J.: Princeton University Press, 1986); Pitkin, *Fortune is a Woman*, 66.

[3] Machiavelli's central concern in The *Art of War* is militia recruitment and practices, rather than police recruitment and tactics. Nevertheless, many the same principles apply and I will skip over much of the distinction between the two kinds of arms throughout this chapter. Moreover, it is worth noting that the use and the language of the legislation Florentine Militia (created under Machiavelli's direction in 1506) emphasized policing functions as much, if not more so, than those of civic defense. Mikael Hörnqvist, "Machiavelli's military project and the *Art of War*" in *The Cambridge Companion to Machiavelli*, ed. John M. Najemy, (Cambridge: Cambridge University Press, 2010), 115.

exploration of Machiavelli's proposed treatments for the problem of violent oppression because the text addresses a key force-using institution (the military) and also previews some of the dynamics of the citizen-elite relationship that will be so important for his arguments in *The Prince* and the *Discourses on Livy*.

Machiavelli begins the *Art of War* by noting the apparent incompatibility of civilian and military life due to the rough and ready nature of soldiers. (AW PR, 4) Nevertheless, Machiavelli maintains, "there is a very close, intimate relation between these two conditions, and that they are not only compatible, and consistent with each other, but necessarily connected and interrelated." (AW PR, 4) Machiavelli's recommendations for maintaining that compatibility, we shall see, are political in nature rather than technical or tactical. Specifically, we shall see how Machiavelli recommends leveraging the private concerns of citizens, which fall under the penumbra of non-oppression or "being left alone," and politicizing elite participation in the military to minimize violent oppression.

In fact, Machiavelli's political observations in the *Art of War* may be the text's most insightful ones. His observations on combat tactics would not make it into the canon of military strategy for good reason. Later military thinkers would debunk most of Machiavelli's ideas concerning tactics and strategy despite their praise for the *Art of War*'s proposed shift from Renaissance-style cavalry skirmishes to infantry-driven

warfare.[4] His treatment of artillery as a foolish trend, for example, turned out to be an infamously bad prediction.[5] His recommendations concerning the appropriate size for military units were equally misguided. Many of his general principles of warfare aside, Machiavelli was mistaken in almost every one of his tactical judgments.[6]

Machiavelli's tactical errors should come as no surprise to us. He was a notoriously inexperienced and incompetent military commander. There is little doubt that a condottiero of Machiavelli's day would have routed him, all other things being equal, had Machiavelli ever taken the field against one. However, Machiavelli was a respected military recruiter and administrator. It is safe to say that his talents and interests lay in satisfying political concerns more than tactical ones. As a result, it is also safe to say that he was sensitive to political concerns in a way that other military theorists and commanders were not.[7] Moreover, Machiavelli was confident that his political solutions to military problems were responsible for the lion's share of military

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[4] Neal Wood "Introduction" in the *Art of* War, trans. Ellis Farnsworth, (New York: Da Capo Press, 2001), Xxxii; Gilbert notes that the *Art of War*'s emphasis on infantry was also a rejection of the cavalry-driven style of renaissance condottieri. Gilbert, "Machiavelli: the Renaissance of The Art of War," 23.

[5] Wood, "Introduction," xxxii.

[6] For the purposes of this discussion, we must also note that Machiavelli's advocacy of a citizen-militia contrasts with both his predecessor Vegetius, on whom he based much of The *Art of War*, and Machiavelli's own later readers. They all reject a citizen-militia in favor of a professional army, making Machiavelli's views an exception, rather than the rule. Charles Oman, *The Art of War in the Middle Ages*, (New York: Ben Franklin, 1959); Wood, "Introduction," xxvii.

[7] Later military thinkers *did* praise him for that sensitivity, especially insofar as he observes that, "politics and war constitute a kind of functional unity." Wood, "Introduction," xxvi; Gilbert, "Machiavelli: the Renaissance of The Art of War," 11.

capability.[8] Even if he were to confess to his errors about tactics, he would still claim that the citizen-soldier and citizen-militia best answer the question of what kind of armed forces are the least likely to engage in practices of oppression and most likely to be sufficiently capable of civil defense.[9]

I shall address the way Machiavelli's arguments in The *Art of War* answer this question via two related sub-questions. 1) Why is a citizen-soldier superior to other kinds of soldiers for the purposes of minimizing oppression? 2) What sort of commander does the minimization of oppression require? I conclude by discussing some of the features of a Machiavellian citizen-militia that make it adept at minimizing oppression.

1.1 Good Arms and Good Soldiers

In the *Art of War*, professional soldiers serve as the primary point of comparison to the citizen-soldier.[10] Of course, professional soldiers can be citizens, so the two terms are not conceptually distinct per se. As I lay out Machiavelli's argument, however, it should become clear that his targets of criticism are soldiers who dedicate their lives and

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[8] Gilbert notes that this point "is usually unrecognized" by the *Art of War*'s military critics. "Machiavelli: the Renaissance of The Art of War," 29; Hörnqvist points out that Machiavelli's correspondence prior to the defeat of the Florentine Militia in 1512 indicate that he had already developed a "comprehensive theory linking military and political concerns" and that his later writings simply represent "more systematic treatments." "Machiavelli's military project and the *Art of War*," 117; See also Mansfield, *Machiavelli's Virtue*, 206.

[9] Gilbert, "Machiavelli: the Renaissance of The Art of War," 19.

[10] Contrast Machiavelli with his principal source, Vegetius, on this score. Wood, for example notes that Vegetius and Machiavelli also differ on "recruitment, promotion, weapons, combat methods, the ordering of troops, and encampment." "Introduction," Xxiii.

livelihoods to war to the extent that it eclipses their dedication to their fellow citizens.

Today, we might call them "soldiers of fortune."[11] The kind of soldier Machiavelli

condemns is a warrior first, and one whose first priority is the identity or the income

that war brings. The kind of soldier he praises, by contrast, does not depend on war

either for their identity or income. This kind of soldier thinks of service as one of the

duties of citizenship rather than a vocation or avocation. Such soldiers, from

Machiavelli's point of view, offer two advantages with respect to minimizing

oppression. The first is that their willingness to fight is limited to the prevention of

violent oppression. We know from elsewhere in Machiavelli's corpus that the people's

dominant motivation – its humor – is to be free from oppression. Given this assessment

of popular psychology, it is fair to assume that a citizen army will fight vigorously in

wars of self-defense (even abroad), but will not cater to imperial ambitions as willingly.

The second advantage is that citizen-soldiers are less likely, according to Machiavelli, to

become sources of oppression themselves because they are less likely to pose threats to

their fellow citizens at the individual level.

Both of these advantages stem from what Machiavelli sees as essential to the

character of a good soldier. The thrust of the *Art of War*'s discussion of individual

soldiers celebrates the close monitoring and management of mores and tendencies of

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[11] In contrast to a soldier who intends to serve for a few years and then move on to another phase of life. Pace Gilbert, "Machiavelli: the Renaissance of The Art of War," 28.

citizen-soldiers by the ancients and, in particular, by the Romans. Machiavelli first

praises these practices in the dedicatory preface when he writes "the ancient law givers

and governors of kingdoms and republics took great care, therefore, *to inspire all their*

subjects - but particularly their soldiers - with fidelity, love of peace, and fear of god." (AW PR,

4; emphasis mine) The core of a good soldier, from this perspective, is only indirectly

related to the skills needed to win a battle. Political loyalty, love of peace, and piety

(understood as fear of god), are not discrete skills. They are also not specific to members

of the military. They make up a general suite of personality traits that are valuable in

citizens in general, but that Machiavelli also sees as having special utility for soldiers.[12]

These personality traits have special utility for citizen-soldiers because they

dictate how soldiers behave with respect to their specialization in violence.[13] Consider

"love of peace." The utility of a love of peace in a citizen-soldier is the robustness it

lends to the (peacetime) identity of the citizen compared to the (wartime) identity of the

soldier. That robustness is important for his or her motivations for fighting and behavior

in battle. A soldier who has no love of peace will want to go to war, whether it leads to

peace or not and whether it is politically mandated or not. Moreover, he or she will be

an unreliable instrument of force. In the heat of combat, soldiers who love war and

soldiers who love peace will behave differently. The former are more likely to use

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[12] Indeed, Machiavelli remarks upon the spillover effect that the of the ancient soldier's fidelity, love of peace, and fear of god had on the ancient citizen. Hulliung, *Citizen Machiavelli*, 39.
[13] Robert Bates, *When Things Fell Apart*, (New York: Cambridge University Press, 2008), Chapter 1.

excessive force, more likely to defy orders to stand down, and less likely to be

discriminate with respect to their targets than the latter.[14]

Now consider fidelity. If a soldier does not fight out of a sense of fidelity, he or

she might fight out of the warrior mentality just discussed, or – more likely – for pay.

This latter type of condottiero was common in the 15th and 16th centuries. Fabrizio

Colonna (the dialogue's chief interlocutor and the voice I take to be representing

Machiavelli throughout the dialogue) notes that for such soldiers "war will not maintain

them in a time of peace, and thus they are under a necessity either of endeavoring to

prevent a peace or of taking all means to make such provisions for themselves in a time

of war so that they may not lack sustenance when it is over." [15] (AW I, 15) Soldiers who

depend on war for profit will be torn between the political objectives of the war and

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[14] Stephen Stedman "Spoiler Problems in Peace Processes". *International Security* 22, no. 2 (Fall 1997): 10
[15] I take Fabrizio to be speaking for Machiavelli throughout the *Art of War*. There is little evidence that the dialogue is constructed in a manner such that there is a gap between Fabrizio's position and the position of the text as a whole. Most scholarly treatments of the *Art of War* assume the same. Peter Burke claims, for example, that the *Art of War* is a classic example of a 'catechistism' dialogue, "in which the 'dialogue' between student and teacher is little more than a monologue, where the student asks the questions or mutters, 'Yes, Socrates', from time to time while the master expounds the answers." Peter Burke, "The Renaissance dialogue," Renaissance Studies 3 (1989): 1-12. Also see: William Wiethoff, "The Martial 'Virtue' of Rhetoric in Machiavelli's Art of War," *Quarterly Journal of Speech* 64, no. 3 (1978): 304-12. That being said, there are a number of engaging arguments based on the assumption that Fabrizio is *not* Machiavelli's mouthpiece in the dialogue. See Michael Mallett, *Mercenaries and their Masters; Warfare in Renaissance Italy*. (Totowa, N.J.: Rowan and Littlefield, 1974) 250-251, 257. A more perplexing irony may be the fact that Machiavelli selected a consummate mercenary for his mouthpiece in a work that *condemns* mercenaries. For an explanation of this puzzle, see Marcia Colish, "Machiavelli's Art of War: A Reconsideration." *Renaissance Quarterly*. 51 (1998): 1160. Colish notes that the choice of Fabrizio Colonna *is* ironic on certain grounds, but that such an ironic selection was standard practice for dialogue writers of the late quattrocento and designed to underscore rather than undercut the position taken by the primary interlocutor in the dialogue. In other words, Machiavelli uses Fabrizio as if to say, "see, even the famed condottiero Fabrizio Colonna recognizes the advantages of a citizen-militia.'"

their own personal and economic ones.[16] If war is profitable for such soldiers – and it

often was for the condottieri of Machiavelli's day – they will be less willing to fight

decisive battles on the one hand and less willing to demobilize when necessary on the

other. In both cases, their interest in gain trumps their fidelity to the people on behalf of

whom they fight. Their interest in gain similarly trumps their fidelity to the leaders that

have hired them. Toward the close of book 1, Fabrizio lays "down as a certain truth that

no man has ever founded a monarchy or a republic without being well-assured that if

his subjects were armed, they would always be ready and willing to defend the

monarchy or republic."[17] (AW I, 31) Fabrizio's claims above suggest, however, that a

monarch or governor of a republic cannot be "well-assured" of the motivations of those

he depends upon most if they in turn depend on war for gain. A soldier who depends

on war in such a way will be willing to take up arms, but only when it is profitable.

There may be moments where a dependency on war stimulates behavior that

coincides with the needs of the principality or commonwealth, but Machiavelli

consistently argues against institutionalizing one sort of behavior and hoping that

Fortuna will cater to that mode of proceeding. Only a soldier who does not depend on

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[16] A monarch or a governor of a republic faces the opposite problem when standing armies are no longer motivated to fight because they receive a peacetime salary, creating a situation in which soldiers have become dependent upon peace. Again, the professionalization of the military poses a challenge to the political needs of the citizens employing them.

[17] Pace Hulliung, *Citizen Machiavelli*, 35; Pocock, *The Machiavellian Moment,* 177. There is nothing essentially *republican* about a citizen-militia, in the *Art of War* or elsewhere. Popular arms shift the center of political gravity towards the popular humor, but that shift is compatible with and salutary for principalities and republics alike. For a more nuanced view, see Pitkin, *Fortune is a Woman*, 67-8.

war can offer a monarch or a governor of a republic the kind of responsiveness he or she

needs. One can think of a good soldier as being properly drilled and having technical

prowess. But a more fundamental concern is his or her willingness to both mobilize *and*

demobilize. Fabrizio recommends that "A middle course ought to be taken whereby-

without either using men with outright violence or depending entirely upon their own

voluntary offers—they may be motivated by the obedience they think due to their

governors to expose themselves to a little immediate hardship." (AW I, 29) That kind of

responsiveness was one of the chief characteristics of the Roman model set forth in the

Art of War. Fabrizio celebrates the willingness of Roman citizens to go to war - or not -

according to the wishes of the republic. Roman citizenship, as understood by Fabrizio,

was characterized by a degree of deference to the republic itself.[18] He does not see a

Roman citizen's desire for peace as overwhelming or being overwhelmed by an

eagerness for war. Rather, he sees roman citizens as characterized by a willingness to

put aside private commitments out of respect for the republic of which they were a

part.[19] "The common soldiers," Fabrizio notes, "*laid down their arms with much more*

pleasure than they had taken them up. Each resumed the calling by which he had gotten his

bread before, and none had any hopes of advancing himself by plunder and rapine."

(AW I, 18; emphasis mine) It makes sense to assume that "the common soldiers"

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[18] As soldiers they understood that "true glory is collective, organized, effective, and in its fulfillment is a work of art and thing of beauty." Hulliung, *Citizen Machiavelli*, 21.

[19] Gilbert, "Machiavelli: the Renaissance of The Art of War," 26.

demobilized "with much more pleasure" than they mobilized because their humor is

"not to be oppressed," which is to say left alone and free to follow their various pursuits,

rather than the oppression of others. Going to war, from this perspective, is a regrettable

necessity. Correspondingly, wars are least consistent with the popular humor when they

are extended, open-ended affairs, and most consistent when they are short and

decisive.[20]

Fabrizio also argues that constant war making is inimical to a soldier's ability to

coexist with his or her fellow citizens during peacetime, which brings us to the second

problem that the use of citizen-soldiers addresses. Fabrizio laments that "no one can be

called a good man who, in order to support himself, takes up a profession that obliges

him *at all times* to be rapacious, fraudulent, and cruel." (AW I, 15; emphasis mine) There

are two ways in which constant war-making has a corrupting influence on those who

participate in it. First, it increases the likelihood that soldiers will use those skills in

which they have a comparative advantage (i.e., the use of force) to get by in peacetime.

Fabrizio approvingly cites the proverb, "War makes thieves, and peace hangs them." He

then explains, "When those who do not know how to get their bread any other way find

no one who has occasion for their service, and do not themselves have sufficient virtú to

suffer honorably in poverty and obscurity, they are forced to resort to ways of

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[20] Hulliung, *Citizen Machiavelli*, 125; Pocock *The Machiavellian Moment*, 200.

supporting themselves that generally bring them to the gallows."[21] (AW I, 16) In other

words, a lack of peacetime skills and moral fortitude drive professional soldiers to

become sources of violent oppression when not occupied with war-making.[22] Of course,

individual acts of theft or peacetime violence do not themselves amount to violent

oppression per se, but the term still makes sense as a description for a situation in which

a large segment of a population regularly violates their fellow citizens, even if no single

oppressor is responsible for the condition as a whole.

      Moreover, Fabrizio observes that this kind of corruption tends to spread, which

deepens the problem of having soldiers of poor character. Whether they come to that

poor character by birth or by the experience of war, they "will not only become

mutinous and ungovernable themselves, but sow the seeds of corruption among

others." (AW I, 34) Two politically salient characteristics, being mutinous and

ungovernable, make up the core of that corruption.[23] Such characteristics are deeply

troubling when violent oppression is an object of concern. If a corrupt soldier is

ungovernable in the army, we might rightly wonder how he or she will behave among

civilians. And if "corrupt soldiers sow the seeds of corruption" among their comrades in

arms, what sort of seeds will corrupt soldiers sow among their fellow citizens? I cannot

answer this question in detail here, but Machiavelli certainly saw a connection between

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[21] See Bates, *Things Fell Apart*, Chapter 1.
[22] Pocock, *The Machiavellian Moment,* 200.
[23] Loyalty and governability, by contrast, are the hallmarks of a good citizen-soldier. See McCormick, *Machiavellian Democracy* on this point, 33.

the corruption of Florence's politics and the corrupting effects of the many

"professional" soldiers in, around, and employed by Florence.[24] (P 12.vi) We can infer

that many of the forgoing considerations spell out why he did so.

Given that Rome frequently served as the praiseworthy counterpoint to

Florence's dysfunction, it should come as no surprise that the dialogue turns to the

Roman solution to the problem of the professional soldier.[25] Take, for example, the

question of mobilization and demobilization. I quote Fabrizio at length:

> As for the common soldiers, we see that they also were of the same disposition;
> although they entered voluntarily into the service, they were no less glad to
> return to their families when they were no longer wanted. The truth of this is
> manifest from many circumstances, particularly from the important privilege
> accorded Roman citizens of not being forced into the army against their will. At
> any rate, as long as Rome continued to be well governed (which was until the
> time of the Gracchi) there was never any soldier who made war his only
> occupation. (AW I, 18)

"The time of the Gracchi," we shall see when I discuss it in detail in Chapter 4,

marks the beginning of the end of Roman virtue in Machiavelli's eyes. The shift in

military structures around the time of the late republic is one of the key drivers of that

decline. The empire had grown so large and campaigns had grown so long that, by the

time of the Gracchi's attempted agrarian reforms, soldiers were in a position to make

war their only occupation. Many did so and often became clientelistically linked to their

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[24] Michael Mallett "The Theory and Practice of Warfare in Machiavelli' s Republic" in *Machiavelli and Republicanism*, edited by Gisela Bock, Quentin Skinner and Maurizio Viroli (Cambridge: CUP, 1990), 175.
[25] Gilbert "Machiavelli: the Renaissance of The Art of War," 22; Pitkin, *Fortune is a Woman*, 48.

commanders.[26] These patterns only deepened after the Marian reforms of 107BCE, when

Rome eased the property qualifications for serving in the army. The "capite censei"

(Romans who had no property to be counted in the census and so had to be counted "by

head") flocked to the army for an enlistment term of 16 years, which Augustus would

later raise to 20 and offer an additional 5 years of voluntary service.[27] Before these

changes, Roman citizens served in the army as a matter of duty, but were willing if not

eager to demobilize when a given threat had abated. "This," Fabrizio observes, "is

always the case with those who have other occupations and employments by which to

live." (AW I, 21)

We do not know what the particulars of these other occupations should be.

Fabrizio does not tell us because he does not take it to be important. "For my own part,"

Fabrizio confesses, "I should not so much consider the nature of their profession as the

moral virtue of the men, and which of them could perform the most services." (AW I,

33) The soulcraft of the citizen-militia extends only so far.[28] Machiavelli's citizens need to

be members of the militia and display the characteristics compatible therewith, but the

rest of their lives, especially their livelihoods, receive little attention in the *Art of War*.

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[26] McCormick, *Machiavellian Democracy*, 88.

[27] Erik Hildinger, *Swords Against the Senate*, (Cambridge, MA: 2002) Kindle edition, locs 33, 1721, Marius additionally took steps to reinforce the *espirit de corps* of the Roman legion, which normally disbanded after each campaign. These steps further augmented clientelistic linkages between commander and soldier. Loc. 1764.

[28] Pace Hulliung, *Citizen Machiavelli*, 40; there is a degree of soul-craft nevertheless, pace Mansfield, *Taming the Prince*, 124, 128.

Here we return to the idea of catering to and protecting the popular desire to not be

oppressed (i.e., left alone). Military participation that demands this or that trade while

not on active duty would be its own kind of oppression.

Likewise we see how professional soldiers are oppressed by their chosen

profession insofar as it renders them unfit for doing anything other than violence. The

most deleterious consequence seems to be that professional soldiers take on a humor for

oppression itself. The abuse they take from a lifetime of war transforms them into

abusers of others. The result, for Machiavelli, is transformation of what should be the

strength of any regime for defending itself from oppression abroad – the service of its

citizens – into a source of oppression at home.

1.2 Good arms and good generals

Fabrizio's insistence that individual citizens not professionalize has one major

exception: elites are permitted to follow war "as a business." Fabrizio explains,

> "Since war is not an occupation by which a man can at all times make an
> honorable living, it ought not be followed as a business by anyone but a prince or
> a governor of a commonwealth; and if he is a wise man, he will not allow any of
> his subjects or citizens to make that his only profession-indeed, no good man
> ever did." (AW I, 15)

This exception to what initially seems like an ironclad rule falls along the citizen-

elite dichotomy that runs throughout Machiavelli's work. When we come to chapters 3

and 5, we will see Machiavelli assigning special duties and privileges to elites in

principalities and republics alike. One such duty is that of military command.[29] Both *The Prince* and the *Discourses on Livy* feature extended discussions of the responsibility that princes and republican elites have to form, maintain, and command the arms of their respective states.[30] The *Art of War* similarly charges political elites with these responsibilities.[31] Citizen-militias cannot form themselves *ex nihilo* because it takes specialized knowledge to train other soldiers. Similarly, citizen-militias cannot simply lead themselves because competent tacticians are seasoned by experience.[32] So, while the *Art of War* bars military professionalization on the part of individual citizens, it does not do so on the part of elites because some should make war their "business" in order to form, field, and direct a capable army.

Moreover, this exception to Machiavelli's rule against military professionalization does not contradict his interest in satisfying the popular desire to be free from oppression. Military professionalization by elites is consistent with that desire despite the dangers that military professionalization brings. The key wrinkle to bear in

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[29] Of course, distinguished military service is one of the means by which one can become a member of the elite, for Machiavelli. Indeed, he was probably more sensitive to the importance of social mobility than his more aristocratically minded republican peers such as Guicciardini. In this chapter, and throughout this dissertation, when I refer to elites, I mean those who have joined the upper echelons of the socio-political spheres birth *or* by talent. For Machiavelli distinction between the elite and the people is functional rather than genealogical.

[30] They also discuss the advantages, such as enjoying glory and success, which accrue to elites who do so. See McCormick, *Machiavellian Democracy* 61.

[31] According to Mansfield, "Fabrizio *almost* makes his captain into a Machiavellian prince, *but not quite*." *Machiavelli's Virtue*, 215, emphasis mine. The difference, for Mansfield, seems to be that the Machiavellian captain is not deceptive or cruel all the way down.

[32] Machiavelli does note elsewhere that "heads" of militaries can emerge from their bodies in the field, but one can see how retaining seasoned commanders is consistent with Machiavelli's emphasis on preparedness.

mind is that, for Machiavelli's elites, professionalization in war is a *function of political duty*. Machiavelli's political elites must be practiced in the management of violence given his view of the competitive nature of the interstate system and the persistence of violent conflict therein. Even where these elites are not prosecuting wars in the conventional sense, the constant threat of war infuses political activities with considerations of violent conflict. Both the rejection of war on principle and the accidental oversight of preparations for war leave the state in a position of dependence upon prevailing interstate conditions. Defeat, enslavement, and death result if *Fortuna* does not smile upon a policy of peace. So understood, elite readiness for war is a prudent step toward non-oppression.

Moreover, we should not confuse that preparedness with professionalization in war *per se*. It is a professionalization in politics, of which war is a part. In this sense, Machiavelli collapses the space between politics and war, making professional politicians also professional warriors.[33] Fabrizio – a well-known condottiero himself – puts it the following way,

> "*My profession is to govern my subjects well and to defend and protect them; to this purpose I study the arts of both peace and of war*. And if I am rewarded and esteemed by the prince whom I have the honor to serve, it is not so much because I am experienced in military affairs as because he is pleased to retain me as one of his counselors in time of peace." (AW I, 23; emphasis mine)

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[33] Pocock observes that, for Machiavelli, "Military *virtú* necessitates political virtue because both can be presented in terms of the same end." *The Machiavellian Moment*, 201.

For Machiavelli, the service of political elites in the military is a political act. It remains a constant part of their profession insofar as violent oppression remains a constant threat. But, as Fabrizio points out in his own case, this kind of elite professionalization should not entail abandoning the "arts of peace." He thereby indicates that both are important for competent rule.

We shall see this tension between the use of the arts of war and the arts of peace by political elites developed later in chapters 3 and 5. But we also see elements of this tension in the *Art of War*. We should begin with Fabrizio's claim that war is not a profession by which one can make an *honorable* living at all times (though one can certainly earn "glory" on the battlefield). He does not suspend this judgment in the case of command. It requires acting in ways that certainly seem dishonorable on the surface. This observation echoes observations made in *The Prince* and the *Discourses on Livy*. For example, the use of force, however justified, always counts as cruelty for Machiavelli (P 8.iv). And the use of fraud is not compatible with honor in a conventional sense, even if Machiavelli does concede that winning a battle through fraud is a "glorious thing." (D III.40.i) When we come to chapter 3, we shall see why a 'good' ruler does not commit him or herself to acting honorably *in all instances* because that commitment would enervate his or her strategic potency. Likewise, when we come to chapter 5, we shall see how important the use of force and fraud were for the foundation, formation, and maintenance of the Roman state. These observations will only serve to collapse the space

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between elite-level military and political service even further. As with the profession of war, one cannot make an honorable living at all times in the profession of politics.

In the meantime, we should note that Fabrizio tracks the rise and fall of Rome by the behavior of its leaders with respect to military service, just as he did with average Roman citizens. For example, he observes, "as long as the Roman republic continued incorrupt, no citizen, however powerful, ever presumed to avail himself of that profession in peacetime so as to trample upon the laws, to plunder provinces, or to turn tyrant and enslave his country."[34] (AW I, 17) While the Roman republic was virtuous, her leaders effectively balanced their use of the arts of peace and those of war – and they certainly never preyed upon the people. When Rome had become corrupt, a different sort of leader emerged. According to Fabrizio, "Caesar and Pompey, and almost all the Roman generals who lived after the Second Punic War, *acquired their reputation as skillful men, not as good citizens*; but those who lived before won glory by being both civic minded and skillful… …Now the reason for this was that the former made war their sole occupation and the latter did not."[35] (AW I, 17; emphasis mine) We can see a guiding standard emerging here. Praiseworthy leaders are military "professionals" insofar as they never lose sight of the possibility of using force, but they do not let that occupation eclipse their other civic duties. If they do, they are not "civic minded" or

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[34] Wood, "*Introduction*," xxvii.

[35] This language echoes his characterization of Agathocles and Severus in *The Prince*.

"good citizens." Caesar, Pompey, and "almost all" the Roman generals following the

Second Punic War lost sight of their civic duties, focusing their considerable skill only on

war-making and forgetting the maintenance of the republic as a whole.[36]

For example, these generals of the late Roman Republic and the Roman Empire

ignored the factional nature of their own political entrepreneurship. A good, civic

minded leader would have kept growing factionalism squarely in view and worked to

curb it rather than using it as a springboard to power. We have already discussed how

changes to the military in the late republic led to the formation of clientelistic linkages

between soldier and commander. Fabrizio places the responsibility for that development

squarely upon the shoulders of Roman leadership. He even makes a general observation

that a poor leader will assist his own factional clients in perpetuating cycles of violence

"in order to keep up his interest and reputation," while "a leader appointed by public

authority acts in quite a different manner." In the case of military affairs, "by

establishing a good militia, divisions are extinguished, peace restored." (AW I, 41) On

this count, Roman leaders prior to the Second Punic War succeeded and those following

it failed. That failure ultimately led to the civil wars of the first century BCE and the end

of the republican era in Rome.

We see further evidence of ongoing failure after the foundation of the empire in

the growing and intensifying clientelism of Rome's military, which reached a fever pitch

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[36] For a discussion of this process, see Benner, *Machiavelli's Ethics*, 469-472.

with the rise of the Praetorian Guard. Fabrizio observes, "thinking [the standing] armies insufficient to keep the senate and the people in due awe, [the emperors] raised another force, called the Praetorian Guard, which was always quartered in or near the city, and served not only to guard the emperor's person but to bridle the people." (AW I, 20) Taking this clientelistic machine par excellence as a negative example, we see once again that corruption of the military leads to violent oppression.

Leaders who attend to their responsibility to satisfy the popular desire to be free from oppression will hew closely to the advice that Fabrizio offers with respect to maintaining military discipline and disrupting clientelistic linkages. They will avoid assigning soldiers to commanders who share any ascriptive identities (kinship, tribal, ethno-linguistic, shared origin, etc.) with them. They will also "oblige citizens to love one another, to decline faction, and to prefer the good of the public to any private interest." (AW I, 12) They will, in other words, prioritize the citizenship of their soldiers in forming and maintaining the citizen-militia.

1.3 Good arms, per se

Taking a step back, then, we can see that Machiavelli views armed forces as either reducing or increasing violent oppression on the basis of how they are formed and maintained. Two sine qua nons for praiseworthy armed forces emerge from this discussion: citizen participation and politicized leadership. On the one hand, Machiavelli only trusts citizen-soldiers with the arms of the state. Fabrizio declares, "A

state employing no troops except those composed of its own subjects has only one enemy to fear." (AW I, 31) So long as those citizens do not become corrupted by war all enemies will remain external ones. Forestalling that corruption is, of course, the responsibility of military commanders. Making sure that citizen-soldiers remain citizens is not an exclusively military question. In fact, it is a highly political one, at least as Machiavelli treats it in the *Art of War*. Consider Fabrizio's judgment that "tyranny and usurpation are not a result of arming the citizens, but of leading a government weakly, and that while a state is well led, it has nothing to fear from its subjects' arms." (AW, I 32) We can surmise that one core element of leading a state 'strongly' is the maintenance of a robust citizen-militia.

Of course, leading a state 'strongly' means catering to the interest of the popular humor: the desire not to be oppressed. With this in mind, we can see that Machiavelli's citizen-militia does not empower a state to pursue any foreign policy it wants.[37] Rather it constrains the state to wars that are directly connected to its citizens' freedom from oppression.[38] The very nature of a citizen-militia itself leverages the popular humor by using citizen-soldiers rather than professional ones. A body of professional soldiers will follow money or affirmation of their warrior mentality into the fray; a body of citizens will only follow the prospect of their own freedom from oppression.

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[37] Benner, *Machiavelli's Ethics*, 350; Pace Parel, *The Machiavellian Cosmos*, 135.
[38] "The mercenary soldier is a mere instrument in another man's hand; but the citizen-warrior is more than an instrument in the public hand, since his *virtú* is his own and he fights out of the knowledge of what it is he fights for." Pocock, *The Machiavellian Moment,* 203.

Fabrizio's extended discussion on the importance of a citizen-soldier's private commitments underscores this dynamic.[39] It is only when citizen-soldiers have such commitments that they will be capable of the love of peace that Machiavelli cites as a key virtue in the preface of the *Art of War*. Soldiers must have something to fight for other than fighting itself.[40] They must want to fight a war in order to end it, not to continue it. Private commitments (and the freedom from oppression they require) serve as those motivations. A citizen-soldier's family, property, and occupation must both spur him or her to war and call him or her back from it. Tangible, constitutive elements of a person's life - such as a livelihood - render the fomentation of war undesirable. War must only be a means to an end. Even mercenaries use it as a means for income. But mercenaries will seek to promote war under any circumstance where it leads to profit. A citizen-soldier, driven by considerations for his or her livelihood, property, family, and friends will not share those same motivations. A citizen-soldier will look upon going to war according to a very different decision-making framework, one that emphasizes non-oppression above all else.

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[39] Pace Pocock, *The Machiavellian Moment*, 201.

[40] Contrast this image with Coby's claim that "The strong timocrat is Machiavelli's idea, whether he is fighting in defense of freedom or in pursuit of greatness." *Machiavelli's Romans*, 294. See also, Pocock, *The Machiavellian Moment*, 203.

This feature of a well-constituted citizen-militia further underscores the political

nature of leading one.[41] The political nature of military command crops up in Book IV

(on command and battle formations) and Book VI (on the maintenance of order in

camp), where Fabrizio notes that generals must practice certain political arts. They must

be talented orators in order to motivate their soldiers. They must also be willing to

accentuate a sense of necessity among their soldiers. That Fabrizio feels that persuasive

oratory or the deliberate engineering of situations in which victory is the only option

must be in the repertoire of any decent commander indicates his acknowledgement that

the popular humor must be the military's animating one. He recommends that

commanders work around, rather than eliminate it. Military elites must conform to and

work within the boundaries of the popular humor.[42] In this respect, the extent to which

elite military service is professional is the extent to which that professionalism serves the

popular humor to be free from oppression.

1.4 Good arms and Good Books

It should be clear by now that the *Art of War* argues that determining patterns of

military participation according to one's membership in either the political elite or the

people at large minimize the potential for violent oppression. The claim that politics and

war are identical is less self-evident. Nevertheless, Machiavelli's depiction of military

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[41] Wood, "Introduction," xlvii, liii-lxv; Pace Hörnqvist "Machiavelli's Military Project and the *Art of War*,"
123; Mansfield *Machiavelli's Virtue*, 191.
[42] Parel, *Machiavellian Cosmos*, 89.

and political affairs overlap with each other so much, that we should expect to see these recommendations for elite and citizen participation repeated across Machiavelli's other texts, especially *The Prince* and the *Discourses on Livy*.[43] In other words, freedom from oppression governs the patterns of military participation in the citizen-militia described above; we shall see that it also governs patterns of political participation in *The Prince* and the *Discourses on Livy*. I turn to those texts in the next four chapters. If I am right about their compatibility with the *Art of War*, then the *Art of War* offers a new avenue of understanding into *The Prince* and the *Discourses on Livy* (and vice versa).[44] And if Machiavelli turns out to be right about the intimacy between political and military questions, then we have in his corpus an avenue to a richer understanding of the means by which democracies and autocracies alike can minimize violent oppression within their borders.

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[43] Gilbert, "Machiavelli: the Renaissance of The Art of War," 21.
[44] Benner, *Machiavelli's Ethics*, 293.

2. Violent Oppression and Machiavelli's Citizen-Militia in *The Prince*

As we saw in chapter 1, it matters a great deal for politics who is armed and how they are trained. In the *Art of War*, Machiavelli links political and military affairs with the problem of violent oppression. *The Prince*, written six years earlier, demonstrates a compatible line of thinking. One of Machiavelli's core observations there is that the best means to address the problem of violent oppression is a partnership between a properly motivated prince and the people at large. He encourages the prince to find a popular basis for his political and military power. In fact, as we shall see in chapters 4 and 5 when I discuss Machiavelli's treatment of republics, every regime worth emulating must find a popular basis for its power, though patterns of political participation vary across regime-type. In the case of Machiavelli's principalities, the citizen-militia most clearly embodies the popular basis for power and means of popular participation. A prince who tries to minimize violent oppression by trying to work with other elites will, in Machiavelli's terms, "come to ruin" because he will necessarily have to depend on unreliable and dangerous political rivals. (P 15.i) An armed people, by contrast, will not ruin the prince or the principality. On the contrary, an armed people will secure it from external threats. Moreover, the people make an attractive partner for the prince in founding or maintaining a state because individual citizens do not see themselves as

natural rivals to him, whereas elites do.[1] According to Machiavelli's understanding of

political humors, which he makes explicit in chapter 9, elites crave oppression and the

people crave freedom from that oppression. (P 9.i) These "diverse humors" drive

political behavior in principalities and republics alike.[2] According to this understanding

of political behavior, appetites guide actions and institutions of violence should be

populated by people whose appetites lead them to minimize oppression.

Machiavelli argues in the *Art of war* that the citizen-militia acts as a guarantor of

non-oppression; in *The Prince,* this characteristic of the citizen-militia enhances its moral

and strategic value. In conjunction with Machiavelli's discussion of the political humors

in chapter 9, Machiavelli's discussions of founders in chapter 6 adds a moral dimension

to the founding and maintenance of states and their institutions.[3] Machiavelli's "greatest

examples" are great because of their strategic efficacy *and* their popular service. The

citizen-militia also has the attributes of strategic efficacy and popular service. With these

attributes in mind, I use this chapter to explain how Machiavelli's proposal for the

citizen-militia in chapter 13 is the key to Machiavelli's response to the problem of violent

oppression in principalities and, as a result, decisive for the text as a whole. First, I

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[1] Parel, *Machiavellian Cosmos*, 118.

[2] Principalities: Mansfield, *Machiavelli's Virtue*, 1986; McCormick, *Machiavellian Democracy*, 23-24; Republics: Benner, *Machiavelli's Ethics*, 414; Sullivan, *Machiavelli, Hobbes, and the Formation of a Liberal Republicanism in England*, 45; Coby, *Machiavelli's Romans*, 64. It is worth noting that Machiavelli's humoral theory is one of the few ideas that gets repeated, without contradiction, in *The Discourses on Livy* (D I.4.i) and *The Florentine Histories* (FH II.12.i), though it does get modified in the latter. See, Ben-Ami Scharfstein, *Amoral Politics the Persistent Truth of Machiavellism*. (Albany: State University of New York Press, 1995), 107.

[3] For a contrasting view, see Steven Forde, "International Realism and the Science of Politics," 153, 156.

discuss the virtues of the people at large and the strategic and moral value that an

alliance with them has for the prince. Second, I use Machiavelli's discussion of his

"greatest examples" to show how the people's desire to be free from oppression is the

central value of the text. Third, I discuss Machiavelli's attempt to appeal to both the self-

interest and the sense of duty of his reader when he advocates for the citizen-militia.

Fourth, I detail the ways in which the citizen-militia shifts the balance of power in a

principality in order to promote non-oppression. Fifth (and finally), I contrast

Machiavelli's advocacy of a citizen-militia with the paramilitaries and security forces

more commonly used by autocrats. This contrast throws into relief the moral and

strategic value of the citizen-militia for the prince and the people alike.

2.1 The people as basis for princely power

There is a distinctive vision of power animating Machiavelli's thinking in *The*

Prince. The prince must wield power just as much for the people as for himself.[4] The

commonplace understanding according to which *The Prince* teaches its reader to acquire

and maintain power *per se* mistakes the instruments Machiavelli describes in detail for

their designed ends. For Machiavelli, the possession of power is conditional upon the

prince's ability to cater to popular humors and to suppress elite ones. Political

institutions are made up of people who have wills and are capable of independent

action. The existence of such institutions, and thus the existence of a certain kind of

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[4] Merleau-Ponty, "A Note on Machiavelli," 217; Mansfield, *Taming the Prince*, 130.

power, always depends on a number of wills working in concert.[5] Machiavelli bases his recommendations in *The Prince* on this understanding of power and its relation to political institutions.

When faced with the choice between catering to the many and catering to the few, Machiavelli chooses the former as the most praiseworthy way to handle political power. (P 9.iv) This choice defines proper execution of state power in terms of the needs of the people.[6] The people are the starting point for addressing the problem of violent oppression because they place such great value in freedom from it. While it is the prince who must form the citizen-militia, the people themselves are the means by which a principality as a whole can best minimize violent oppression.

In chapter 9 ("Of the Civil Principality") Machiavelli claims that the people are, in fact, the best foundation for princely power both in moral and strategic terms. (P 9.v) Machiavelli writes: "one cannot satisfy the great with decency and without injury to others, but one can satisfy the people; for the end of the people is more decent than that of the great, since the great want to oppress and the people want not to be oppressed." (P 9.ii) The elite have the opposite impulse and they make their decisions in terms of their capacity to oppress, rather than power, profit, or long-term security. When Machiavelli metaphorically divides the political world into beasts and men, those who

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[5] Hannah Arendt, *On Violence*, (New York: Harcourt Brace, 1970), 44

[6] For contrasting views see Herbert Butterfield, *The Statecraft of Machiavelli*, (New York: Macmillan, 1956), 110; and Cary Nederman, "Machiavelli and Moral Character: principality, republic, and the psychology of virtú," *History of Political Thought* 21, no. 3 (Autumn 2000), 354.

have the drive to oppress the people play the part of the wolves (P 18.iii). Wolves, though social and intelligent, have no place in a stable political association. Their drives are too strong to respect any order other than the one that caters to those drives.

Anthony Parel correctly observes that the questions that structure *The Prince*, "require a knowledge of how the humours [sic] of principalities are related to one another and the prince."[7] Every type of principality (hereditary, mixed, new, ecclesiastical, and - especially - civic) can only function when the prince competently responds to the particular configuration of humors in that principality. In a hereditary principality, this task requires only "ordinary" industry because the existing sinews of state bind the humors together. Matters are trickier in mixed principalities, where the prince must satisfy the wants of the subpopulation that supported his conquest and either soothe or eliminate the subpopulation that opposed him. Failure to secure the support of the strongest humor (usually the people) renders a prince's acquisition tenuous at best, malignant at worst.[8] The articulated strength of the popular humor in republics makes them difficult to conquer and keep for this very reason. Even new princes in new principalities must take care to manage the humoral structure of their people. This management is "the test of their *virtú* and innovative enterprise."[9] Typically (but especially in civic principalities) this management requires an alliance between the

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[7] Parel, *Machiavellian Cosmos*, 112.
[8] Parel, *Machiavellian Cosmos*, 116.
[9] Parel, *Machiavellian Cosmos*, 117.

prince and the people wherein the prince respects the property and honor of the people

and the prince and the people work in tandem (the latter via the citizen-militia) to keep

normally oppressive elites in check. It also puts the prince in a position to have cleaner

hands because the humor of the people is more decent than that of the elite. Where the

elite humor is dominant, the prince must support acts of oppression in order to satisfy it.

(P 19.vii)

Machiavelli would also have his reader take note of the strategic advantage of

the *limited nature* of the people's desire.[10] The people ask *only* not to be oppressed (P

9.iv). The people can be satisfied in its freedom from oppression, but Machiavelli

presents the elite as far more difficult to satisfy in their desire *for* oppression.[11] As a

result, he sees it as possible to find a stable equilibrium in the political game when the

people play a major role.[12] The insatiable nature of elite appetites places political

institutions and outcomes into flux. Popular appetites do not. Their desired end (non-

oppression) is a fixed goal and thus is a solid and predictable basis for political order.[13]

Most importantly, the princely pursuit of non-oppression indicates a standard by

which one can judge uses of political violence and the institutions that structure it. The

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[10] Dietz, "Trapping the Prince," 784.
[11] Wolin, *Politics and Vision*, 181; Pitkin, *Fortune is a Woman*, 20. In this respect, Pitkin is wrong when she claims that the prince can 'command' and 'manage' his popular support at will. She is right insofar as the prince does have a greater degree of freedom to operate when he allies himself with the people, but he cannot command the people at will. The humor for non-oppression defines the limit of his command.
[12] For a contrasting view, see Nederman, "Machiavelli and Moral Character: principality, republic, and the psychology of virtú," 394.
[13] McCormick, *Machiavellian Democracy*, 24.

prince must determine which humor the use of political violence satisfies, the one for oppression or the one for the freedom from oppression. This feat, of course, is no easy one because the pursuit of *freedom from* oppression and oppression *per se* can easily resemble each other where the exercise of violence is concerned. Even when these pursuits do not resemble each other, crafty political actors can reappropriate institutions of violence such as militaries and penal systems from projects of liberation to projects of oppression. Nevertheless, the difficulty of judging between projects of oppression and projects of liberation should not overshadow the importance of having the right basis for judgment. In fact, that difficulty makes having a clear view of the end – non-oppression – that much more important.

2.2 Machiavelli's "Greatest" Examples

The Prince seeks to align the interest of the prince and the people by praising politicians who are defined by their successful popular service over those who are not. The people's freedom from oppression is the value against which princely actions – particularly the use of violence – are measured. Chapter 6 of *The Prince* features Machiavelli's "greatest examples," a group of political figures who engage in the most praiseworthy political action (and are thus the 'greatest' per se) and from whom Machiavelli's reader can learn the most (and are thus the 'greatest examples') (P 6.i).

They each put their peoples in a position to avoid oppression.[14] Moses finds "the people

of Israel in Egypt, enslaved and oppressed by the Egyptians." Cyrus finds "the Persians

malcontent with the empire of the Medes, and the Medes soft and effeminate because of

a long peace." Theseus finds the Athenians "dispersed." Romulus is not cited for

liberating the Romans, but is praised instead for overcoming exposure at birth (P 6.iii).

Nevertheless, he shares with the others the distinction of succeeding in founding a

thriving state. And should any doubt remain about the lesson that the reader must take

away from chapter 6, it is put to rest in Chapter 26 where Machiavelli calls for an Italian

founder and characterizes Italy as "more enslaved than the Hebrews, more servile than

the Persians, more dispersed than the Athenians, without a head, without order, beaten,

despoiled, torn, pillaged, and having endured ruin of every sort." (P 26.i) These

redemptions reveal the central value animating Machiavelli's thought in general and *The*

Prince in particular.[15] Any other strategies and arguments are connected to and arrayed

around the value of popular non-oppression. Consider the outright bans Machiavelli

recommends against theft of subject property and sexual assault by the prince. (P 17.iv)

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[14] It is here that Pocock (*The Machiavellian Moment*, 206) errs, for example, when he describes political life before a founding as anomic. The situation of the people on behalf of whom the founder works is only anomic in the sense that no state that effectively imposes law exists. While the diverse humors are not 'nomoi' in the strictest sense of the term, the moral and practical constraints of those humors already constitute a form that the founder must respect, rather than impose.

[15] For contrasting accounts of the central normative thrust of *The Prince*, see Strauss, *Thoughts on Machiavelli*, 67, 80; Butterfield, *Statecraft of Machiavelli*, 110; Hulliung, *Citizen Machiavelli*, 5; Steven Forde, Varieties of Realism: Thucydides and Machiavelli, The Journal of Politics 54, no. 2 (May 1992), 381. For complimentary ones, see Wolin, *Politics and Vision*, 186-7; McCormick, *Machiavellian Democracy*, 21-28; Maurizio Viroli, *Machiavelli*, (New York: Oxford University Press, 1998), 1.

Such activities are completely at odds with the people's desire to be free from oppression. To practice these activities – and to allow citizens to practice them on each other – would be consistent with a political order that accepts oppression as normal. The princes who Machiavelli condemns for abuses of power – Agathocles in chapter 8, Emperor Severus in chapter 19, and Ferdinand of Aragon in chapter 21, for example – all commit unnecessary 'cruelties,' which is to say that they act at some point or another contrary to the people's desire to be free from oppression. Agathocles's "savage inhumanity" and "infinite crimes," (P 8.ii) Severus's being "very cruel and very rapacious," (*P* 19.viii) and Ferdinand's "wretched" example of pious cruelty (P 21.i) bar each in turn from being praised beyond their strategic skill.[16]

For Machiavelli, violent oppression is the hallmark of a failed political order and liberation requires the creation of a new one (P 6.iv and 26.i). The creation of such orders requires the violent wresting of political power from abusive actors invested in an order of oppression.[17] When Machiavelli heaps praise upon those who do so, it is with an eye towards the challenges built into that struggle. "Nothing is more difficult to handle, more doubtful to manage," than replacing an order that facilitates oppression with one that does not, because "the introducer has all those who benefit from the old orders as enemies and lukewarm defenders in all those who might benefit from the new orders."

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[16] Pace Virginia Cox, "Rhetoric and Ethics in Machiavelli," in *The Cambridge Companion to Machiavelli*, ed. John Najemy, (Cambridge: Cambridge University Press, 2010), 185
[17] In chapter 3, I shall delve more deeply into the princes use of violence outside the context of his alliance with the people

(P 6.iv) Political innovation requires virtuosic skill because the members of the old, oppressive order are so deeply invested in it that they will defend that order without regard to the costs to others. It is no wonder that Machiavelli, like Marx or Fanon after him, sees political violence as a legitimate means for liberating the people.[18]

If we take chapters 6, 9, and 26 as decisive for the normative thrust of the text as a whole, then a few conclusions about Machiavelli's counsel follow. First, non-oppression is the central motivation for both political innovation (i.e., founding and reforming states) and praiseworthy political violence. Second, in the context of political oppression, Machiavelli assumes that the creation of a new political order may require the use of political violence. Third, again in the context of political oppression, innovation may require the use of political violence *because* the enmity of dominating parties makes such innovation difficult and doubtful. These operational parameters provide Machiavelli's reader with opportunities to evaluate past and future princely action. A good prince will imitate the founders of chapter 6 in having non-oppressive rule as a central motivation, tying *both* political violence and political innovation to the pursuit of non-oppression and the marginalization of the elite. On these grounds, princes like Severus, Agathocles and Ferdinand receive praise for skillful political action, but are not praised as highly as the founders of chapter 6. None join Machiavelli's class

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[18] Karl Marx, "The Communist Manifesto," in *The Marx-Engels Reader*, ed. Robert Tucker (New York: Norton, 1978), 490-491; Franz Fanon, *The Wretched of the Earth*, trans. Constance Farrington, (New York: Grove Press, 1968), 35.

of truly praiseworthy actors because each, in his own way, behaved contrary to the

popular desire for non-oppression. Severus catered to a client military that had taken on

the elite appetite for oppression (P 19.viii), Agathocles committed "infinite crimes" (P

8.ii) and Machiavelli rightly condemns Ferdinand for his expulsion of the Marranos

from Spain (P 21.i). In both cases, the violence that these princes exercise fails to pass

muster at the bar of popular non-oppression.

2.3 The Prince's Motivational Strategy

Machiavelli's use of his 'greatest examples' indicates the normative stance of *The*

Prince, but the motivational strategy of the argument does not lie only in its deep

appreciation for the people's desire not to be oppressed. The motivational strategy of

Machiavelli's argument also lies in the way in which he yokes the self-interest of princes

to popular service. In chapter 6, Machiavelli encourages princes to imitate four

exemplary founders. In chapter 26, Machiavelli paints Italy's political situation in the

16th century in the same hues as those of the peoples who his favored founders liberated

from oppression. In praising these examples as the "greatest," Machiavelli is making the

case for what his reader should take as the highest political action. Most of *The Prince*,

however, is not couched in terms of political heroism, but rather in terms of the pursuit

of self-interest. In this respect, *The Prince* is not only written for a would-be Theseus or

Moses, who already value popular liberation for its own sake, rather *The Prince* is also

accessible and useful to readers of many stripes, including more self-interested readers

like the Medici. Above all, it is useful to the people as a whole because the strategies recommended for a self-interested prince cater just as much to popular desires as those recommended for a would-be Theseus or Moses. While we see this idea embodied most clearly in *The Prince's* central chapters on military affairs, we also see Machiavelli recommending popular empowerment as the prudent course in almost every kind of principality. Both the prince moved by noble aspiration to found a new regime and the prince moved by narrow self-interest to merely maintain power gain by creating a citizen-militia and thereby taking the people as the basis for their power.

We can see *The Prince*'s normative bent in its heterodox treatment of political virtue, as well.[19] Unlike many of the other texts in the mirror-for-princes genre, *The Prince* frequently couches the obligations of its reader in terms of imitation, semblance, and appearance, rather than the actual possession of typical humanist values. "A *prudent* man," Machiavelli claims, will emulate these examples "so that if his own virtue does not reach that far, he is at least in odor of it" (P 6.i; emphasis mine). On the one hand, we can take this injunction to mean that though one may not be in a position to unify the Athenian tribes or liberate the Israelites from bondage in Egypt, one can still act prudently by imitating these legendary examples. But, in defining *prudence* (as opposed to dutifulness or public-spiritedness) as imitation of these examples, Machiavelli is

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[19] See, for example, the contrasting treatments of political virtue by Xenophon, *Cyropaedia*, trans. Walter Miller, (London: W. Heinemann, 1914); Cicero, *De officiis*, trans. Walter Miller (London: W. Heinemann, 1913); and Erasmus, *The Education of a Christian Prince*, trans. Lisa Jardine (Cambridge: Cambridge University Press. 1997).

opening up the profitability of imitating these examples to a whole other class of

political actors: those who may not have the intentions of Moses or Theseus, but may

nevertheless profit by "their odor." The second meaning of this statement is that no

matter the praiseworthiness of one's intention, the imitation of the examples that

Machiavelli cites will contribute to a maximum strategic efficacy in any social endeavor,

particularly in politics. In this sense, Machiavelli appeals to both the self-interest and

the sense of conventional virtue of the reader. Therein lies much of *The Prince*'s

motivational strategy.

　　　Machiavelli's reader, the Florentine must have understood, would probably not

possess the kind of duty-bound selflessness praised by the humanists of Machiavelli's

day. Such men were too rare. And even if they were abundant, the conditions for their

success in politics rarely existed. Machiavelli knew that the human material before him

could be moved best by levers of self-interest. When Machiavelli composed *The Prince*,

Giulio di Giuliano de' Medici (the de facto administrator of Florence in 1513), could not

have been far from his mind. Giulio was a competent political operator, functioning as

both Archbishop of Florence and chief minister to his brother, Pope Leo X. Yet

Machiavelli could not have seen Giulio as motivated by the same republican patriotism

that burned in his heart. The problem of motivation would have only been compounded

by a problem of competence when Giulio ceded rule of Florence in 1514 to *The Prince*'s

ultimate recipient, his nephew Lorenzo. Machiavelli needed some way to get a

nobleman like Giulio (and then Lorenzo) to act in the interest of the Florentine people.[20] I take it that Machiavelli's solution to this particular political problem was to harness the self-interest of the member of the Medici to whom the text would be sent (Giulio at the time of composition, Lorenzo at the time of submission) by emphasizing the connection between popular empowerment and the pursuit of that self-interest. I would not go so far as to suggest that Machiavelli presents a view of politics meant for his Medici reader alone. The Medici must have been on Machiavelli's mind while he wrote, but Machiavelli's other claims in *The Prince* (and repeated in *The Discourses*) about the tendency of elites to behave self-interestedly suggest that these arguments apply to other nobles as well. Machiavelli's primary aim must have been to motivate his Medici reader to strengthen the Florentine state in a manner consistent with the popular humor and with an eye toward the unification of Italy, but the ideas that animate *The Prince* go beyond his native Tuscany to any situation of state formation and stabilization.

2.4 Arming the People

At this point, a prudent reader will ask if Machiavelli, as I have described him, effectively addresses the central problem of political violence. After all, teaching a prince to be virtuous is different from designing a set of institutions that both reduce violence and stop short of overwhelming the political order that they are meant to protect.

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[20] For a discussion of the tension between the particular advice written for Giulio/Lorenzo and the general teaching of *The Prince*, see Strauss, *Thoughts on Machiavelli*, 61.

Perhaps more to the point, we can turn to Locke's observation that the greatest threat to

the liberty of a people is a virtuous prince. The people, Locke reasons, will grow

accustomed to broad princely powers if they have been used well.[21] This complacency

poses a threat to liberty.[22] Unlimited power may be able to create order, but *only* when

used well. When used badly, unlimited power is a mechanism of oppression. If

Machiavelli's recommendations were limited to the imitation of the personal virtues of

his "most excellent" examples, Machiavelli would certainly seem susceptible to Locke's

critique. Machiavelli would seem to secure peace with only the equity of princely virtue

– a policy which would be successful in the presence of an adequately skilled and

properly disposed prince, but a dismal failure in the presence of a corrupt and/or inept

one.[23] Yet Machiavelli's discussion of praiseworthy princes does not end with their

characters. It extends itself into institutional recommendations. For example, a prince

must use a citizen-militia, not a mercenary or a foreign army, (P 12-13) he must not rely

on fortresses or fixed fortifications (P 20.ix), he must live in those territories he annexes

and, if possible, leave standing laws and customs alone (P 3.iii). This set of

recommendations is noteworthy for the position in which they put the prince with

respect to the people. When followed, they result in an armed citizenry and a

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[21] John Locke, *Two Treatise of Government*. (Cambridge: Cambridge University Press, 1988) Paragraph 166.
[22] Benjamin Kleinerman, "Can the Prince Really Be Tamed? Executive Prerogative, Popular Apathy, and the Constitutional Frame in Locke's Second Treatise," *American Political Science Review* 101, no. 2 (February 2007), 209.
[23] Nederman, "Machiavelli and moral character," 361.

defenseless prince but for that armed citizenry. From Machiavelli's perspective, such a relationship is ideal for minimizing violent oppression in a principality. It creates a fighting force that is eager to defend the homeland while severely limiting the prince's ability to oppress his own people.

We should turn to a background distinction in Machiavelli between what Roger Boesche calls 'static' and 'mobilizing' principalities to see more clearly how an armed and trained people helps minimize violent oppression.[24] Static principalities cultivate elite bases of power, disarm the people, rely on fortresses, and cannot project power abroad. Mobilizing principalities cultivate popular bases of power, arm the people, and have a reliable mechanism for projecting power. Neither static nor mobilizing principalities are free from political violence, but Machiavelli praises the latter for repressing the elite and tapping the people as a political and military force. A praiseworthy prince will seize that force to secure his position as prince and the principality as a whole.[25] A praiseworthy prince empowers himself, in other words, by crossing class lines to empower the people.[26]

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[24] Roger Boesche, *Theories of Tyranny, from Plato to Arendt*, (University Park, PA: Pennsylvania State University Press, 1996), ch. 4.

[25] Wayne Rebhorn, "Machiavelli's *Prince* in the epic tradition," in *The Cambridge Companion to Machiavelli*, ed. John Najemy, (Cambridge: Cambridge University Press, 2010), 80.

[26] Several scholars overlook this dynamic: Pocock, *The Machiavellian Moment,* 156-160, 183; Harvey Mansfield, *Taming the Price* 1935; and Quentin Skinner, *Foundations of Modern Political Thought*, 25.; For discussions of Machiavelli's comparison of the citizen-militia to biblical David's rejection of King Saul's armor, see Pitkin, *Fortune is a Woman*, 21; and Strauss, *Thoughts on Machiavelli*, 59.

Remarkably, Machiavelli's approval of a citizen-militia, and thus an armed and trained citizenry, is unconditioned. Nowhere else in *The Prince* does Machiavelli qualify his support for the citizen-militia, which cannot be said of virtually every other claim made in *The Prince*. Anything else, he suggests, is an unreliable mechanism of violence. In a world dominated by the unpredictability of *Fortuna*, nothing can be more important on the field of battle than reliability. To that end, chapters 12 and 13 foreshadow the arguments from the *Art of War* concerning mercenary and auxiliary arms. Mercenary troops are rarely effective in battle and are always costly (P 12.ii). They drain the treasury and do not offer a substantive tactical advantage. Even when they are an effective fighting force, they pose a threat to the principality that employs them insofar as they bear loyalty only to the highest bidder. (P 12.iii) Auxiliary troops, on the other hand, are typically effective in fighting, but pose an even greater threat due to their loyalty to a rival state, a loyalty that cannot even be bought. (P 13.iii) They are capable dispensers of violence, but are totally unreliable in that dispensation.[27]

In both cases, the demands of the arms themselves trump the sovereignty of the prince, which produces their unreliability. The prince finds himself serving his arms rather than those arms serving him. With mercenaries, the need to pay them trumps the political objectives of the war. Mercenaries cater to a logic of extraction, rather than

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[27] Machiavelli even links auxiliary arms to the 'sins' responsible for Charles VIII's conquest of Italy in 1494. (P 12.vi)

victory, which forces the prince to chase money. In the case of auxiliaries, a prince has placed his political fate in the hands of another power. He is thus forced to chase the favor of that power, lest the auxiliary arms be used against him or his people. In all cases, without arms to serve him, the prince and his principality are at the mercy of *Fortuna* (P 13.vii*).

As we saw in chapter 1, a citizen-militia, by contrast, is part of the principality and loyal to it, which limits the kind of uses a prince can make of it. Mercenary and auxiliary troops have no such limitation. A salaried relationship is an external relationship, one wherein two separate wills are bound by contract. The assumption with respect to the limitation that loyalty puts on violence is that members of a political body are less likely to harm the body with which they identify. Mercenaries, as members external to the body with which they contract, are more likely to harm or abandon the body they are meant to protect than a citizen-militia is. A citizen-militia may respect the prince as "one who commands," but citizen-soldiers are marked by a loyalty to the principality, rather than their commander. Again, as we saw in chapter one, citizen-militias place a populist limit on how their commanders can and cannot use them.

The citizen-militia also brings the prince and the people closer together in terms of capacities. This alignment makes sense from both a political and military perspective. Executives in both cases are merely agents who help overcome the collective action and coordination problems encountered by the people at large. They are organizational

tools, and thus must work *with* the people in order to work *for* the people. Their status as

tools is not meant to diminish their importance or the difficulty of their tasks. Far from

it, there is glory in being a brilliant prince or general to be sure, but Machiavelli does not

conceive of a glory that comes at the expense of popular liberty. Rather, it animates

Machiavellian thinking on the nature of prince-people relations.[28] In this respect, the

citizen-militia is more than just a group of armed citizens, it is a group of armed *and*

trained citizens. The exercise of violence requires special skill – and the exercise of

violence as a group requires the additional skill of cooperation. These skills have effects

that range beyond the exercise of violence alone, which is especially true of learning to

act in concert. To be trained in such a manner is to be empowered.

Moreover, the citizen-militia shifts relations of dependence in favor of the

people. The prince comes to depend on the citizen-militia as a mechanism of force. The

prince needs it for defense of the principality. The citizens who participate in it, on the

other hand, come to depend less on the prince insofar as Machiavelli's citizen-militia is a

tool of popular empowerment. The prince gains by its existence, to be sure, because the

prince gains by that empowerment. But to understand *The Prince* as a text that

recommends princely power *at the expense* of popular power would be to ignore its core

recommendations. Popular empowerment via participation in the citizen-militia leads

naturally to the citizen-militia's capable, responsive, and limited nature. What should be

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[28] Pace Pocock, *The Machiavellian Moment*, 176.

clear by now is that part of its limited nature is the way in which it limits the prince from

taking oppressive actions.

2.5 The path of oppression not taken

Machiavelli's condemnation of mercenary soldiers, coupled with his praise of

citizen-soldiers, certainly would make the latter seem compelling from the perspective

of a would-be prince, but that attraction only exists by virtue of Machiavelli's ignoring

another type of military: the paramilitary or internal security apparatus (hereafter "client

militaries"). Chapters 12-14 do not discuss this manner of fighting force. Client militaries

may be loyal to their commanders and thus reliable as fighters, but that loyalty is not

patriotic. Executives in non-democratic regimes, from petty warlords to party

secretaries, have made and continue to make use of these fighting forces.[29]

Machiavelli, for his part, dismisses warlordism as morally vacuous and

irrelevant to most regimes. His primary engagement with these types of regimes comes

in chapter 19, where he bemoans the emergence of the Roman army as a self-interested

entity. Indeed, Machiavelli depicts a predatory military as a scourge equal to the worst

sort of prince. A predatory military forces the prince's hand in practices of oppression.

Princes must choose to alienate the people by allowing the military to oppress them

because the prince is powerless to resist the demands of this armed body. In chapter 19,

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[29] Indeed such relationships are so common that Mancur Olson and Robert Bates, in their respective
accounts of the emergence and stability of the state assume this kind of military apparatus to be the norm.
See Olson, "Dictatorship, Democracy, and Development," *The American Political Science Review* 87, no. 3
(September 1993), 567-576, Bates, *When Things Fell Apart*, Chapter 2.

Machiavelli only cites one example of someone successfully navigating a political order

in which a client-military has established itself: the roman Emperor Severus. Even then,

Severus is an incomplete figure despite successfully surviving a client military. "A new

prince in a new principality… …should take from Severus those parts which are

necessary to found his state and from Marcus those which are fitting and glorious to

conserve a state that is already established and firm." (P 19.xiv) Severus's political skill

must be leavened with Marcus Aurelius's "love of justice." Machiavelli evokes the latter

in chapter 19 as Severus's counterpoint. According to Machiavelli, Marcus was the last

emperor whose power was based on the authority of his office. His virtues were not

suited to navigating the raw antagonism of a completely corrupted political order.

Rather, they were suited to maintaining the virtue of an order capable of subsuming

those antagonisms within it. Upon his death, Rome's internal antagonisms finally

overwhelmed the last semblance of its traditional order, paving the way for figures like

Severus to emerge. Severus could not have successfully operated in an uncorrupted

Rome. His skills were specifically suited to navigating disordered contexts, not well-

ordered and settled ones.[30]

  Nor should we confuse Severus's skill with the fact that he catered to a client-

military. Severus was not a founder. He established no new state. He did not even revive

the Roman state. Instead, he allowed his soldiers to vent their appetites on the Roman

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[30] Nederman, "Machiavelli and moral character" 360.

people. We cannot take Machiavelli to mean that his reader should imitate the *actions* of

Severus (i.e., the management of a client-military) in order to succeed as a new prince in

a new state. To do so would be to run against the grain of the popular humor. Instead,

we should pay attention to Machiavelli's language. His reader should "take from

Severus those *parts* which are necessary to found his state." (Emphasis mine) Parts are

not actions. It is far more likely that Machiavelli is referring to the parts of his character

that made him so skillful in political and military matters. Such skillfulness is so

necessary in political innovation because of the opposition that princes frequently meet,

be it in the form of appetitive elites or, as in Severus's case, a rogue military.

Finally, a more immediate issue bars consideration of warlordism: Machiavelli

saw it as no longer possible in Italy. "Princes of our times have less of this difficulty of

satisfying the soldiers by extraordinary means in their governments… …now it is

necessary for all princes except the Turk and the Sultan to satisfy the people rather than

the soldiers because the people can do more than the soldiers." (P 19.xiii) As we come to

learn in *The Discourses*, Roman elites sought to undercut the power of the people by

corrupting the military in the late republican era.[31] They turned the military into an

increasingly clientelistic institution. In effect, Roman elites corrupted Rome's citizen

army by infecting it with elite humors. Severus found himself under the necessity of

catering to those humors because the Roman military had become such an influential

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[31]McCormick, *Machiavellian Democracy*, 88.

institution. The people at large were simply no match for it.[32] In Machiavelli's view, no

Italian military (or French or German for that matter) enjoyed that much of a power

imbalance. No Italian prince could possibly find security in a client military – the

dangers posed by an alienated people were simply too great. As a result, Machiavelli

characterizes the militaries associated with warlordism as unreliable instruments of

power and thus not worth recommending to his reader.

The trouble with Machiavelli's dismissal of Severus's warlordism is that it is

misleading. It suggests that there is no situation according to which forces other than

citizen-militias promote the general welfare of a state.[33] Machiavelli's

mischaracterization is based on the implication that client militaries must be predatory

at all times, but this implication is wrong. In the presence of sufficiently high payments

or the expectation thereof, security forces will select long-term income (e.g. salaries) over

predatory practices. Stable rents have the capacity to pacify 'specialists in violence'

because they represent the long-run possibility of income-maximization.[34] They thus

cause the preferences of both the members of the security apparatus and members of the

citizenry at large to converge. Rather than one preying upon the other, a high

GDP/capita typically induces specialists in violence to protect the productive capacities

of citizens and enjoy a slice of the economic pie. Citizens obviously prefer such

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[32] Parel, *Machiavellian Cosmos*, 116 and 119.
[33] Mancur Olson challenges this assumption when he frames the problem of state formation in terms of 'banditry', which is no different from petty warlordism. "Dictatorship, Democracy, and Development," 570.
[34] Bates, *Things Fell Apart*, 5.

arrangements to being victims of a predatory, client-military and are happy to engage in productive activities in a state of peace, rather than invest their energy in hiding wealth, starting a rebellion, or fleeing the country altogether.

This possibility challenges Machiavelli's claim in chapter 13 that the citizen-militia is the only viable mechanism of violence. The fact that a security apparatus need not be a citizen-militia in order to be protective of citizens of a principality calls that claim into question. Machiavelli's reference to Agathocles further complicates Machiavelli's picture given Agathocles's use of a private security apparatus for maintaining power in Sicily. Machiavelli classifies Agathocles as "criminal" as a result of the predatory nature of his rule. (P 8.ii) But that classification cannot overturn the reliability with which he exercised power through a military that was not a citizen-militia. Why, then, does Machiavelli depict the citizen-militia as the only reliable military institution when he knows that alternatives exist?

First, Machiavelli would mount a prudential challenge. Internal security apparatuses are only stable instruments of rule when princes can afford them. If a warlord or prince can 'buy' sufficient loyalty from these security officers, then they have acquired a stable instrument of rule. In this respect, such arms may be domestic (i.e., made up of citizens of the state), but they are far closer to mercenary arms than to a citizen-militia. And, of course, Machiavelli rightly observes that mercenary arms force their users into a dependency on extractive practices, which are unstable, unpredictable,

and thereby imprudent means of rule. Moreover, excessive extraction (even under the guise of taxation) turns the people into an enemy of the prince. Given the prince's paucity of allies among the elite – enmity is not something he would want to cultivate among those who could otherwise be his friends.

Second, Machiavelli would point out the indecency of the patterns of extraction that an internal security apparatus would require. Even at rates that do not inspire enmity among the people, taxation for the purposes of fielding an internal security apparatus are tantamount to taking a citizen's patrimony for the purposes of oppressing him or her. Machiavelli would have us reject the drives associated with these types of regimes on normative grounds in addition to prudential ones. I think we are compelled to agree. While we can reasonably prefer a *modus vivendi* to anarchy, we can reject a regime of oppression on normative grounds when Machiavelli offers us an alternative that empowers the people, rather than yoking them to their own servitude.

Third, citizen-militias are a means by which Machiavelli infuses principalities with a heavy does of populism and brings them closer to popular rule. Citizen-militias constrain the prince in such a way as to more closely align the prince's interests with those of the people at large.[35] A prince cannot ask a citizen-militia to engage in certain kinds of oppression when its members identify with the state *and* their fellow citizens at

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[35] McCormick, *Machiavellian Democracy,* 23; Pace Butterfield, *Statecraft of Machiavelli*, 109; Strauss, *Thoughts on Machiavelli,* 67.

large. Contra the suggestions that *The Prince's* recommendations for the citizen-militia

are part of an elaborate trap created by Machiavelli, I say that the citizen-militia is not so

much a trap as it is a constraint.[36]

2.6 The princely end of the bargain

The partnership between the prince and the people – as concretized in the

citizen-militia – has the virtue of constraining the prince to respect the norm of non-

oppression and of creating a mechanism of violence that is capable of projecting

sufficient force, responsive to the public good, and limited in its exercise of violence.

This partnership eases the problem of violent oppression in principalities because it

produces an institution that can both reduce aggregate levels of violence and can stay

within the boundaries set for it. If armed, trained, and organized, the people will protect

themselves from oppression and will no longer desire to use force once those threats of

oppression have abated. Fellow elites cannot be so reliable a partner for the prince

because their appetite is to oppress the people and the appetite for oppression can never

be fully satisfied.

Constraining the appetite for oppression is also the task of Machiavelli's

"greatest examples" of chapter 6, who liberate, unify, and empower their respective

populations by founding states. On the basis of chapter 26, we can assume that

Machiavelli hoped for the same in Italy. Yet, we ought to take chapter 13 as the core of

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[36] Dietz, "Trapping the Prince," 777.

the text, because chapter 13 details for the reader the necessary steps for the task ahead. There is simply no way around it. It embodies the kind of work done by the founders of chapter 6, satisfies the humoral demands that Machiavelli makes explicit in chapter 9, and decisively contours the ethic developed in the second half of the text.[37]

Yet why send the text to Lorenzo, who so clearly had neither the desire, nor the capability to be an Italian Theseus or Cyrus, or the next Romulus? What possible utility could *The Prince* have in the hands of a man of such middling political and moral worth? According to the argument that I have developed here, *The Prince's* motivational strategy lies in the attractions that its tenets hold for even self-interested actors who have none of the public spiritedness of Machiavelli's four founders. Machiavelli convincingly argues for the prudence of a prince-people alliance – specifically embodied in the citizen-militia – in addition to its moral value, thereby inducing right action even in the absence of the right motives. Moreover, Machiavelli's motivational strategy extends into his institutional recommendations. Machiavelli recognizes the need to codify a public-spirited response to violence by creating institutions that guarantee such responses, rather than relying on nobles like Lorenzo to transform themselves into founders like Theseus and Romulus. So Machiavelli again presents the public-spirited response as the

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[37] Chapters 15-23 cannot be properly understood without reference to chapter 13. Not only do they offer competing answers to the question of what Machiavelli means by one's own arms (i.e. a citizen-militia vs. moral flexibility) they interact such that chapter 13 contours chapters 15-23. A prince behaves differently in the presence of a citizen-militia than he does in the presence of other mechanisms of violence. See, for example, Timothy Lukes, "Lionizing Machiavelli," *American Political Science Review* 95, no. 3 (September 2001), 571.

most self-interested one. The prince helps himself, Machiavelli suggests, by creating a

citizen-militia and thereby helping the people to help themselves. Machiavelli's

redefinition of political virtue is first linked to his founders of chapter 6 insofar as a

flexible moral nature is required for the kind of success they enjoyed. But, as a fail-safe,

the flexible moral nature that Machiavelli recommends is also tied to the kind of

institutions that the prince must create. Even a self-interested prince will behave

differently when in the company of an armed people.

All that said, *The Prince* does not recommend a relationship between the prince

and the people that is completely cooperative. The prince must take matters – especially

matters of violence – into his own hands in times of crises or thoroughgoing corruption.

The pursuit of non-oppression still governs princely action in such cases and so the

prince is still made to serve the ends of the people, but he must nevertheless cut the

people out of the political process when necessary. I turn to those cases in the next

chapter.

3. Force and Fraud: Between Good Arms and Good Laws.

In chapter 2, I presented a reading of *The Prince* that emphasized the popular and populist dimension of Machiavelli's advice for ruling a principality successfully. He recommends that the prince use the people as a mechanism for exercising political violence (via the citizen-militia) and their desires as a guide to the ends for which he ought to use political violence. In Machiavelli's view, these recommendations have the effect of minimizing violent oppression in principalities while simultaneously empowering the prince, the people, and the principality itself. Popular desires are limited and more reliable than those of the great. The prince can satisfy the people's primary desire to be free from oppression. These desires are consistent with a stable political order. Moreover, the satisfaction of it generates a powerful and reliable alliance between the prince and the people, which is much more advantageous to both the prince and the people than a prince's attempting to coax support from rival elites. We have seen Machiavelli argue in *The Prince* and the *Art of War* that an armed people will not overwhelm the political orders they are meant to protect because a praiseworthy citizen-militia naturally lends itself to non-oppression.[1] Rival elites have the contrary impulse, making them dangerous to the prince and the people alike.

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[1] In the penultimate section of this chapter, I shall consider regimes that actually implicate the people in their own oppression as well as the profoundly anti-Machiavellian nature of those institutions.

While having non-oppression as a goal and enlisting the aid of the people in pursuing that goal makes *The Prince* populist, we cannot say that the text is consistently or even predominantly democratic. Many of the political strategies that Machiavelli recommends for freeing the people from oppression do not involve the people as active agents, the citizen-militia notwithstanding. To prevent oppression, the prince must contend with the greatest sources of it: his fellow elites. To contend with them, the prince must fight fire with fire, so to speak, and learn to use the same tactics – force and fraud – that his fellow elites use to pursue their projects of domination.[2] The key distinction between the prince's use of force and fraud and other elites' use of force and fraud is in the purpose of that use: either the oppression of the people or their freedom from oppression . Nevertheless *The Prince* is undemocratic because many of its most distinctive political recommendations circumvent the *demos* even as the text prioritizes their ends and desires. Of course, any member of any political class is capable of using force or fraud, but we shall see that Machiavelli has a powerful argument for why the prince, in particular, must be ready and willing to do so. We shall also see that his argument extends to the claim that a praiseworthy prince should engage in hypocrisy by outwardly condemning the use of force and fraud and endeavoring to minimize their use by others in the principality. If the prince fails to secure a monopoly or near-monopoly on force and fraud such that they become the norm, then he imperils the

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[2] Pitkin, *Fortune is a Woman*, 37.

modus vivendi that he must establish on behalf of the people. To put the matter another

way, Machiavelli answers the following three questions. Do princes have special

privileges and duties in pursuing freedom from oppression for their subjects? If so, do

those special privileges and duties arise because ruling a principality entails contending

with oppression-oriented elites who will to use force and fraud without reservation?

Must these special privileges and duties remain veiled behind political appearances, or

can they be publically acknowledged? He answers, "yes" to the first two and

recommends secrecy with the third. In this chapter, I detail why.

First, I explore the tenuous relationship between good arms and good laws in

creating a stable political order. A superficial reading of *The Prince* indicates a causal

relationship between good arms and good laws, where good arms are sufficient for

causing good laws. According to my reading of *The Prince*, however, Machiavelli argues

that good arms are necessary for good laws, but not sufficient. So, in the second section,

I elaborate upon a notion that I take to be a key element of Machiavelli's thought: that

laws cannot be "good" when force and fraud carry the day. To shed greater light upon

this claim, in the third section I detail Machiavelli's recommendation that the prince

behave hypocritically where force and fraud are concerned. In the fourth and fifth

sections I use the example of Cesare Borgia's trial of Remirro de Orco to show how this

process works and what Machiavelli would mean by "cruelty well-used." In the sixth

section, I take the totalitarian regimes of the 20th and 21st centuries as counterpoints that

demonstrate what Machiavelli means by cruelty badly used. These regimes are helpful

counterpoints because they have relatively strong militaries and make extensive use of

force and fraud, but spectacularly fail to create good laws. Ultimately, each of these

sections contributes to a reading of *The Prince* according to which the prince secures the

non-oppression of the people by taking a series of actions in which he cannot implicate

the people beyond their participation in the citizen-militia. So, while I underscored the

popular politics of *The Prince* in chapter 2, in this chapter I take my reading of *The Prince*

in the other direction. Without losing sight of the populist nature of a praiseworthy

prince's ends and alliance with the people, we must take note of the tension that his use

of force and fraud places upon that alliance.

I should be careful to point out that Machiavelli does not base his argument for

the importance of princely force and fraud on the presumption that the people are

somehow inferior; nor does he laud the political elite as a class. In fact, he would sooner

condemn the elite as selfish, dangerous, and unreliable than he would impugn the

character and competence of the people.[3] More to the point, he regards political elites as

responsible for most instances of violent oppression, because violent oppression is built

into their appetites.[4] They are his political villains, not the people. And the prince

receives security and glory in exchange for turning upon his political class and serving

[3] John McCormick, "Machiavellian Democracy: Controlling Elites with Ferocious Populism," *American Political Science Review* 95, no. 2 (June 2001), 300.
[4] Harvey Mansfield, *Machiavelli's Virtue*, 24; Sheldon Wolin, *Politics and Vision,* 180-1.

the ends of the people. Machiavelli maintains the position that he does because he sees a member of the elite (the prince) as best suited and most easily motivated to contain and suppress his fellows.

In holding a mirror to the prince and – to return to the landscape metaphor from the dedicatory preface – in doing so from below, Machiavelli shows the prince what is both behind and above him: the mountainous accomplishments of the past to which he might aspire.[5] In exchange for excelling in politics as Machiavelli defines it, Machiavelli promises deep reputational rewards to a successful prince. This argument is fundamentally an undemocratic one. In a principality, glory and status are nothing if not mechanisms of differentiation. Thus, Machiavelli's appeal to his reader on the basis of glory puts him in further tension with "democratic" readings of *The Prince*. His appeal on the basis of glory does not, of course, trump the importance of pursuing popular ends. Rather, it yokes them together. The greatest glory accrues to those princes who liberate their people from oppression.[6] Where the prince's fellow elites try to satisfy themselves by oppressing the people, Machiavelli suggests that a prince satisfy himself by 'dominating' the history books and recommends no better way to do that than by freeing the people from oppression.

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[5] We might read the *Life of Castruccio Castracani* in the same way. As a talented foundling, Castruccio very much represents Machiavelli's "new prince." Machiavelli's fictionalized account of his life puts the political virtues that Machiavelli values – self-reliance, flexibility, populism, and so on - on prominent display.
[6] For Eugene Garver, glory also "prevents a reduction of politics to military tactics." *Machiavelli and the History of Prudence*, (Madison: University of Wisconsin Press, 1987), 90.

3.1 Between good arms and good laws

The means by which a prince does so are neither ones of pure violence nor pure politics. The pursuit of non-oppression cannot be separated from either "good arms" or "good laws," to borrow Machiavelli's phrases. Both good laws and good arms are necessary for preventing violent oppression. On the one hand, some arms are required for defense as long as other states threaten peace.[7] A state that does not have good arms is a state that is subject to the whims of *Fortuna*. We also saw in chapter 2 that good arms are not only powerful; they *empower* the right political class. Good arms shift the center of power in any state toward the people, creating a kind of political necessity that deters the elite from satisfying their oppressive appetites on them. On the other hand, laws are good because they define the space of publically sanctioned activity.[8] The virtue of laws is that they make up a set of rules for social engagement backed by the coercive capacity of the state. Together, along with mores and institutions, good arms and good laws make up the ensemble of social phenomena which Machiavelli might call a "good order."

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[7] Leo Strauss points out that Machiavelli regards violent conquest as a part of nature and that reasonable political orders are artifices hammered out of that nature. *Thoughts on Machiavelli*, 57.

[8] Laws are just one kind of social institution. According to Jack Knight, a social institution is "*a set of rules that structure social interactions in particular ways.*" (Emphasis original) Laws and legal institutions are different, of course, from norms and conventions because they are enforced by the coercive power of the state while other institutions are self-enforcing. But nevertheless, laws are part of the broad ensemble of social institutions that structure human interaction in civic, economic, and political spheres. Jack Knight, *Institutions and Social Conflict*. (Cambridge: Cambridge University Press, 1992), 2-3, 21-23.

Machiavelli tells us in chapter 12 that good arms are citizen-militias, but unfortunately he gives few concrete examples of "good laws" in *The Prince*. Machiavelli does consider the different power structures in different systems of rule (French feudalism vs. the unified absolutism of Turkey in Chapter 4) and acknowledges in chapter 25 that some countries (France, Spain, and Germany) "had been diked by suitable virtue" and so had not met the same fate as the powers of Italy. So we know that some orders are better than others, but we do not know which laws contribute to those orders and how they do so. Machiavelli does recommend that princes avoid any unnecessary taxes and forbear from altering the laws and customs of territories they acquire. These examples are helpful, but only as examples of principles of good lawmaking (and maintenance) and not as examples of good laws themselves. Based on these principles of good lawmaking (and maintenance), we can reasonably infer that Machiavelli would use the norm of non-oppression to differentiate good laws from bad because excessively high taxes and rewriting of social practices might make the people feel oppressed. But a fine-grained, concrete definition of the term "good laws" is not available to us in *The Prince*.[9]

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[9] The *Discourses on Livy* are another matter. Machiavelli discusses law extensively there and provides a much richer account of good, republican laws. Perhaps this differential treatment of law reflects a difference in the regimes themselves? If true, then principalities rely on the skill and civic-mindedness of the prince in order to thrive while republics still rely on the talents of their people and leaders but place a greater burden on laws than principalities do. See Pocock, *The Machiavellian Moment*, 179.

Machiavelli's focus is elsewhere. Non-oppression is his goal and good laws

certainly have a part to play in meeting that goal, but Machiavelli must first deal with

another part of the social order, one which makes good laws possible: good arms. One of

the most iconic passages in all of *The Prince* invokes both law and arms as foundations

for the state. Machiavelli writes, "The principal foundations that all states have, new

ones as well as old or mixed, are good laws and good arms. And because there cannot be

good laws where there are not good arms, and where there are good arms there must be

good laws, I shall leave out the reasoning on laws and shall speak of arms." (P 12.i) At

first blush, Machiavelli posits good laws and good arms as discrete political phenomena.

He mentions both the one and the other as political foundations, which makes sense. We

can easily imagine that the former are an integral part of any stable, codified order and

the latter are the basis for the enforcement of that order. Yet, in the very next sentence as

rendered above he posits a causal relationship between good laws and good arms.

Machiavelli's language even goes as far as to suggest that good laws are epiphenomenal

to good arms.[10] In the first clause of that sentence, Machiavelli claims that good arms are

a necessary cause of good laws, but in the second clause Machiavelli claims that good

arms are also sufficient causes of good laws. Most extant translations render the second

clause of that sentence as "where there are good arms there *must be* good laws,"

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[10] Skinner, *The Foundations of Modern Political Thought*. 130. Strauss, *Thoughts on Machiavelli*, 58.

(emphasis mine) but those translations are not sensitive to the original Italian.[11]

Machiavelli uses the subjunctive mood to express the second formulation of the relation

between good arms and good laws: "e dove sono buone arme conviene sieno buone

legge." "Conviene sieno," which is an archaic version of "conviene siano" does not

express a mechanistic relationship between good laws and good arms. At best, it

suggests a probabilistic one: where there are good arms, there are *likely to be* good laws.

But the Italian subjunctive mood can also be used to express an opinion or judgment,

especially if introduced by the verb "convenire," which is used to express agreement. In

this case, the second clause is better translated as "where there are good arms, *I maintain*

that it would be better to have good laws," which is a far cry from traditional translations.

I cannot settle the translation controversy, but I cannot understate the

importance of Machiavelli's use of the subjunctive either. Most translations convey a

sense of determinism in translating "conviene siano" as "must be" and so effectively

render good laws as epiphenomenal to good arms, but the original Italian actually

creates a gap between the two. It is "likely" and/or "good" that good laws follow good

arms. This relationship is by no means predetermined. For Machiavelli, good arms do

not simply lead to good laws.[12] The former are necessary for the latter, and so take pride

of place in the next three chapters (P 12-14), but human intervention determines whether

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[11] The original Italian is "E perché non può essere buone legge dove non sono buone arme, e dove sono buone arme conviene sieno buone legge..." Mistranslations of this sentence include both Harvey Mansfield's and Quentin Skinner's landmark editions.
[12] Pace Mansfield, *Taming the Prince*, 129.

good laws spring out of good arms.[13] And, as Machiavelli claims, both are the foundations of states, so we ought to be concerned with the presence of both as well as the way they relate to each other. In any regime, but particularly in an autocracy, good laws are impotent without coercive force to back them up and good arms become tools of oppression if they enter the space of governance that ought to be reserved for good laws. Good arms and good laws must be both separate and mutually supportive. The prince must police that separation and maintain that mutual support, which is why Machiavelli uses the subjunctive.

Why then does Machiavelli choose to "leave out the reasoning on laws" and "speak of arms instead"? (P 12.i) There are three answers to that question. First, in a principality, Machiavelli sees good arms as prior to good laws. The prince must use good arms in order to make good laws possible. The second is that the two (good laws and arms) share a fairly intimate relationship, as far as Machiavelli is concerned. One ought not try to collapse one into the other, but they are not wholly distinct, especially insofar as they are mutually supportive once both are brought into being. So reasoning about one is tantamount to reasoning about the other. The third, and perhaps the most illuminating, answer is that Machiavelli does not actually "leave out reasoning on laws." Though Machiavelli never really defines what he means by "good laws," the word "legge" does appear 16 times in *The Prince*. Four of those appearances are in chapter 12,

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[13] Pocock, *The Machiavellian Moment*, 181.

but almost as many (5) follow that chapter as precede it (7). The law is a thread, albeit a fuzzy one, that Machiavelli weaves throughout *The Prince*.

3.2 Good arms and the ground of good laws

Machiavelli weaves the thread of law throughout *The Prince* because the struggle to make good laws possible is a constant one in a principality. To create a political dynamic worthy of human life, the prince must chasten the elite to the point where they are unsuccessful in undermining a stable political order and then maintain that balance of power.[14] As a result, *The Prince* is not a discussion of how to make good laws per se, as much as it is a discussion of how to make good laws possible and then maintain that possibility on an ongoing basis. From this perspective, we can see why *The Prince* does not teach its reader to become a good legislator but it does exhort its reader to become a founder.[15] For a founder, the most important knowledge is that of how to contend with the elite, who are invested in the possibility of oppressing the people and thus oppose both good arms and good laws.[16] To that end, *The Prince* teaches its reader how not to "come to ruin among so many who are not good." (P 15.i) Good laws never recede totally from view because *The Prince* makes a set of recommendations aimed at creating a dynamic in which greater lawfulness is possible. And good arms never recede from

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[14] It is important to differentiate this obligation from one in which the political world must be refashioned altogether. The prince cannot effect any radical transformation. His reforms are marginal, rather than architectonic. See Wolin, *Politics and Vision,* 194.

[15] Pitkin, *Fortune is a Woman*, 53; Rebhorn, "Machiavelli's *Prince* in the epic tradition." 80.

[16] Pocock, *The Machiavellian Moment*, 160.

view because the creation of that dynamic depends on the good use of good arms, but good arms do not lead without fail to good laws. Good arms are the means by which the people contribute to the creation of good laws in an autocracy. But first and foremost a prince must know how to clear the way against elites who would otherwise oppress the people.

The irony, of course, is that autocracies tend to be far less lawful than democracies. While democracy and lawfulness and autocracy and lawlessness are not chained together at the conceptual level, that pairing does tend to occur. Observation of that tendency should lead the astute reader to ask whether my reading of *The Prince* argues that Machiavelli sees principalities as mere vehicles to republics if the aim of a praiseworthy prince is the creation of the possibility of greater lawfulness. The thrust of the last chapter would certainly suggest that I am trying to republicanize *The Prince*. And my claim that a praiseworthy prince creates the possibility of greater lawfulness would do so as well. But, as I shall explain in chapters 4 and 5, Machiavelli is not interested in republicanism per se. If an exceptionally virtuous prince can bring about the same effects as a republic, regime-type takes on a secondary importance in principle.

In practice, however, regime-type *does* matter. First, the establishment of a *modus vivendi* usually coincides with the monopolization of the legitimate use of violence in the hands of a single actor or coalition of powerbrokers. We rarely see the leap from anarchy to democracy. That said, there is a strong correlation between democracy and the

reduction of political violence. Just as the likelihood of dying a violent death falls after

the transition from anarchy to autocracy, the likelihood of dying a politically-motivated

death falls after transition from autocracy to democracy.[17] Machiavelli's intervention into

this discussion would be to say that there are certain autocratic activities that are

necessary precursors to that second, democratically-driven reduction in political

violence.[18] Those activities have to do with constraining the elite.

Consider the issue from a different angle. In *Violence and Social Orders*, Douglass

North, John Wallis, and Barry Weingast substitute the notion of social orders for the

notion of regime-type. Social orders, according to North, Wallis, and Weingast

encompass the broad ensemble of political, economic, religious, and educational

activities that shape the incentives faced by individuals and groups that have access to

violence. Under anarchy, small groups do form, but violence remains both decentralized

and privatized.[19] The transition to the "natural state" occurs when incentives converge

on the centralization of violence in the hands of a single organization.[20] This

centralization subverts the security dilemma that occurs when violence is privatized and

[17] Helen Fein, "More Murder in the Middle: Life-Integrity Violations and Democracy in the World, 1987". *Human Rights Quarterly*, 17, no. 1 (February 1995), 175; Christian Davenport, "State Repression and Political Order," *Annual Review of Political Science* 10, (June 2007): 8; Jan Pierskalla, "Protest, Deterrence, and Escalation: The Strategic Calculus of Government Repression," *Journal of Conflict Resolution* 54, no. 1 (2010): 125

[18] Wolin, *Politics and Vision*, 197-200.

[19] North, Douglass C., John Joseph Wallis, and Barry R. Weingast. 2009. *Violence and Social Orders: a Conceptual Framework for Interpreting Recorded Human History.* Cambridge: Cambridge University Press. P. 51.

[20] North, Wallis, and Weingast, *Violence and Social Orders*, 18.

decentralized.[21] In North, Wallis, and Weingast's account, this centralization proceeds by giving privileged economic access to elite users of violence in exchange for their disarmament.[22] This exchange effectively puts elites on an equal footing with each other: subservient to the state but privileged compared to the people at large. It also sets the stage for the morphologically similar, generalized exchange according to which citizens at large gain access to certain economic activities in exchange for lawful behavior.[23] The crux of the matter is the disarmament of the elite, however, without which the security dilemma is unresolvable at every social level. Once the state begins behaving as an arbiter between elite actors, the people can begin demanding protection from those actors as well as the same kind of arbitration of low-level conflicts.[24]

If initial disarmament of elite-level actors is the crux of North, Wallis, and Weingast's account, then the key question is one of who or what drives that disarmament. In Machiavelli's account, this is clearly the task of the prince. And where North, Wallis, and Weingast point to the role of incentives in pacifying political elites, Machiavelli points to the means by which a properly motivated political actor can induce the proper behavior from his fellow elites. North, Wallis, and Weingast never really unpack this process and leave the emergence of the state as a matter of fact.

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[21] "Throughout recorded history, the cessation of violence (peace) is not achieved when violence specialists put down their arms, but rather peace occurs when the violent devise arrangements (explicit or implicit) that reduce the level of violence." North, Wallis, and Weingast, *Violence and Social Orders*, Page 31.
[22] North, Wallis, and Weingast, *Violence and Social Orders*, Page 18.
[23] North, Wallis, and Weingast, *Violence and Social Orders*, Page. 25.
[24] North, Wallis, and Weingast, *Violence and Social Orders* 26-7.

Machiavelli's contribution is to chart a path from anarchy to a stable distribution of power and a monopoly on the legitimate use of violence. For him, the matter is not purely structural, as it is for North, Wallis, and Weingast. For Machiavelli, the proper institutionalization of violence is also a matter of the strategic interaction between the prince and the elite. The challenge of the situation is that the terms of this strategic interaction demand that the prince risk lawless behavior in order to create the possibility of a lawful dynamic.

3.3: Force, fraud and the suppression of elite humors

Machiavelli brings this challenge into full view after his turn in chapter 15 to discussing "what the modes of government should be with subjects and with friends."[25] (P 12.i) Like the treatment of law in the first half of *The Prince*, Machiavelli still discusses law in the context of combat, but unlike the first half of *The Prince* Machiavelli speaks of law as a tool or a means, rather than as a feature of acquired territories with which the prince should not meddle. In chapter 18, Machiavelli argues that law is the mode of combat that is appropriate to human beings, while force (which will apparently include fraud and deception) is the mode of combat appropriate to beasts, and that a capable prince must know how to use both modes of combat. (P 18.ii)

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[25] Chapter 15 begins what might be called part III of *The Prince*, part I (chapters 1-11) being his typology of principalities, part II (12-14) being his discussion of warfare, and part IV being his treatment of the interplay between fortune and virtue. It is also the only chapter that does not contain any historical examples. See Leo Strauss, *Thoughts on Machiavelli*, 55-59; See also Pocock, *The Machiavellian Moment*, 163.

Of course, Machiavelli only means metaphorically that force and fraud are means of combat appropriate to beasts. All of the means of combat he discusses in chapter 18 are for use by human beings against other human beings. The metaphorical distinction is helpful, however, to Machiavelli because force and fraud are means of combat appropriate to certain contexts and against certain kinds of people. And, by the time we get to chapter 18, Machiavelli has told us what those situations are. Politics is an arena of "subjects and friends," which is to say that it is an arena populated by agents with whom the prince must cultivate a livable relationship. The prince's relationship to his enemies is defined by their competition.[26] It has the peculiar characteristic of a relationship in which the welfare of the one is in conflict with the welfare of the other. But the prince's relationship to his subjects and friends is defined by what Merleau-Ponty calls a "circuit between the self and others."[27] The prince must live with and even depend on his subjects and friends. Thus, Machiavelli cannot recommend that the prince simply "do away" with the elite. He will always require their support to a certain degree. But, those who would lend him support or offer political advice are all self-interestedly bound up in the same political contest as the prince. The result is that they cannot be trusted in the same way that friends trust each other in private. The prince has

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[26] It is, therefore, not an arena of hypocrisy. The openness of the enmity reduces all relations to ones of force and coercion. See Ruth Grant, *Hypocrisy and Integrity: Machiavelli, Rousseau, and the Ethics of Politics.* (Chicago: University of Chicago Press, 1997), 20.

[27] Maurice Merleau-Ponty "A Note on Machiavelli," 123.

no 'true friends' in politics.[28] A prince's 'friends' are those who are "wicked and do not

observe faith with [him]." (P 18.iii) What is a prince to do? Machiavelli suggests that the

prince respond in kind when he tells his reader, "you also do not have to observe [faith]

with them." (P 18.iii) Given regular divergences in interests, this interdependence

creates a need for hypocritical action, because people are sensitive to the emergence of

tit-for-tat strategies. Thus, the use of force and fraud exists as an uncomfortable result of

our political interdependence and failure to resolve conflicts through open negotiations.

It is easy to recommend the use of force and fraud in war. It is a much harder thing to

recommend its use with fellow citizens, but Machiavelli does precisely that.[29]

This claim is, in many ways, Machiavelli's most radical and radically

misunderstood. It is the basis for much of the discomfort that people have with

Machiavelli. It is also the basis for his frequent application to arenas like business and

even the family.[30] Those applications are misguided, however, and so is a portion of our

discomfort. However radical Machiavelli's claim regarding the priority of force and

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[28] Grant, *Hypocrisy and Integrity*, 20.
[29] We shall see in the next section that Machiavelli does recommend princely fraud against the people, but it is a very different kind of fraud than the one he practices against the elite.
[30] See, for example, Suzanne Evans, *Machiavelli for Moms: Maxims on the Effective Governance of Children*, (New York: Simon & Schuster, 2013); Ian Demack, *The Modern Machiavelli: the Seven Principles for of Power in Business*. (Crows Nest, N.S.W.: Allen & Unwin, 2002); and Michael Arthur Ledeen, *Machiavelli on Modern Leadership: Why Machiavelli's Iron rules Are as Timely and Important Today as Five Centuries Ago*, (New York: Truman Talley Books. 2002)

fraud in politics, it does not have the same priority in the home or in business life.[31] We

have already been told that the prince's subjects (i.e., the people) do not hunger for

political power.[32] The humor of the people is for non-oppression, which a well-run state

can satisfy.[33] But a well-run state cannot satisfy the humor of the elite because they crave

oppression.[34] Indeed, a well-run state is where the appetites of the elite should be *most*

frustrated. Therefore, it stands to reason that when Machiavelli brings up wolves by way

of discussing force and fraud in chapter 18 he is referring to the threat from chapter 6

that the elite pose to any new modes and orders that the prince creates. (P 6.iv) If these

orders are good, they will frustrate the elite humor for oppression and will, in turn,

make enemies out of the elites. Thus, before a prince can put good laws into place –

which we can assume are geared toward non-oppression - he must know how to

marginalize those who would actively undermine that project.

3.4 Force, fraud, and hypocrisy

When Machiavelli divides the political world into beasts (lions, foxes, and

wolves) and men and political modes into forms of combat (law, force, and fraud), he

borrows a metaphor from Cicero's *De Oficiis*, which was widely available and highly

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[31] Nor is it part of a vision of Machiavellian 'eudiamonia.' Machiavelli never presents a vision of the good life a la his Greek and Roman predecessors. See Chantal Mouffe, *The return of the political*. (London: Verso, 1993), 36-38; and Skinner, "The Idea of Negative Liberty" 217-19.
[32] A prince can, therefore, trust his people. Pace Mansfield, *Taming the Prince*, 136.
[33] Michael Gillespie, *Theological Origins of Modernity*, (Chicago: University of Chicago Press, 2008), 92
[34] Strauss, *Thoughts on Machiavelli*, 46.

regarded during the renaissance.[35] Cicero writes that there are two forms of injustice: force and fraud. The "latter seems to belong, as it were, to the fox, the former to the lion, and neither congenial with man."[36] He and Machiavelli agree as far as this dichotomy goes, but they judge the justness of these various modes radically differently. For Cicero, force and fraud are both modes of injustice, but fraud "is the most detestable" and "none is more heinous than that of the men who, while they practice fraud to the utmost of their ability, do it in such a way that they appear to be good men."[37] We shall see that it is precisely this most "heinous" form of injustice (fraud under the appearance of goodness) that Machiavelli recommends for princes in principalities. We shall also see that Machiavelli rejects the Ciceronian assessment because the prince must have tactical operating room in order to contend with the bestial nature of the elite. For Machiavelli, the injustice of allowing the elites to oppress the people is far more "heinous" than the injustice of fraud under the appearance of goodness.

Of course, Machiavelli's position is several steps beyond the minimal response one could have to the dangers posed by the elite. Machiavelli recommends the use of force and fraud against the elite, but we can envision a position in which the prince thwarts the machinations of the elite by mistrusting them, rather than actively deceiving

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[35] For more on the link between the two, see, Marcia L. Colish, "Cicero's De Officiis and Machiavelli's Prince," *Sixteenth Century Journal*, IX (1978): 81-93; and J.J. Barlow, "The Fox and the Lion: Machiavelli Replies to Cicero," *History of Political Thought* 20 (1999): 627-645.

[36] De Oficiis, I.13.

[37] De Oficiis, I.13.

them.[38] According to this position, a prince would seek the political support of the elite

where necessary, but would never trust in it in the way he could from a true friend. This

distrust would require no deceit and no force; it would never require the injustices

Cicero condemns and it would obviate much of the problem of "dirty hands," to borrow

a phrase from Michael Walzer.[39] And yet, Machiavelli would say that the merely

cautious man would come to ruin in politics. The *prudential* man goes beyond mere

caution into an offensive mode and must abandon distrust in favor of force and fraud, in

favor of dirty hands and unjust hypocrisy. The prince must know how to use the lion to

"frighten" wolves and he must know how to use the fox to "recognize snares," but he

must also set snares himself.[40] As far as Machiavelli is concerned, the prince must go on

the offensive against those who would overturn the order he seeks to create.

The position of the prince is not unlike the one described by theorists of

autocratic institutions that develop in response to threats to autocrats from both elite

and popular corners. We do not expect autocracies to have democratic institutions like

elections, parties, and legislatures, but they do.[41] The fact that some autocracies create

these institutions and that some do not suggests that they are not "costless window

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[38] Grant, *Hypocrisy and Integrity*, 24.

[39] Michael Walzer, "Political Action: the Problem of Dirty Hands," *Philosophy and Public Affairs* 2, no. 2 (1979): 179.

[40] Pitkin, *Fortune is a Woman*, 39.

[41] "During the post–World War II period, the proportion of nondemocratic regimes with legislatures varies from 60 to 88 percent. Legislatures are ubiquitous in party dictatorships, but less so under military rule and monarchy." Jennifer Gandhi, *Political Institutions under Dictatorship*. (New York: Cambridge University Press. 2008), xvi.

dressing that provides reputational benefits on the international stage," but rather that

they are a mechanism by which some autocrats choose to maintain power or gather

information on potential challengers.[42] Such mechanisms are designed to compensate for

the shortcomings of repressive tactics. Every autocrat who uses repressive tactics faces a

dilemma according to which the use of repression robs that autocrat of valuable

information about levels of support among the people and the likelihood of potential

challenges from his or her inner circle.[43] Those who expect to be repressed for expressing

dissent choose to mask their political preferences, rather than airing their grievances.

This dilemma leads autocrats to choose strategies for maintaining power and

maximizing wealth from a mix of repressive tactics, rent-creation through economic

intervention, and the domestication of opposition.[44] The structure of autocracy

(totalitarian versus tin-pot versus military junta, for example) is often a function of the

particular mix of strategies that the autocrat in question chooses.

     Machiavelli's recommendations to an autocrat appear to emphasize repressive

tactics, but a nuanced view of his argument shows that he recognizes the broad contours

of the dictator's dilemma. Machiavelli recommends "fear" (i.e., coercive threats) as a

safer basis for political fidelity than "love" (i.e., distribution of rents). He writes, "for

friendships acquired at a price and not with greatness and nobility of spirit are bought,

[42] Gandhi, *Political Institutions Under Dictatorship*, xvii.
[43] Ronald Wintrobe, *The Political Economy of Dictatorship.* (Cambridge, UK: Cambridge University Press. 1998), Chapter 2.
[44] Wintrobe, *The Political Economy of Dictatorship,* 15.

but they are not owned and when the time comes they cannot be spent." (P 17.iii)

Friendships that are "acquired at a price" are precisely those intra-elite alliances based on rent creation that theorists of autocratic institutions recognize as a commonly used autocratic tool. Machiavelli eschews this tool because he sees it as insufficient for constraining elite-level appetites: "For love is held by a chain of obligation, which, because men are wicked, is broken at every opportunity for their own utility, but fear is held by a dread of punishment that never forsakes you." (P 17.iii) The particular wickedness of the elite bars courting their loyalty through rent-creation only. (Apparently it bars winning them over with his "greatness and nobility of spirit" as well). Love, in the limited way that there can be love between a prince and the elite with whom he contends, must be backed-up by the prince's coercive threats. Machiavelli tells his reader that "the response" to the question of being feared or loved would be a combination of the two, where possible. But the appetites of the elite make this combination "difficult" and force the prince's hand in using repressive tactics. Of course, repression feeds upon itself, generating both hatred for the regime and the masking of those feelings of hatred (hence the shock many dictators have evinced at finding out precisely how hated they are). Thus Machiavelli recommends the prince limit as much as possible the use of coercive force. "The prince should nonetheless make himself feared in such a mode that if he does not acquire love, he escapes hatred." (P 17.iv) The prince must respect the property and persons of his citizens and subjects (note the shift

in language away from 'friends' (i.e., the elite) to citizens and subjects (i.e., the people). To violate property rights or personal integrity would be to trigger hatred from the people and irrevocably damage his relationship with them. Moreover, rent-creation for the purposes of satisfying the elite may itself require violating the people's property rights, making it a form of oppression. Far more consistent with Machiavellian priorities is the kind of coercive tactics he recommends against the elite.

Consider Machiavelli's salacious example of the trial of Remirro de Orco. As Cesare Borgia sought to consolidate a principality in the region directly surrounding Rome (the "Romagna"), he discovered that the local elite – true to form – "had been readier to despoil their subjects than to correct them" which led to a "province that was quite full of robberies, quarrels, and every other kind of insolence." (P 7.iv) To quell the internal violence, Borgia endowed his lieutenant de Orco, who had a "cruel and ready" nature, with "excessive authority" to bring the Romagna "to peace and unity." (P 7.iv) Machiavelli does not specify the violent means by which de Orco pacified the Romagna, but we can very well imagine that de Orco spared little in the way of violence because Machiavelli tells us that de Orco's methods "had generated some hatred for [him]." (P 7.iv) Cesare Borgia then contrived to eliminate de Orco, fearing de Orco's growing powerful in his own right and the hatred for de Orco being transferred to Borgia himself. I cannot understate the importance of this contrivance because it illustrates the link between Machiavelli's recommendations concerning minimizing violent

oppression, the use of hypocrisy, and his treatment of princely authority as a mechanism for creating the possibility of a stable political order. I quote at length:

> He set up a civil court in the middle of the province, with a most excellent president, where each city had its advocate. And because he knew that past rigors had generated some hatred for Remirro, to purge the spirits of that people and to gain them entirely to himself, he wished to show that if any cruelty had been committed, this had not come from him but from the harsh nature of his minister. And having seized this opportunity, he had him placed [the day after Christmas] in the piazza at Cesena in two pieces, with a piece of wood and a bloody knife beside him. The ferocity of the spectacle left the people at once satisfied and stupefied. (P 7.iv)

Here we see Machiavellian politics being practiced on two levels. First, and of greatest relevance to this chapter, is the elite-level political action for which Machiavelli praises Borgia. Borgia manages to eliminate the lords of the Romagna, who had allowed the region to come to such widespread violence. Second, Borgia puts the necessary public face on the affair. He restores peace while also condemning the use of excessive violence and reaffirming his position as the highest governmental authority despite having delegated "excessive authority" to de Orco. Had Borgia failed in one of these tasks, the whole project would have collapsed. Had Borgia failed to eliminate the violence plaguing the Romagna, he would have fallen short of his primary responsibility as a prince (i.e., the minimization of violent oppression). But, as Machiavelli points out in chapter 20, one inconvenience always gives rise to another. (P 20.vi) The elimination of the elite in the Romagna resulted in the empowerment and hatred of de Orco himself. Had Borgia not executed de Orco, de Orco might have challenged Borgia's position of authority and thereby extended the civil strife in the region. At the very least, his

continued presence in the government would have drawn the ire of the people. And, had Borgia not executed de Orco in a public and graphic way, he would not have sent any manner of signal to the defenders of the old, repressive order.[45] Included in that signal would have been Borgia's successful claim on the monopoly on the use of violence.

Machiavelli's praise of Borgia's use and treatment of de Orco should not rest easily with us, however. Borgia is responsible for de Orco's use of violence in the Romagna. And we rightly feel that someone should still pay for using cruelties even if that violence brought about peace.[46] Borgia is responsible for those cruelties, yet he publically shirks his responsibility by using a trial to condemn and brutally execute de Orco. Borgia uses both force and fraud against de Orco, but that is not what should make us uneasy. It is the force and the fraud that he uses against the people of the Romagna that should trigger our concern. Borgia involves the people of the Romagna in his contrivance to eliminate de Orco. By putting de Orco on public trial Borgia does not keep his brutality "within the family," so to speak. Rather, he uses the people to legitimate his execution of de Orco while simultaneously deceiving them about who was really responsible for de Orco's cruelties. If we were comforted by Machiavelli's suggestion that means of combat appropriate to beasts are reserved as tools against the

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[45] The publicity of Borgia's actions was essential. The question before us is whether the veracity of them was as well. Either way, "for a set of rules to be an institution, *knowledge of these rules must be shared by the members of the relevant community or society.*" Knight, *Institutions and Social Conflict*, 2-3.
[46] Walzer, "Political Action: the Problem of Dirty Hands," 179.

elite, then some of that comfort necessarily disappears when we see that Machiavelli

praises Borgia for a deception committed against the people.

In chapter 18, we saw that Machiavelli recommended force and fraud as a means

for fighting with the elite, whom he likens to wolves, but we should not accept that

metaphor straightforwardly. If we accept that Machiavelli is right in seeing the political

world as having wolves in it, then we are compelled to accept that we ought to "use the

beast" and "pick the fox and the lion." Lions can overwhelm wolves when the wolves

come in force and foxes are wary enough to recognize snares. Such recommendations,

despite the bestial metaphor, are not particularly controversial. Few reject out of hand

the use of defensive force and a healthy distrust of known and likely rivals and enemies.

Perhaps most importantly, they exclude most people as targets of force and fraud

because they rarely make themselves rivals and enemies. Means of combat "proper to

men" (the law) remain the recommended link between the prince and the people. The

episode with Borgia and de Orco upsets that exclusion.

There are three ways that the trial of Remirro de Orco upsets Machiavelli's

distinction between the ways of the fox (fraud), the lion (force), and men (law), despite

his claim that the first two are proper to interaction with wolves and that the third is

appropriate to combat with other men. First, it recommends that the prince take an

active role in deceit. Borgia uses his trial of de Orco to deflect blame for de Orco's use of

violence away from himself. The trial portrays de Orco as acting beyond his mandate

from Borgia and therefore responsible for his cruelties. As a result, the trial allowed

Borgia to "purge the spirits of the people and to gain them entirely to himself." (P 7.iv)

This deception was an active and powerful one. A fox must not only be able to detect

snares, he must be able to set them himself. This, as I noted above, is a stronger position

than evincing distrust of one's enemies.

The second way in which the trial of Remirro de Orco upsets the elite/bestial vs.

popular/humane dichotomy is that it involves a deception perpetrated on the people

themselves. Borgia uses the trial, bolstered by "a most excellent president" and a

representative from each subject city of the Romagna, to cement the public perception

that de Orco had acted alone, absolving Borgia of responsibility in the eyes of the

people. Further, the trial depicts Borgia as a lover of justice dispensed via juridical

process, rather than solely via executive authority. Borgia could have simply executed

de Orco on his own authority. In fact, Borgia *does* execute de Orco on his own authority,

but he waits until *after* the trial. Finally, it depicts Borgia as cruel only to those who are

excessively cruel to the people. By leaving de Orco "in the piazza at Cesena in two

pieces, with a piece of wood and a bloody knife beside him," Borgia sends not only a

message to the other elites, but also to the people that his cruelties are simultaneously

spectacular and reserved for the excessively cruel. Borgia accomplishes all of this, of

course, in conspicuous view of the entire region, each city of which had sent its own

representative to the trial thereby completing the fraud.

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Finally, and perhaps most profoundly, the trial of Remirro de Orco blurs the distinction between combat with force, combat with fraud, and combat with the law. The trial itself is a matter of legal proceeding, and so it is a matter of combat by law. But the trial is also a fraud. Borgia uses the trial to reframe responsibility for the cruelties involved in the pacification of the Romagna. Cruelties, of course, mean the use of force in this case, thus making combat with force the subject of the trial. And we should not forget that much of the trial's impact in leaving the people "satisfied and stupefied" comes from the spectacular form of punishment to which Borgia subjects de Orco. As a result, we cannot say that Machiavelli suggests a neat separation between the humane combat of the law and the bestial combat of force and fraud. In the trial of Remirro de Orco, all three come together at once in an event implicating the people in the power struggle between Borgia and the elite.[47] A praiseworthy prince, it would seem, does not alternate between force, fraud, and law as much as he mixes them to the best of his ability.

Moreover, a praiseworthy prince does not necessarily always reserve one form of combat for one political class or another. In the trial of Remirro de Orco, we see Borgia use the law to condemn de Orco – a fellow member of the political elite – while simultaneously defrauding the people of the Romagna. It is merely on the basis of propriety that Machiavelli assigns force and fraud to interaction with wolves, whoever

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[47] Mansfield, *Taming the Prince*, 141.

they may be, and law to interaction with men. There are exceptions to this rule, like

almost all rules in political life. But, in these exceptions we see an important dynamic of

political violence demonstrated: the management of the expectations surrounding the

use of violence are also decisive for a stable political order. Generalized expectations of

violence trigger conditions favorable to problematic security dilemmas, as do

expectations of arbitrary violence from a ruler, even if he or she holds a monopoly on

violence. Only by acting hypocritically in the trial of de Orco could Borgia subvert both

of these expectations and thereby create a foundation for repeated, peaceful interactions

between citizens of the Romagna, which was an essential step in minimizing oppression

there.

3.5 Force, fraud, and the space of appearance

Can the elision of the distinction between force, fraud, and law be anything other

than Machiavelli simply being Machiavelli? Contrary to the conventional wisdom of the

day, Machiavelli argues that excessive mercy is really cruelty, because peace needs

enforcement.[48] He tells us that parsimony in government spending is actually generosity

("liberality") because tax-based revenue comes at a great cost to the people. (P 16) He

tells us that piety taken too far can be "wretched", and he tells us that those who

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[48] Machiavelli here also flies in the face of ancient political thought, as he is the "first to teach openly that morality should be interpreted 'according to the times'" Mansfield, *Machiavelli's Virtue*, 9.

"practice cruelty well-used" can "have some remedy with god and with men."[49] (P 8.iv)

In politics, many conventionally understood virtues turn to vices when practiced

without an eye towards the outcomes they produce. Likewise, some ends are so great

that they can justify the occasional violation of moral norms. Fanatic adherence to

conventional virtues blinds the adherent to the unconventional ways in which virtues

and vices play out in politics and has an uncanny way of turning virtue into vice. *The*

Prince is meant to illuminate these dynamics for its reader so that he or she can think in

terms of outcomes.[50] To put the matter a little differently, in addition to teaching its

reader to know how to avoid the apparent goods that create evil, it teaches its reader to

take the very real evils of politics and turn them to the good.

Machiavelli's praise of Borgia's use of the trial of Remirro de Orco fits this

pattern. There is much evil in Borgia's use of de Orco, but the episode is praiseworthy

for Machiavelli because Borgia turns that evil to the good. The cruelties that de Orco

exercised were actually kindnesses, because he rid the Romagna of internal conflict and

widespread violent oppression.[51] He brought the region to "peace and unity." Why then

does Machiavelli praise Borgia's fraudulent transfer of blame to de Orco? Why was that

transfer valuable to the Romagna *as a whole* and not just Borgia as its prince? First,

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[49] There is a degree of Pelagianism to Machiavelli's perspective. Michael Gillespie, *Theological Origins of Modernity*, 90.

[50] And perhaps even save him or herself before god by saving his or her fellow citizens. See, Sebastian De Grazia, *Machiavelli in Hell*, (Princeton: Princeton University Press, 1989), 385.

[51] Parel, *Machiavellian Cosmos*, 117.

Machiavelli notes that the trial consolidated political authority in the Romagna. Where violence is likely to accompany political competition, the consolidation of political authority becomes, in a sense, an act of political fidelity to the region that would have suffered violence due to fractured authority. Furthermore, it allowed the people, who had developed a hatred for Borgia's minister to vent that hatred safely. Again, where violence is likely to accompany hatred, misdirection becomes a helpful tool for keeping the peace. Finally, there is a deeper, more important move embedded in Borgia's fraud. His predecessors in the Romagna had given the people "matter for disunion, not union" and were "readier to despoil their subjects than to correct them." (P 7.iv) The result was a widespread violence, both individual and factional. Predatory rule had not only inured the people of the Romagna to violence, it had encouraged it within them. The trial of Remirro de Orco needed to change that element of the political dynamic in the Romagna, too.

As Avner Grief notes, institutional frameworks only structure political behavior when people are properly disposed to follow them.[52] In game theoretic terms, this involves establishing "equilibria in which each decision maker correctly anticipates the behavior of others and finds it optimal to take the action expected of him."[53] Expectation about the behavior of others matters a great deal, even to the point where it determines

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[52] Avner Greif, *Institutions and the Path to the Modern Economy: Lessons From Medieval Trade.* (Cambridge: Cambridge University Press, 2006), 8.
[53] Greif, *Institutions and the Path to the Modern Economy,* 9.

which of the multiple equilibria will be the result of a given set of conditions. More importantly, *self-reinforcing* institutions exist when "each individual, responding to the institutional elements implied by others' behavior and expected behavior, behaves in a manner that contributes to enabling, guiding, and motivating others to behave in the manner that led to the institutional elements that generated the individual's behavior to begin with."[54] Just as some will be tempted to break the speed limit if they expect that others will do so as well, formal rules about violence cannot effectively solve a security dilemma if the beliefs and expectations that form the basis of the security dilemma remain in place. We can read the Romagna episode in line with the recognition that the success of formal institutional rules relies upon existing, informal expectations. The trial of Remirro de Orco is praiseworthy for Machiavelli because it attempts to shift both. Perhaps more than taking note of Borgia's cunning per se, Machiavelli's reader should take note of the way that Borgia uses his cunning to signal that the state had monopolized the legitimate use of violence and had introduced a reliable, if severe system of punishment. These two conditions are far more conducive to peace and non-oppression than an environment of vendettas and blood feuds.

To generate that signal Borgia needed to know how to manipulate political appearances. In principalities, the prince occupies the center space of appearance.[55] As

[54] Greif, *Institutions and the Path to the Modern Economy,* 14-15.
[55] Mansfield, *Machiavelli's Virtue*, 17, 29.

the focus of attention, the prince must know how he appears to others in order to avoid the people's hatred and contempt, which would destabilize the regime. Machiavelli has this fact of political life in mind when he writes that a praiseworthy prince should "appear all mercy, all faith, all honesty, all humanity, all religion." (P 18.v) To appear the opposite of merciful, faithful, honest, humane, and religious is the Machiavellian equivalent of stepping upon the third rail. To give up those appearances is to give up a significant degree of freedom. But strategic potency is not the only consideration for a prince publically promoting conventional virtues. A *people* that no longer value mercy, faithfulness, honesty, humanity, religiosity, and (per the trial) lawfulness, also constrain the prince's ability to act on their behalf. Machiavelli writes, "for when that community of which you judge you have need to maintain yourself is corrupt, whether they are the people or the soldiers or the great, you must follow their humor to satisfy them, *and then good deeds are your enemy.*" (P 19.vi; Emphasis mine) As the central political figure in the state, the prince has the power to promote certain behavioral norms over others just by outwardly demonstrating those norms. Whether we presume that the prince can redeem a corrupted people or he can merely shift the expectations of a people accustomed to violence, a prince needs to publically promote mercy, liberality, faithfulness, and all of the related virtues because doing so helps him keep the peace. So outward displays of

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virtue do not merely help the prince avoid an exogenously driven pitfall, they also help him shape the very social landscape of the principality.[56]

We can understand Borgia's use of the trial of Remirro de Orco as a reflection of this complicated dynamic between prince and people.[57] If the people of the Romagna had somehow managed to remain peaceful, despite the corrupting rule they had experienced under the lords of the Romagna, then Borgia's deceit was necessary to both affirm that virtue and avoid the hatred of the people of the Romagna. If the elite had corrupted the people of the Romagna as Machiavelli suggests, then Borgia's deceit was necessary to signal a change in behavioral norms. And, if the latter was the case, the spectacular nature of de Orco's execution, which left the people "at once satisfied and stupefied", was necessary to signal Borgia's resolution in enforcing that change.

In any case, Borgia's hypocrisy was not just an example of a shrewd political mind at work; it was an example of a politician turning a necessary evil to the good. To put the matter another way, Borgia's hypocrisy was an example of one of the ways in which a prince translates the use of force (de Orco) into lawful institutions like trials. From this standpoint, we can better see why Machiavelli used the subjunctive in talking about the relationship between good arms and good laws. First, the one does not always follow the other. Second, the latter have to supersede the former as the institutions that

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[56] Pitkin, *Fortune is a Woman*, 77
[57] Pace Pocock, *The Machiavellian Moment*, 175.

structure social life. Had Borgia pursued good arms only, he would have left de Orco - who was an exemplary user of force – as the governor of the Romagna. Minimizing oppression, however, requires paying attention to the appearance of all acts of violence because those appearances affect the beliefs and expectations that people have with respect to the use of violence. Formal rules (like laws) surrounding the use of violence are only effective when beliefs and expectations conform to those rules. The prince's position at the center of the political stage makes him a crucial player in the development and management of those beliefs and expectations.[58] Thus, a prince must appear conventionally virtuous not only in order to avoid the hatred and contempt of a virtuous people, he must also appear conventionally virtuous in order to *uphold the expectation* of virtuous behavior even among a corrupt people. While this problem is not limited to the use of force and fraud (see, for example, Machiavelli's discussion of liberality and parsimony), it is particularly important in those cases. First, it drives Machiavelli's inversion of the conventional notions of cruelty and mercy. A little of the former, if it establishes a *modus vivendi*, leads to a lot of the latter. Second, and perhaps more importantly, deceit about violence is worthwhile if it leads to expectations about violence like a state monopoly on it and punishment through trials and tribunals. A shift in those expectations helps to solidify conditions that are vital to minimizing violent oppression.

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[58] Strauss, *Thoughts on Machiavelli*, 67; Wolin, *Politics and Vision*, 178-179.

The prince can affect the nature of both formal rules and the way in which people engage with those rules by managing the appearance of his public actions. The management of political appearance, however, is not the same as actually possessing the virtues that that management is designed to promote. In fact, Machiavelli warns his reader against following conventional codes of conduct too closely. "By appearing to have them, they are useful, as it is to appear merciful, faithful, humane, honest, and religious, *and to be so*, but to remain with a spirit built so that if you need not to be those things, you are able to know how to change to the contrary." (P 18.v, emphasis mine) The appearance of mercy, faithfulness, humanity and the other virtues are always useful. Likewise, *actually being* merciful, faithful, humane and so on is also always useful provided one knows how to be cruel, deceitful, and bestial when the wolves are at the door.[59] When the wolves are not at the door and when orders are not corrupt, a prince would do well to follow the conventional advice of the humanists of Machiavelli's day and sincerely exercise the conventional virtues Machiavelli lists above. Virtues, for Machiavelli, are tools that one should use in the service of non-oppression and he does not suggest that their hypocritical exercise is always necessary to further those causes.[60]

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[59] Hörnqvist, *Machiavelli and Empire*, 82.
[60] Pace Grant, *Hypocrisy and Integrity*, 29.

The appropriate mode of proceeding is entirely dependent upon the particulars of the situation.[61]

The prince is something like the weight-bearing cables of a catenary bridge, where excessive rigidity results in the collapse of the entire structure. Thus, with respect to conventional virtues, Machiavelli advises: "by having them *and always observing them*, they are harmful." (P 18.v, emphasis mine) The language that Machiavelli uses here is not all that different from the language the he used in talking about different kinds of militaries. A rigid dedication to conventional virtues is analogous to using mercenary soldiers.[62] A prince who cannot deviate from socially prescribed norms restricts himself in the same way that a prince who engages mercenary soldiers restricts himself.[63] In both cases, the tools (be they mercenaries or virtues) dictate the actions of the prince.[64] Machiavelli's assessment of the political world is that it is sufficiently unpredictable and that certain possibilities are sufficiently dangerous that to tie one's hand in any way is to risk disaster.[65] Nevertheless, to return to the bridge metaphor, one does not want too much flexibility in the deck of a catenary bridge. Where the deck is insufficiently rigid,

[61] "Prudence" is the virtue of knowing when to use which mode of proceeding is best suited to which situation Mansfield, *Machiavelli's Virtue*, 39-44.

[62] Pocock, *The Machiavellian Moment*, 162, 177.

[63] He also signals his probable behavior to his enemies, which would put him at a strategic disadvantage. Wolin, *Politics and Vision* 202. In a similar vein, Grant points out that Machiavellian hypocrisy ensures that the prince will "be the manipulator and not the manipulated by acquiring enough power to secure his autonomy – to rely on his "own arms". Grant, *Hypocrisy and Integrity*, 13. See also Garver, *Machiavelli and the History of Prudence*, 87.

[64] To this we should add flexibility in oratory. Cox, "Rhetoric and Ethics in Machiavelli," 183.

[65] Cox, "Rhetoric and Ethics in Machiavelli," 182.

the structure collapses. That is why Machiavelli yokes flexible engagement with virtues on the part of the prince to the pursuit of non-oppression.

3.6 Bad arms and bad laws: fascism, Marxism, and fundamentalism

At this point, Machiavelli's case for autocracies might seem to echo the cases that the totalitarian regimes of the 20th and 21st centuries would make for themselves, but it would be a mistake to see Machiavelli as a defender of these regimes. Indeed, he would be one of their harshest critics.[66] These regimes would all argue that any cruelties they committed were being turned to the good because they understood their radical transformation of society in terms of general welfare. They were also willing to use both force and fraud to effect that transformation. Max Weber calls this attitude "the ethic of ultimate ends."[67] This ethic sees all means as justified by a single end, which is usually a comprehensive transformation of social life. It is also profoundly anti-Machiavellian.

Machiavelli would oppose such political programs on three counts. First, any cruelties they commit are not "done at a stroke, out of necessity to secure [the regime]." (P 8.v) As top-down, accelerated social transformation fails to take root, regimes that are committed to such transformations turn increasingly to the use of force and fraud. So their cruelties "rather grow with time than are eliminated." (P 8.v) If their ultimate end

[66] Mansfield, *Taming the Prince*, 149.
[67] Max Weber, "Politics as a Vocation" in *Max Weber's complete Writings on Academic and Political Vocations*. Ed. John Dreijmanis, Trans. John Wells. (New York: Algora Publishing) 198.

is ill-suited to a life well-led, then their cruelties cannot be done at a stroke. Those

cruelties continue as long as the regime is committed to radical transformation because

the radically new society never takes root. The sin they end up committing is precisely

the opposite of that of the Florentines in Pistoia, who were guilty of "cruel pity" in

failing to intervene against the violence there. The sins of totalitarian regimes, by

contrast, are acts of "pious cruelty," which entail the use of excessive violence in the

service of some abstract principle or belief. (P 21.i) Ferdinand of Aragon committed an

act of pious cruelty in 1501-2 when he expelled the Jews and Muslims who previously

had been forcibly converted to Christianity from Spain.[68] (P 21.i) Machiavelli says of the

expulsion of the Marranos that there could not be "an example more wretched and rarer

than this." (P 21.i) Ferdinand's was an act of partial religious reconstruction of Spain. If it

received such hyperbolic condemnation, then we can only assume that pious cruelties

like the Holocaust, or Pol Pot's genocide in Cambodia would receive stronger

condemnations from Machiavelli.[69]

      Similarly, Machiavelli would condemn such regimes for their use of propaganda.

Machiavelli's discussion of the use of fraud frequently evokes comparisons to the

propaganda machines of such regimes – especially in the case of de Orco's show trial.

The superficial reading of Machiavelli that places him within the confines of an Orwell

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[68] Mansfield, *Taming the Prince*, 125.
[69] Wolin, *Politics and Vision*, 200.

novel misses his judgment of the people at large. In precisely the same chapter that he

recommends fraud as a practice of rule (chapter 18), he observes that the people are

"taken in by the appearance *and* outcome of a thing." (P 18.vi; emphasis mine) And more

importantly, "in the actions of all men, and especially of princes, where there is no court

to appeal to, one looks to the end." (P 18.vi) These passages, I suppose, are the basis for

the perception that Machiavelli argues that the 'ends justify the means.' He certainly

comes close to arguing that point, but reducing these claims to simple consequentialism

obscures what he is asserting about the people.[70]

The people, who are the ultimate source of political ends (whether they justify

their means or not), are "taken" by appearances *and* outcomes. These elements of a

political process, rather than means per se, move the people. The "what" and "why" of a

policy trumps the "how." But we may rightly ask what the people do when political

appearances *contrast with* political outcomes. In such instances, Machiavelli tells us that

the people turn to outcomes to make a judgment. (P 18.vi) In part, this is because the

people can be deceived about the means of a project. And in part this is because the part

of a project about which the people *cannot* be deceived – the outcome – trumps all else in

their judgment. If Machiavelli is right, then the totalitarian regimes that rely upon

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[70] Pace Benner, *Machiavelli's Ethics*, 352.

propaganda to maintain rule only manage to deceive themselves.[71] The people that they

oppress *know* that they are being oppressed, rather than liberated, even if they cannot act

to liberate themselves. At best, such regimes can control distribution of information to

the extent that dissident citizens cannot share their judgments with each other and

thereby unite in opposition. Indeed, such practices are common among oppressive

regimes and their downfalls are frequently heralded by the sudden public revelation of

widespread dissent and dissatisfaction.[72] The periodic uprisings within the Soviet Union

and its abrupt fall are certainly illustrative of this phenomenon. They also reveal the

second way in which totalitarian regimes cannot stand up to Machiavellian scrutiny:

they try to use fraud to mask their failure to satisfy the popular humor. In doing so, they

miss the forest for the trees. Suspect means can be hidden through fraud. They can also

be redeemed by positive outcomes. But negative outcomes can neither be hidden nor

redeemed.

      Totalitarian regimes do not stop at deception, however, and even attempt to

make the people a party to their own oppression. This behavior is the third count in the

Machiavellian case against totalitarian regimes. I argued in chapter 2 that Machiavelli

praises principalities that enlist the people into the citizen-militia. No ruler rules without

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[71] "Where the actors were all intent on creating false worlds, success depended not only on the ability to distinguish the true world from the false, but also in avoiding the trap of one's own deceptions." Wolin, *Politics and Vision*, 191.

[72] Lohmann, Susanne, "The Dynamics of Informational Cascades: The Monday Demonstrations in Leipzig, East Germany, 1989-91," *World Politics* 47, no. 1 (1994): 42-101.

the cooperation of some group of assistants – whether they are members of the economic

elite, an internal security apparatus, the autocrat's political party, or run-of-the-mill

citizens. Machiavelli favors this last alliance between the prince and the people at large.

Specifically, he favors an alliance that arms and enlists the people in defense of the state

from enemies abroad and from the elite at home. Totalitarian regimes do precisely the

opposite. They enlist individual citizens in their own oppression. In the German

Democratic Republic, for example, 628,000 different citizens collaborated with the

Ministry for State Security with as many as 200,000 informing for the "Stasi" at any

given time.[73] From a Machiavellian perspective, the Stasi were as blameworthy as a well-

functioning citizen-militia would be praiseworthy. By turning citizens against each

other, institutions like the Stasi create a perverse and disempowering atomization of

social networks.

Totalitarian regimes multiply cruelties over time, try to use propaganda to

deceive the people about the outcomes of their projects, and coerce individual citizens

into repressing each other. Each of these three behaviors violates significant strategic

and normative Machiavellian tenets. These regimes are both wrong and imprudent.

They ignore the people both as a normative touchstone and as a strategic partner for

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[73] Helmut Müller-Enbergs: *Die inoffiziellen Mitarbeiter.* In: BStU: *Anatomie der Staatssicherheit – Geschichte, Struktur, Methoden*, Berlin (2008), 35–38

minimizing oppression. It should be clear that these regimes are not praiseworthy

despite Machiavelli's recommendation for practicing hypocrisy in politics.

3.7 Beyond good arms and good laws: from principalities to republics

If we can commit Machiavelli to any normative position, it is that the ends of the

people are more decent than those of the elite. Machiavelli repeats this statement

throughout his oeuvre and he never contradicts it. It defines the appropriate aims for

princely action. Chapter 2 delineated those aims, and described Machiavelli's construal

of popular participation in political violence as necessary for achieving those populist

ends. This chapter argues, however, that his view of popular and elite humors gives rise

to his paradoxical view of the establishment of law, his recommendation for hypocrisy

and the political use of deception on the part of the prince, his contradiction of

conventional humanist ethics, and what would be his condemnation of totalitarian

regimes were he alive to see them. Machiavelli's view of political humors gives rise to

these recommendations because the humor of the elite requires the intervention of the

prince on behalf of the people. We saw in chapters 1 and 2 that when Machiavelli talks

about good arms, he is talking about a citizen-militia. Citizen-militias do not create

themselves. They require commanders and organizers. This command and organization

is the task of the prince. But the prince is not just a military commander. His role is

political because he cannot cease his duties with military action. He must create a space

for good laws as well. If we take Machiavelli's understanding of the political humors to

be correct, then creating a space for good laws requires the artful use of force against the elite. Here, we must take Machiavelli's promotion of hypocrisy and deception seriously. The prince must become fearsome to the elite without becoming hateful to the people. Maintaining that balance requires the artful management of not just political facts, but also political perceptions (which are often the same). In the trial of Remirro de Orco, for example, Borgia needed to create a perception of lawfulness out of the raw force used by de Orco. Borgia needed to bring lawfulness out of what is inherently lawless. Minimizing violent oppression requires drawing goodness out of participation in a world of evil and kindness out of participation in a world of cruelty.

The Machiavellian paradox lies in the fact that acting against the elite requires the use of cruelty, but the use of cruelty cannot become the public norm. A people that goes in for the regular use of violence becomes an enemy of good deeds. And a prince that goes in for excessive violence in a public way becomes hateful to the people. Thus Machiavelli restricts the use of cruelty to the prince and exhorts the prince to mask the use of those cruelties. In this sense, *The Prince*'s undemocratic moments and hypocrisy are bound together in Machiavelli's treatment of virtue and vice. They also extend to his more particular notion of virtú. A prince that does not tie his own hands in terms of behavioral norms is able to maintain greater independence in action. He does not rely on circumstances catering to particular virtues. He is free to adjust to circumstances, which

he cannot control. His autonomy lies in having a character disposed to match his mode of proceeding to the given situation.

Likewise, the needs of the people to not be oppressed trump all other political injunctions. There is great importance in being honest, merciful, generous, and lawful, but that importance is not so great that it bars deceit and violence where they are necessary to protect the people from the elite or foreign invasion. In the context of political morality, Machiavellian virtú lies in this independence from abstract codes of conduct, just as a prince having his "own arms" lies in independence from mercenary and auxiliary arms. But just as a prince's "own arms" are actually the people in the form of a citizen-militia, a prince's moral independence also requires the popular perception of him as conventionally moral. The prince must appear to be conventionally moral both for his sake as a holder of power and for the sake of the principality as a whole. To appear otherwise is to risk the possibility of contempt and hate – thus destabilizing his power – or to risk the corruption of the people – thus corrupting the principality's source of strength and cultivating hatred for good deeds. The needs of the people both demand and justify the prince's immoralism and hypocrisy. By extension, they justify the elitism of the prince. The prince, and only the prince, can go in for that immoralism and hypocrisy.

The challenge for Machiavelli lies in the fact that the skill to be a prince is rare and that the language of populism is easily turned to the oppression of the people, as

has been the case with most totalitarian regimes. The failures of these regimes do not indict what Machiavelli considers to be praiseworthy principalities because the two are inconsistent with each other. The former expand the use of cruelty over time, whereas the latter reduces it. The former try to deceive the people about the outcomes of their policies, which is impossible. And the former try to remake society as a whole – an act of pious cruelty – whereas the latter minimize social interventions. Nevertheless, the tendency of totalitarian regimes to emerge (as well as run of the mill tin-pot autocrats) indicates something about the tendency of autocratic power to autonomize itself. In Machiavelli's praiseworthy principalities, the prince has incredible power and the only checks on that power are Machiavelli's exhortation that the prince act towards populist ends, use the citizen-militia as his arms, and avoid the hatred of the people.

These checks on power are weak at best and both glory and self-interest often are not sufficient motivation for virtuous princely behavior, which underscores the need for an alternative political form. That alternative political form is the republic, which Machiavelli treats at length in the *Discourses on Livy* and to which I now turn for the next two chapters. What is remarkable about Machiavelli's treatment of republics is that they also demonstrate an agonistic and symbiotic relationship between political classes. The terms of that partnership are different, to be sure, but the way in which they aim to minimize violent oppression demonstrate that they have more in common with principalities than advocates of republics would like to admit. I turn now to

Machiavelli's treatment of popular political participation in republics in chapter 4. In

chapter 5, I discuss the role of republican elites.

Chapter 4: Good Laws and Good Arms: Rome's Structured citizen participation

Violent oppression is a problem for every state. However, not every state must respond in the same way to that problem. For Machiavelli, the set of actions suitable to principalities differs from the set of actions suitable to republics.[1] In The *Discourses on Livy* (hereafter "the *Discourses*") he outlines the steps republics must take to empower their citizens to secure themselves from oppression.[2] If we take his description of Rome to be a model for republics, then republics must recruit the people for external defense *as well as* participation in institutions beyond the citizen-militia that serve as internal checks against oppression. Machiavelli praises Rome for using her people at large to satisfy her needs for external defense and the placement of internal checks on the oppressive practices of her elites. Remarkably, Rome's primary mechanism for checking her elites – the plebeian tribunes (*tribuni plebis*) – was created in exchange for the people's willingness to serve in the army and maintained its authority because the people threatened to use their power to do violence should their tribunes be hindered. These two crucial mechanisms for preventing violent oppression had the same popular root. The arrangement Machiavelli holds out as a model in the *Discourses* contrasts with the model he holds out in the *Prince*, in which the prince must recruit the people into the citizen-militia to both fill its ranks and limit its uses, but take it upon himself to act as a

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[1] Sheldon Wolin. *Politics and Vision*, 205.

[2] Chantal Mouffe, *The Return of the Political* (London: Verso, 1993), 44.

check against the oppressive drives of his fellow elites. If the Rome that Machiavelli describes can be taken for a model of republics in general, then well-functioning republics not only channel legitimacy and preferences upward, they use the people to check the corrupting ambition of the elite as well.[3] Machiavelli's analysis of republican rule thus compels us to think differently about what ought to be the hallmarks of democracies today. They ought not be only things like voting, standing for office, and popular deliberation over policy, but also include agonistic challenges to political elites.

The Roman approach, however, had its limitations and republics can learn from those limitations. The stability of the Roman republic depended on the ongoing use of the tribunes *in addition* to the ongoing effectiveness of the military to stave off corrupting influences. While the tribunate was central to keeping Roman elites in check, it was the corruption of the military, according to Machiavelli, that removed the final barrier between the corrupting ambitions of the Roman elites and the end of the Roman republic. The democracies of today that would exercise their military power abroad must pay attention to Machiavelli's analysis of Rome's failure to check potential sources of oppression as her empire grew.

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[3] In a sense, the Rome that Machiavelli describes challenges the traditional interpretations of Weber's dictum that the "state is a human community that (successfully) claims the *monopoly of the legitimate use of physical force* within a given territory. "Politics as a Vocation." 31. If both Machiavelli and Weber are right, then the people are the state in a democracy because the only the people can successfully claim a monopoly of the legitimate use of physical force within the given territory of the state.

In this chapter, I proceed as follows: First, I discuss the relationship between class antagonism and Rome's capacity for military expansion.[4] It would be easy to presume that those states that best prevent violent oppression are those states that eschew combative forms of politics in favor of highly collaborative ones. Machiavelli would reject that claim and instead point to the harnessing of contentious politics as the best avenue available to a democracy for empowering both the state and its citizens. Nevertheless, it would be an overstatement to say that Rome deliberately accentuated internal political conflicts in order to do so. In fact, the Rome that Machiavelli describes sought ways to alleviate the destructive elements of the conflict between the elites and the people without eliminating that conflict entirely. Machiavelli claims that Rome's expansionary projects were a means by which Rome managed the most destructive energies of its internal conflicts, even as that expansion was fuelled by those energies.[5] The Rome Machiavelli describes thereby addressed two of the most important requirements for preventing violent oppression within her territory: external defense and internal stability.

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[4] Having already discussed what a well-functioning citizen-army looks like in chapters 1 and 2, I forgo adding at length to that discussion in this chapter. As a result, the primary focus of this chapter is the manner in which Rome placed checks on the ambitions of her elites and the way in which those checks related to her citizen-militia. I do, however, take up the question of the corruption of the Roman military in section 4 of this chapter.

[5] Sallust's influential *Bellum Catalinae* makes the case that popular domestic politics and expansionism are intertwined. For more on the influence of Sallust on Machiavelli, see Quentin Skinner, "Machiavelli's *Discoursi* and the Pre-Humanist origins of Republican Ideas" in *Machiavelli and Republicanism*, edited by Gisela Bock, Quentin Skinner and Maurizio Viroli (Cambridge: CUP, 1990) and Ben Fontana, "Sallust and the Politics of Machiavelli," *History of Political Thought* 24 (2003).

In the second section of this chapter, I argue that while Machiavelli admired

Rome's ability to expand and thereby alleviate concerns over ambitious elites at home,

he really sees Rome's particular brand of internal politics as her most exemplary feature.

To put the matter another way, Machiavelli's primary admiration was of Rome's ability

to productively manage contentious politics. Rome's capacity to expand was a valuable

by-product of that management, but was not the primary basis of Machiavelli's praise

for her politics.[6] Given that Rome's conquest *per se* is not Machiavelli's measure of

Rome's virtues, I turn in this section to the modes of contentious politics that

Machiavelli saw as so necessary to Rome's flourishing.[7] To that end, it presents

Machiavelli's judgment of the way in which Rome used her people to check the

ambitions of her elites.[8] Machiavelli's discussion of popular judgment of political elites

relates directly to the problem of violent oppression because Machiavelli praises the

people's capacity for effectively directing the coercive and punitive powers of the state.

In the third section of this chapter, I turn to Rome's key institution for checking

the ambitions of her elites: the plebian tribunes. Popular judgment and political violence

were unified in this institution. The authority of the plebian tribunes was not only

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[6] Pace Mark Hulliung, *Citizen Machiavelli*, 5.

[7] This chapter focuses on Machiavelli's assessment of the role played by the people in those modes of politics while the next chapter showcases Machiavelli's assessment of elite-level politics in Rome.

[8] According to Vickie Sullivan, there is also a religious dimension to Rome's struggle against the ambition of her elites. Rome's elites were able to coopt the effects of Roman religious culture to satisfy their ambitions. According to her reading, this political maneuver not only resulted in the downfall of the Roman republic, it also produced Christianity as it existed in Machiavelli's day: "Christian Rome emerged from ancient Rome in [Machiavelli's] view because it was ill equipped to thwart the designs of its ambitious men who strained for tyranny." Sullivan, *Machiavelli's Three Romes*, 6.

grounded in the popular capacity to use violence, it also leveraged that capacity to guarantee the force of popular judgment in the policing of Roman elites. In Machiavelli's view, the plebian tribunes played a major role in checking corruption in Rome and limiting the attempts of Roman elites to satisfy their ambitions for greater power, wealth, and ultimately the capacity to oppress the people.

Nevertheless, the plebian tribunes could not completely thwart those ambitions. So, in section 4, I outline the limit of tribucan power in checking Roman elites, the way in which Roman elites circumvented checks on their ambition, and highlight Machiavelli's diagnosis of the ultimate downfall of the Roman republic: the corruption of her military. While the plebian tribunes played a significant role in preventing violent oppression by institutionalizing the people's capacity to do violence to the elites and thereby placing a check on the ambitions of Roman elites, Rome's internal conflicts finally overwhelmed her political order when the clientelistic linkages that formed between its commanders and rank-and-file soldiers corrupted the military. Machiavelli's analysis of Rome's growth and decay once again reveals the importance of properly institutionalizing mechanisms of violence with an eye toward preventing violent oppression because those mechanisms are the final bulwark between a modus vivendi and civil war. Institutions like the plebian tribunes are necessary for checking the ambitions of political elites, but properly institutionalizing mechanisms of violence are necessary for keeping those elites disarmed, should their ambitions go unchecked.

4.1 Agonism at home and conflict abroad

There is a general intuition that societies divided along economic, ethnic, or religious lines should and can adopt constitutional orders that ameliorate those divisions.[9] Machiavelli rejects this intuition. To reject internal antagonisms would be to radically misunderstand the nature of politics.[10] In the *Discourses*, Machiavelli presents a Rome that drew strength and virtue from her internal divisions.[11] In the opening passages of that text, Machiavelli tells his reader that it is precisely Rome's class-antagonism that led to many of the virtues of the Roman state.[12] Roman virtue, he claims, flows from Roman education, Roman education from Roman law and, Roman law from the "tumults" arising between Roman classes. (D I.4.i) To eliminate one side or the other of this agonistic relationship would be to cut off good Roman virtue, education, and law at their source, and thereby cut-off all of the positive results of those laws.

Machiavelli saw Rome as a special, imperial kind of republic, which brought with it advantages and disadvantages. In book 1 of *The Discourses*, Machiavelli

[9] Lijphart, Arend, 1977, *Democracy in Plural Societies: A Comparative Exploration*, Yale University Press, New Haven. Hume, David, "Idea of a Perfect Commonwealth," in *Essays moral, political and literary*, Eds. T.H. Green and T.H. Grose. London: Longmans, Green, 1882; R. E. Goodin, 'Cross-cutting cleavages and social conflict', *British Journal of Political Science*, 5 (1975), 516-9; Goodin, Robert, "Designing constitutions: the political constitution of a mixed commonwealth," *Political Studies*, 44 (1996): 640. Donald Horowitz, *A Democratic South Africa?: Constitutional Engineering in a Divided Society* (Berkeley, University of California Press, 1991), ch. 5.
[10] Merleau-Ponty, "A note on Machiavelli," 123.
[11] Hulliung, *Citizen Machiavelli*, 26.
[12] Patrick Coby takes Machiavelli's case for liberty to be the contributions it makes to the growth of a republic. *Machiavelli's Romans*, 255.

distinguishes imperial republics such as the Roman republic from 'quiet' states such as

Sparta and Venice, which were governed by narrow, aristocratic swaths of their

populations, even though they shared the name of "republic." (D I.6.i-iv) They did not

share Rome's imperial nature, lacking the open borders and requisite population in

Sparta's case and lacking the required citizen-soldiers in Venice's case.[13] The Spartan and

Venetian republics remained "quiet" and aristocratic because, in Machiavelli's view, the

bulk of their population remained relatively impotent in comparison to the elites of

those regimes. (D I.6.i) They did not "tolerate" the "tumults" of Rome, which were

linked to the latter's "employ[ment] of the plebs in war." (D I.6.iii) Machiavelli regards

such arrangements as desirable in their own way, but lacking in imperial potential. "If

the thing could be held balanced in this mode," he writes "it would be the true political

way of life and the true quiet of a city."[14] (D I.6.iv) Nevertheless, Machiavelli

circumscribes the possibilities for regimes that pursue "the true quiet of the city." He

regards their martial limitations as irredeemable shortcomings. However attractive

Venetian or Spartan quietude might seem in the abstract, Machiavelli's assessment of the

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[13] Thought not all republics share Rome's imperialism, Machiavelli does regard republics as naturally more powerful and thus greater threats than principalities. See, Hulliung, *Citizen Machiavelli*, 52-3; and Mikael Hörnqvist. *Machiavelli and Empire*, Chapter 4.

[14] While Machiavelli does not specify here what he means by the "true political way of life," we can easily imagine several benefits to Spartan or Venetian quietude. In the Spartan case, it meant a rarely seen continuity of tradition. The 'Spartan' way of life – for all of its admirable and detestable qualities – maintained an enviable kind of cultural integrity. In the Venetian case, it better afforded its citizens time for all of the contemplative pursuits held dear by the ancients and all of the commercial pursuits held dear by us moderns. And in a contemporary, consolidated democracy, it would mean that a greater percentage of public funds could be directed towards education, healthcare, and social welfare.

interstate system speaks to the necessity of Roman militarism.[15] Machiavelli thinks that

states that do not defend themselves are at risk of being conquered by neighboring

states.[16] Geography and careful foreign policy can mitigate that risk, but the inherent

chaos of the international system makes foreign aggression inevitable on a long enough

timeline. For this reason alone, states require some defensive capacity, whether they rely

on their own arms (per Machiavelli's suggestion), mercenary arms (as Florence did in

Machiavelli's day), or the arms of others (like the client states of the U.S.A. and the

U.S.S.R. during the Cold War). Machiavelli, however, redefines self-defense as

expansion or "acquisition."[17] Sparta and Venice could not, in Machiavelli's view, engage

in the defensive expansion that Machiavelli thought the "necessity" of the international

system demanded.

Sparta and Venice were not properly "ordered" to be capable of expansions. (D

I.6.iv) This shortcoming turned out to be damning for them, as it would be for any state

"ordered" as they were: "so when a republic that has been ordered so as to be capable of

maintaining itself does not expand, and necessity leads it to expand, this would come to

take away its foundations and make it come to ruin sooner." (D I.6.iv) Sparta and Venice

had tried to expand their dominion while in a position of regional leadership, but were

unable to maintain their acquisitions. (FH I.29) Machiavelli seems to suggest that the

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[15] Maurice Merleau-Ponty, "A note on Machiavelli," 131.
[16] See also D II.19.
[17] "But since all things are in motion and cannot stay steady, they must either rise and fall: and many things that reason does not bring to you, necessity brings you." (D 1.6.iv)

vicissitudes of power politics had a damning impact on Spartan and Venetian political institutions. While Machiavelli does not specify how Spartan and Venetian military reversals made them "come to ruin sooner," he insists, "expansion is poison for such republics."[18] (D I.6.iv) Presumably his first-hand experience of the Florentine defeat at Prato guides this unspecified connection. Florence – a poorly ordered regime – not only suffered a catastrophic military defeat when Spanish forces overwhelmed its militia in 1512, it also suffered the collapse of the Soderini regime and the restoration of Medici rule.[19] Machiavelli frequently observes a correspondence between military defeat and the onset of political crises.[20] Given this relationship, Machiavelli may not need to chronicle the specific collapses suffered by Sparta and Venice at home as a result of defeats abroad. Machiavelli needs merely to signal that Sparta and Venice, though well positioned to defend narrow swathes of territories, begged for political crises when they attempted to expand.

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[18] In *Discourses* II.19.ii Machiavelli elaborates on the matter a little: "in a thousand modes and from many causes [are such] acquisitions harmful" because they involve "acquir[ing] empire without forces, and whoever acquires empire without forces will be ruined." While this elaboration does not specify the mechanisms by which the loss of empires "acquired without forces" ultimately ruin a republic, it does deepen Machiavelli's critique of relying on foreign and mercenary arms. Machiavelli goes on in this chapter to detail some of the ways in which conquest can corrupt rank-and-file soldiers, commanders, and militaries as a whole. I consider these issues in greater detail in section 4 of this chapter.

[19] For an alternate view, see J.G.A. Pocock, who writes that "Florence is not a principal object of reference" in the *Discourses*. *The Machiavellian Moment*, 187.

[20] In addition to Sparta and Venice, Machiavelli mentions the Roman defeat at Cannae and the Athenian loss in the Peloponnesian War as generating political catastrophes. This link between expansionism and political stability contradicts Pocock's reading of Machiavelli as deciding "military dynamism was to be preferred before the search for stability." *The Machiavellian Moment*, 218.

Elsewhere in the *Discourses*, Machiavelli underscores his notion of a

correspondence between stable political institutions at home and expansion abroad.[21] In

I.6 Machiavelli argues that the body politic decays in the absence of the right kind of

internal conflict.[22] He writes "If heaven were so kind that it did not have to make war,

from that would arise the idleness to make it either effeminate or divided; these two

things together, or each by itself would be the cause of its ruin." (D I.6.iv) So even

without the threat of invasion, states like Sparta and Venice face the danger of political

corruption, despite the advantages of their "quietude." As a Florentine, Machiavelli was

well steeped in the difficulties of partisan faction and political impotence. In the 13th and

14th centuries, divisions between the Guelphs and the Ghibellines in Florence were

among the most pronounced on the Italian peninsula. Following the Guelph victories at

Campaldino and Caprona, the Florentine Guelphs split into the 'Black' (pro-papal) and

'White' (anti-papal) factions, mirroring the original Guelph-Ghibelline split.[23] The

interplay between these two sides of Florentine politics fuelled practices of extra-

institutional and extra-legal power grabs. Coups, revolts, and assassinations, as well as

ballot-stuffing and bribery were common and significant. Florentine factionalism led to

a particularly violent brand of domestic politics and a particularly impotent brand of

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[21] Sullivan, Machiavelli's *Three Romes*, 65.
[22] Hörnqvist, *Machiavelli and Empire*, 89.
[23] John Najemy, "*A History of Florence*," 89.

foreign policy. Divided at home, Florence could not project power abroad.[24] In this

respect, Florence was an avatar of the Italy to which Machiavelli refers in Chapter 26 of

The Prince: "without a head, without order, beaten, despoiled, torn, pillaged, and having

endured ruin of every sort."

Florence failed to redirect or suppress the political ambitions of her elites. In

Machiavelli's assessment of the human psyche, few impulses are as strong or as

destructive as ambition. The word "ambition" appears in 47 chapters in *The Discourses*

and never once as a benign force (though often enough as a force that has productive

potential). Most frequently, Machiavelli describes it as a characteristic of "the great" and

something that must be "beaten down in a city by various ways and various modes"

because of its political malignity. (D I.37.iii) Ambition can often tempt those who have it

to pursue their own interests at the expense of the public good. (D I.2.iii) Machiavelli

even goes as far as to say that the ambitious are also often blinded to the dangers of their

actions even where they do not consciously favor themselves over the public good. (D

DL) In Florence, the ambition of the great led to a struggle over control over Florence

herself.[25] Whatever political talents Florentines possessed, they most often directed their

energies at developing creative ways of acquiring power *over* Florence rather than

augmenting Florence's power.

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[24] For an extended discussion of the weakness of Florentine foreign policy, see Hörnqvist, *Machiavelli and Empire*. 97-102.

[25] Najemy, *A History of Florence*, 63-88.

Roman expansionism offers a way of treating these symptoms of ambition by lashing it to productive use.[26] In the absence of an imperial project, Florentine elites had only each other as antagonists. Rome pursued the opposite course. It exported the products of its ambitions.[27] Acquiring power in Rome was tied to the augmentation of Rome's power. Rome's key practice was opening the space for participation in that effort to as many of her citizens as possible. Machiavelli tells us that Rome was so successful because "the whole city—both the nobles and the ignoble—was put to work in war, so many virtuous men emerged in every age, decorated from various victories, that the people did not have cause to fear any one of them, since they were very many and guarded one another." (D 1.30.ii) Success abroad led to a degree of power at home. But even would-be tyrants who had acquired a degree of power at home were deterred from undermining the Roman republic because equally empowered rivals could hinder the activity of the most ambitious among them. Roman expansionism thus offered an outlet for the ambitions of its citizens while simultaneously raising the cost of engaging in the kind of "extraordinary" political maneuvers that fomented the internal division and factionalism of places like Florence.[28]

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[26] Pocock observes that, for Machiavelli, "Rome is, as it were, the "new prince" among republics, and Machiavelli would rather study the new prince than the hereditary ruler: the short view is more interesting than the long, and life in it more glorious." *The Machiavellian Moment*, 198. If Pocock is right about Rome corresponding to the new prince, then there is an additional reason for Machiavelli's elevation of it above Sparta and Venice. It is the regime most worth studying because it is the regime of the greatest virtue.

[27] Hörnqvist, *Machiavelli and Empire*, 89.

[28] Hulliung, *Citizen Machiavelli*, 41.

Rome thereby satisfied important requirements for preventing violent oppression inherent to the central political problem of violence. By channeling the ambitions of her elites outward, Rome empowered herself in a way that obviated threats from abroad. By generating a dynamic in which elites would "guard" one another, Rome discouraged those elites from pursuing the kinds of activities that would give the people "cause to fear any one of them." (D 1.30.ii) It would be misleading, however, to say that these practices were Rome's strongest bulwark against violent oppression. Popular participation was similarly necessary for her external defense and internal checking of elite ambition. It is to these elements of the Roman political order that I now turn – partly because no picture of the Rome that Machiavelli describes would be complete without them, but also because they represent for Machiavelli an object of greater admiration than Rome's empire itself.

4.2 Political violence in the piazza and palazzo

If Machiavelli is right that the only solution to the kind of internal strife that plagued Florence is an expansionary one, then the members of every state are forced to choose between two deeply unattractive positions. On the one hand, they can eschew expansion, acquisition, and the agonistic politics that expansion and acquisition require. This position absolves them of the sins of imperialism, but it also leaves the security of the state to forces beyond its control. On the other hand, they can pursue a policy of expansion as a means of survival. To justify this position, they might turn to the realist

view of the interstate system according to which zero-sum interactions dominate

interstate relations and the anarchic nature of the interstate system guarantees the use of

force and the threat thereof to resolve conflicts.[29] They might further justify this choice

by picking up Machiavelli's claim that expansionary projects also ameliorate civic strife

and are necessary for the ongoing health of the state. Indeed, much of Machiavelli's

argument in the opening chapters of the *Discourses* characterizes this second,

"Imperialism-as-survival" position as both prudent and justified.[30]

That said, the "Imperialism-as-survival" position distorts Machiavelli's appraisal

of Roman expansion and his admiration thereof. There is more to Machiavelli's story

than what Mark Hulliung calls "that singularly expansionary, singularly successful

Roman republic."[31] If the survival of a continuous, stable constitutional order were

Machiavelli's only interest, then Machiavelli would have elevated the Spartan regime

over the Roman ones (the monarchy, republic, and empire, respectively) given that the

former's lifetime exceeded each of the latters' by hundreds of years. Similarly, if he had

taken conquest *per se* as the measure of a secure state, then Machiavelli would have

praised the late Roman republic over that of the 3rd century BCE and even, perhaps, the

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[29] See John Mearshimer, "The False Promise of International Institutions." *International Security* 19, no.3 (1994): 5–49. For a related view, see, Kenneth Waltz, *Theory of International Politics*. (Reading, MA: Addison-Wesley. 1979).

[30] Moreover, most Florentines would have seen imperialism as compatible with republicanism insofar as republicanism entailed a legal relationship of domination and submission between those who ruled and those were ruled in turn. Hörnqvist, *Machiavelli and Empire*, 41.

[31] Hulliung, *Citizen Machiavelli*, 5.

early imperial era over that of the late Roman republic. Instead, Machiavelli sees the late

republican and early imperial eras as fundamentally corrupt. [32] Rome the 'world-

conqueror' does not capture Machiavelli's imagination.[33] If anything, he sees the

conquests of the late Roman republic as merely cashing in on the virtue of the early

Roman republic.[34] The Roman Empire was a by-product of Roman virtue, not the

measure of it. It is the politics of Rome up to the time of the Gracchi that attracted

Machiavelli. That political order was able to utilize the strengths of her elites and people

alike in a way that made her more praiseworthy, on Machiavelli's view, than any other

state with which he was familiar. Given the necessities of political life, the Roman

politics up to the time of the Gracchi represented for Machiavelli the best of all possible

political worlds.

Machiavelli praises *that* Rome over Sparta and Venice because she "tolerate[d]

the enmities that arise between the people and the Senate, taking them as an

inconvenience necessary to arrive at Roman greatness." (D I.6.iv) The competition

between the people and the elite in Rome could have been rendered latent as it was in

Sparta and Venice by excluding the people from key political spaces. But, for

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[32] This fact leads me to doubt Patrick Coby's claim that Machiavelli valued Roman spiritedness to the point where empire and expansion trumped love of liberty, even though that spiritedness fuelled all three. Coby, *Machiavelli's Romans*, 263-266.

[33] Leo Strauss points out that Machiavelli's dream of Italian unity and independence may have shaped the *Discourses*. For Machiavelli, he notes, "Rome reached her ultimate greatness when she ruled (most of) Italy and had not yet embarked on foreign conquests. Hence the full title of the *Discourses* draws our attention to a united and fee Italy, freed and united by a hegemonial republic, be it Rome or Florence, and not by a prince." *Thoughts on Machiavelli*, 89.

[34] Hulliung, *Citizen Machiavelli*, 5.

Machiavelli, it is better to tolerate active conflict between the people and the elite by

forcing both classes to occupy key political spaces jointly.[35] The joint occupation of key

political spaces resulted, according to Machiavelli's interpretation, in Roman greatness.

It produced her ability to project strength abroad and cultivate virtue at home.[36] Abroad,

Rome effected this joint occupation by having a large-citizen army as the popular

element and a complex system for the selection of commands as the elite element. At

home, given Rome's commitment to its citizen army, the people had a de facto veto

against the Senate and Rome's elite magistracies, which the people parlayed into de jure

veto power via the tribunate. The plebian tribunes shifted the institutional balance of

power away from the senate and magistracies such that the elites of Rome and the

people of Rome were forced, albeit agonistically, to cooperate. At the same time, Rome's

commitment to popular judgment in judicial proceedings had the salutary effect of

checking the ambitions of Roman elites. An appreciation for these elements of the

Roman political order is at the core of Machiavelli's admiration for it.[37]

There are two levels to Machiavelli's admiration for popular participation in

Roman politics. The first level makes him consistent with Aristotle, Livy, and Polybius,

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[35] For Merleau-Ponty, this principle is at the core of Machiavelli's republicanism: "Machiavelli was a republican because he had found a principle of communion. *By putting conflict and struggle at the origins of social power*, he did not mean to say that agreement was impossible; he meant to underline the condition for a power which does not mystify, that is, *participation in a common situation*." (Emphasis mine) "A Note on Machiavelli, 126. See also Leo Strauss, *Thoughts on Machiavelli*, 95, 103; Hannah Pitkin, *Fortune is a Woman,* 87.

[36] Hulliung, *Citizen Machiavelli*, 51. Hörnqvist, *Machiavelli and Empire,* 81.

[37] John P. McCormick, *Machiavellian Democracy*, 65.

all of whom influenced Renaissance political thought in deep ways.[38] In chapter 2 of

book 1, Machiavelli imports Polybius's description of a regime cycle in which virtuous

principalities become corrupted and give way to virtuous aristocracies. These

aristocracies in turn get corrupted and give way to virtuous republics, who then fail in

turn and become – via some talented demagogue – a principality once again. (D I.2.iii)

The thinking here is that any unmixed form of rule (of the one, the few, or the many) has

an inherent instability. The empowered class always eventually oversteps its mandate to

rule if it rules alone and then begins ruling in its own interest. Mixed regimes are

designed to empower each part so that the interests of each are tended. They are also

designed to capture the perceived virtues of each part: the decisiveness and consistency

of the one, the deliberation and prudence of the few, and the passion and authenticity of

the many. Machiavelli takes a somewhat different view of those talents from the

traditional advocates of mixed regimes, but it is sufficient to note that Machiavelli

supports a mixed regime because the pooling of interests and talents from various

classes has a stabilizing and empowering effect on the regime as a whole.[39]

The second level of Machiavelli's support for a mixed regime will sound familiar

to readers of *The Federalist Papers*. Federalist #51 reads:

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[38] Coby, *Machiavelli's Romans*, 253. For Maurizio, Machiavelli's espousal of an aggressive foreign policy is the result of Machiavelli's wanting to put an Aristotelian vision of political life into practice in the context of the power-politics that Machiavelli saw as characteristic of inter and intra-state relations. See "Machiavelli and the Republican Idea of Politics." in *Machiavelli and Republicanism*, eds. Gisela Bock, Quentin Skinner and Maurizio Viroli (Cambridge: CUP, 1990).

[39] Hannah Pitkin, *Fortune is a Woman*, 85.

> Ambition must be made to counteract ambition… …you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.[40]

Like Machiavelli, Madison observes that dependence on the people is a valuable check on government abuse, but a republic must rely on additional, internal limits on power. Madison is here espousing a constitutional arrangement whereby powers are divided along branches of government and members of each branch develop an interest in "defending their turf," so to speak. If successful, no single branch could overuse its given power. In I.2, Machiavelli takes a similar view:

> So those who prudently order laws… …choose one that shares in all [classes], judging it firmer and more stable; for the one guards the other, since in one and the same city there are the principality, the aristocrats, and the popular government." (D 1.2.v)

Machiavelli's divisions occur along class lines, rather than according to the powers themselves, but this difference does not overshadow the most important similarity between the two positions. Ambitious Romans checked ambitious Romans. They kept themselves "so upright" out of such a deep fear of appearing ambitious "that when one came to the dictatorship he carried away from it *the greater glory the sooner he laid it down*." (D I.31.ii, emphasis mine) Roman political order, as Machiavelli describes it, so strongly discouraged abuses of power that turning one's ambitions to virtuous behavior

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[40] Alexander Hamilton, James Madison, John Jay, *The Federalist papers, ed.* Clinton Rossiter, (New York, N.Y.: Signet Classic, 2003), 319.

became the default strategy of rational roman politicians. Herein lies Rome's deepest

attraction for one accustomed to Florentine politics, where unchecked ambition led to

the destruction of civil order.

The key practice that created this strategic landscape was Rome's use of the

people to govern the distribution of punishments for accidental misuses and deliberate

abuses of power alike. "To those who are posted in a city as a guard of freedom,"

Machiavelli writes, "one cannot give a more useful and necessary authority than that of

being able to accuse citizens to the people, or to some magistrate or council." (D I.7.i)

The commonplace critique of punishment meted out by the people is that the people

tend to adopt a 'mob-mentality' and will use force in an undirected and uninformed

manner. [41] Machiavelli even attributes this view to Livy. (D I.58.i) However, Machiavelli

does not subscribe to it so long as the right set of laws and institutions govern the

punishment meted out by the people.[42]

In defense of this characterization of popular judgment, Machiavelli brings up

the example of class-conflict in Capua.[43] Just after the Roman defeat at Cannae during

the Second Punic War, the Capuan people and senate found themselves deeply divided.

The city's chief magistrate, Pacuvius Calanus, feared that the division of the people and

[41] McCormick, *Machiavellian Democracy*, 68-72. Leo Strauss, *Thoughts on Machiavelli*, 127.

[42] In instances where no such mechanisms exist the resulting "calumnies" are as bad for the health of the regime as public accusations are salutary. (D I.7-8)

[43] Mansfield comes to the opposite conclusion. He takes Machiavelli's discussion here to be an "invitation on how to deceive the plebs, elaborated with instructions on how to do so." *Machiavelli's New Modes and Orders*, (Chicago: Univ. of Chicago Press, 2001) 143.

the senate would lead to the overthrow of the senate and capitulation to Hannibal's

forces.[44] To reconcile the people and the senate, Pacuvius engineered a political trial of

sorts. For each senator that the people wished to depose and execute, Pacuvius asked the

people to nominate a replacement from among their ranks. Machiavelli reports that each

pairwise comparison failed to yield an exchange that the people would find favorable.

The people of Capua had been angry enough with its senate to desire rash action, but

when Pacuvius put the people into a deliberative mode they reconciled themselves with

the senate.

For Machiavelli, the people are effective judges of the elite provided that their

judgment is properly structured.[45] They do not rush headlong into mob-like modes of

proceeding if constrained to consider the matter at hand from the proper angle.[46] The

Capuan example demonstrates the mechanism that Machiavelli thinks is at work in

making this so. He brings up the Capuan example in a chapter entitled "However

Deceived in Generalities, Men Are Not Deceived in Particulars." (D I.47.T) What he

means by deception in generality and deception in particulars maps very neatly onto a

proverb that he quotes near the end of that chapter: The people "have one mind in the

piazza and another in the palazzo." (D I.47.iii) Political problems – and the means for

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[44] Livy has him as Pacuvius Calavus.
[45] Patrick Coby points out four additional "qualities exhibited by the people that earn it this place of honor in Machiavelli's political thought: gratitude, constancy, prudence, and trustworthiness." *Machiavelli's Romans*, 254.
[46] Hannah Pitkin, *Fortune is a Woman*, 87.

addressing them – appear differently when one occupies the "palazzo" (i.e., rules) or the

"piazza" (i.e., is a subject of rule). Where people might take one view of a particular

issue from the piazza while thinking about it in general terms, entering the palazzo to

make and execute a decision changes that view. Machiavelli writes,

> Considering all that has been discoursed above, one sees how, seeing that a
> generality deceives them, one can soon open the eyes of the peoples by finding a
> mode by which they have to descend to particulars, as did Pacuvius in Capua
> and the Senate in Rome. (D I.47.iii)

Pacuvius asked the people, in effect, to figuratively "enter the palazzo" when he asked

them to replace each senator with one of their own. Forced into the proper mindset, the

people saw the challenges faced by and the behaviors of the senate from a different

angle. For Machiavelli, the perceived topography of any given problem changes based

on one's position in the political landscape. In some ways, this idea echoes the spatial

metaphor Machiavelli uses in the dedicatory preface of *The Prince*, wherein he claims

that the prince needs the perspective of the people (who are 'down low') to properly

understand the nature of princes (who are 'up high') and vice versa. The same problem

bedevils republics. Where the people are in a position to confront political problems as

decision-makers, and not just subjects, confrontation with the particulars of the matter

aids and improves their judgment.[47] In the Capuan episode, the people reject the use of

violent measures when asked to deliberate on their occupation of the 'palazzo.'

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[47] Hannah Pitkin, *Fortune is a Woman*, 88.

The trick for a republic is structuring political participation – as a matter of

political order – in such a way as to force the people to descend to particulars.[48] In taking

up the question of the relative political decision-making capacities of the people and of

princes, Machiavelli uses fairly harsh language in describing the conditions for virtuous

decision-making by the people. He writes, "if, thus, one is reasoning about a prince

obligated to the laws and about a people fettered by them, more virtue will always be

seen in the people than in the prince." (D I.58.vi) Machiavelli describes laws in this

context as fetters (and later as shackles). When subject to these fetters and shackles, the

people exhibits greater virtue than a prince similarly constrained.[49] And when

unshackled and unfettered, a people makes fewer errors and is more easily disabused of

those errors than a tyrant. When degrees of legal constraint are held constant across

cases, democratic decision-making has the edge in Machiavelli's eyes.

Democratic regimes that would minimize violent oppression must devise a set of

institutional constraints (shackles and fetters) that recruits the judgment of the people in

checking the elite's ambitions that otherwise would lead to projects of oppression.

Machiavelli sees the people, coupled with the proper institutional constraints, as the best

"guard of freedom," They do not share the elite humor for oppression and so will check

oppressive practices, but – as demonstrated by the Capuan episode – they do not

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[48] For an extended discussion of these structures, see McCormick, *Machiavellian Democracy*. Chs. 3-5.
[49] Wolin, *Politics and Vision*, 205. Hulliung, *Citizen Machiavelli*, 33.

exercise violence with the mob mentality ascribed to them by their most strident critics.

The people, in Machiavelli's view, are harsh judges by virtue of their desire for non-

oppression and can become fair-minded by virtue of the right set of institutional

constraints.

4.3 The tribunes as a check on elite ambition

Rome institutionalized popular engagement through a variety of practices, but

the tribunate stands out as the most important "shackle" of the people for the purposes

of this discussion. Machiavelli follows both Livy and Polybius in observing that the

plebian tribunes represented the popular element of Roman political order.[50] The latter

regards the tribunes as especially important both as a check on the constitution's

monarchical (i.e., consular) and aristocratic (i.e., senatorial) tendencies as well as part of

the mixed nature of Rome's constitution.[51] Indeed, all three thinkers see the Roman

constitution as only reaching full maturity after the creation of the plebian tribunes in

494 BCE. While some of the institutions that preceded its creation – like the Consuls and

the Roman army – were obviously aimed at minimizing violent oppression, the plebian

tribunes might have the deepest relationship to it insofar as they both empowered the

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[50] D I.3.iii; Livy, *The History of Rome, Books 1-5*, trans. Valerie M. Warrior, (Indianapolis, IN: Hackett Pub. 2006), 123; Polybius, *The Histories*. Trans. W. R. Paton, (New York: G.P. Putnam's Sons, 1922) Book VI, chapter 5.
[51] Pocock dissents, claiming, "the decisive step was taken early and accounts for the establishment of the consulate at the expulsion of the kings." *The Machiavellian Moment*, 195.

people to check the ambitions of the elites and reflected the popular authority to use violence.

The plebian tribunes were created when, in the early years of the Roman republic, Rome failed to make citizen participation in the army feasible despite its heavy reliance on citizen participation. Citizens conscripted for war would often fall into debt as a result of their participation in a given campaign. To protest this usage in war, the plebs stopped obeying sentences against them in civil court, discontinued participation in military action, closed shops, and "seceded" to the Mons Sacer three miles outside the city.

The compromise that ended the secession – the creation of the plebian tribunes – was born of the recognition of the authority of the Roman people to use violence against political elites. Each tribune was considered "sacrosanct."[52] That sacrosanctity was enforced by the plebian oath to kill any person who interfered with the work of the tribunes.[53] Backed by the plebeian oath to enforce his sacrosanctity, a tribune could interrupt the creation of a law in the senate or the implementation of a law by a magistrate by physically interfering with those proceedings. Via the practice of "intercessio," the tribune literally interposed his person in the senate or elsewhere to generate the legal equivalent of a veto against the exercise of state power.[54] The tribunes

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[52] Andrew Lintott, *The Constitution of the Roman Republic.* (Oxford: Clarendon Press. 1999), 121.
[53] Lintott, *The Constitution of the Roman Republic,* 121.
[54] Lintott, *The Constitution of the Roman Republic,* 123.

could not, however, use this practice once a law had already been enacted, at which

point it had taken on the authority of the Roman people. As the representatives of the

people, the tribunes could not contradict popular authority. The only instances of appeal

that fell within the ambit of the tribunes were those of "auxilium," wherein a tribune

could challenge a magistrate's finding against a plebian in court (including capital

cases).[55] Again, the principal mechanism of the tribunes action was the (threat of)

interposing his body between the bearer of state power and the plebian subject of that

power while enjoying the protection of the plebian oath to kill anyone interfering with

the tribune in his work as advocate for the plebs. The threat of violence that guaranteed

the power of the tribunes was thus limited in its scope. Nevertheless, the threat of

violence against those who interfered with the tribunes was sufficient to empower them

to policing the patricians – and the state as a whole – on behalf of the plebs.

     For Machiavelli, the value of the plebian tribunes was the check they placed on

the ambition of Roman elites while simultaneously empowering and organizing the

Roman plebs. In I.3, Machiavelli observes that the tribunes took the place of the Tarquins

as the institutional threat against elites whose ambitions would inevitably lead to

projects of oppression. Under the Tarquins, elites were afraid to act with impunity for

fear of retribution from above. The de facto "necessity" (as Machiavelli calls it) that

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[55] Lintott, *The Constitution of the Roman Republic,* 125.

Roman elites faced under the Tarquins was eventually institutionalized with the

creation of the tribunes, who instilled fear in the Roman elites from below.[56]

Simultaneously, the tribunes gave the people a "head," thereby solving the

collective action problems that plague large bodies of individuals.[57] In a chapter entitled

"The Plebs Together Is Mighty, by Itself Weak," Machiavelli argues that a "multitude so

excited, wishing to escape certain dangers, has at once to make from itself a head to

correct it, to hold it united, to think about its defense, as did the Roman plebs when it…

…made twenty tribunes." [58] (I.57.i) In political contests, powerful individuals and small,

well-organized groups have an advantage vis. large groups that suffer from problems of

internal cohesion. Machiavelli advises his reader that "by using a little industry, [a

powerful individual] will be able to disunite the very many and to weaken the body that

was mighty." [59] (D III.11.i) A large group, motivated by a shared passion or desire, has

but a short time to act before the free-rider problem begins to cripple it. Machiavelli

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[56] For a discussion on the role of "terror" in the founding of a state see Leo Strauss, *Thoughts on Machiavelli*, 167.

[57] Mancur Olson, *The logic of Collective Action: Public Goods and the Theory of Groups*. Cambridge, Mass: Harvard University Press.

[58] To adopt a way of talking about the matter from *The Prince*, one could say that the tribunes functioned as the people's (civically elected) princes. Likewise, an analogy might be borrowed from the *Art of War* insofar as the tribunes functioned as the equivalent of commanders in an army. Armies, Machiavelli tells us in III.13 of *The Discourses*, exhibit a symbiotic relationship between commanders and rank-and-file soldiers. The one without the other should not ultimately be feared by its adversaries. Virtuous commanders can train virtuous soldiers, and virtuous soldiers can locate and elect virtuous commanders (though they cannot create them), but the window for the former remains open much longer than the latter. "Nonetheless" Machiavelli observes, "a good army without a good head usually becomes insolent and dangerous, as the army of Macedon became after the death of Alexander." (D III.13.iii)

[59] It's worth noting that Machiavelli brings this principle up in the context of discussing the Roman elites' successful effort to disunite the college of the tribunes itself.

explains the psychology of the matter when he observes, "when the spirits of men are cooled a little and each sees he has to return to his home, they begin to doubt themselves and to think of their safety." (D 1.57.i) The only way to overcome this problem is to create an institution that is a de jure distillation of the de facto power of the people on the one hand, and is capable of keeping the people united and engaged on the other.[60] The plebian tribunes had both features. The tribunes institutionalized the outrage felt by the plebians during the First Secession to the Mons Sacer. The threat of violence from below, entrenched in the plebian oath to enforce the sacrosanctity of the tribunes, created an ongoing means by which the Roman people could subvert the policies of Roman elites through their tribucan representatives.[61]

The tribunes' equally important means of checking Roman elites, however, lay in their capacity to bring public accusations against prominent Roman citizens. In I.7 of *The Discourses*, Machiavelli writes, "to those who are posted in a city as guard of its freedom one cannot give a more useful and necessary authority than that of being able to accuse citizens to the people, or some magistrate or council, when they sin against the free state." (D I.7.i) This mode of public accusation had, according to Machiavelli, the dual effect of deterring or weeding out most corrupt politicians while also channeling the

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[60] Hannah Pitkin, *Fortune is a Woman*, 81.
[61] Hannah Pitkin points out that citizen "*virtú* emanates from below" in Machiavelli's vision of a well-functioning republic. *Fortune is a Woman*, 82.

ambitions of the people into a politically productive and legally endorsed practice.[62] The

choice between checking corrupt nobles through "extraordinary" modes (i.e.,

conspiracies, assassinations, mobs) and "ordinary" ones (i.e., trials) is easy for

Machiavelli to make. The latter is preferable because "the execution is done without

private forces and without foreign forces, *which are the ones that ruin a free way of life*; but

it is done with public forces and orders*, which have their particular limits and do not lead

beyond to something that may ruin the republic*." (D I.7.i, emphasis mine) Public accusations

channel the threat of violence from below in a way that does not destabilize the regime

as a whole because they do not trigger the use of private or foreign arms or any other

"extraordinary" modes.[63] Machiavelli condemns private or foreign arms because they

"ruin a free way of life," which – he reveals in his praise of "public forces and orders" –

means having no "particular limits." Minimizing violent oppression relies upon uses of

violence that have such limits. Machiavelli associates these limits with public forces and

orders – at least as they were institutionalized in Rome. If Machiavelli's view of tribucan

power is accurate, then the power of that institution to accuse elites helped to minimize

projects of oppression without becoming a source of oppression itself.

An episode where the absence of popular judgment through tribucan policing

led to crisis in the Roman republic confirms the importance of this part of the Roman

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[62] McCormick, *Machiavellian Democracy*, 67.
[63] McCormick, *Machiavellian Democracy*, 117.

political order. In 452 BCE, ten Roman citizens, led by Appius Claudius Crassus were

appointed to undertake a project of Roman legal reform and codification. Notably, all

other Roman magistracies were suspended while the decemvirate worked, giving these

citizens the power of administering legal judgment and punishment up to and including

capital sentences. Neither the Senate nor the tribunes could interfere. The members of

the decemvirate were supposed to assume office in 451 BCE and serve for that year

alone. When their term of service ended, the decemviri did deliver their proposed legal

reforms to the Comitia Centuriata – one of Rome's three voting assemblies – but also

requested and received an extension of their office for another year to add to the existing

legal reforms. Machiavelli condemns this reauthorization because it resulted in the

transformation of the Decemvirate in to a tyrannical body. He writes, "finding

themselves alone, without consuls, *without tribunes, without appeal to the people*, and

because of this not having anyone to observe them, they were able to become insolent in

the second year, moved by the ambition of Appius." (I.35.i, emphasis mine) Like those

who were appointed dictator in Rome from time to time, the decemviri were granted

broad powers. Unlike the dictatorship, however, the decemvirate worked in the absence

of the tribunes that served as institutional checks on politicians.[64] With the exception of

the tribunes, dictators assumed authority over other Roman magistracies; the

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[64] For an extended discussion of the matter, see Harvey Mansfield, *Machiavelli's New Modes and Orders*, 117-118.

decemvirate suspended those magistracies altogether. For Machiavelli, this institutional

change led to a change in the behavior of the decemviri with respect to those who served

as dictators. While Machiavelli praises the dictatorship in I.34, he describes the

decemvirate as "that magistracy [which] came to be altogether prince of Rome." (D

I.40.ii) The abuses of the decemviri – Appius in particular – led in turn to the second

secession of the plebs to the Mons Sacer, the ending of which required the codification of

the decemvirate's legal reforms, the abolition of the decemvirate itself, and the

reestablishment of the tribunes.

The *absence* of tribucan policing led to the abuses of the Decemvirate. As such,

Machiavelli uses it to illustrate his claim that

> The power of the tribunes of the plebs in the city of Rome was great, and it was
> necessary, as has been discoursed of by us many times, *because otherwise one*
> *would not have been able to place a check on the ambition of the nobility, which would*
> *have corrupted that republic a long time before it corrupted itself.* (D III.11.i, emphasis
> mine)

The tribunes were adept at frustrating the ambitions of the nobles. Their intercessional

powers were a direct, institutional check on laws that would be harmful to the Roman

republic in general and the plebeians in particular. Their use of the people as judges of

the behavior of Roman elites resulted in a process by which the people identified and

removed corrupt and oppressive figures from office. They were a vital means by which

Rome prevented violent oppression of her citizens. That treatment required a popular

check on elite ambitions. The tribunes provided that check by being the "shackle" that

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focused and concentrated both popular judgment and the threat of violence into a

bulkhead against elite oppression.

4.4 Popular punishment and Rome's decline

If Machiavelli is right that the plebian tribunes were effective in checking the

ambitions of the elites, then Machiavelli must somehow account for the eventual decline

of the Roman republic into civil war. After all, Appius's failed bid to become a tyrant in

Rome underscores the utility of tribucan policing while also revealing the regime's

robustness even in the absence of institutional checks on elite ambition such as the

plebian tribunes. In fact, Machiavelli marks the episode as one of renewal. He claims

that the transgressions and "excessive and notable" punishment of the decemviri had

the same effect in counteracting the "ambition and the insolence of men" as "the orders

that drew the Roman republic back towards its beginning [such as] the tribune of the

plebs [and the] censors."[65] (D III.1.iii) The Second Secession of the plebs was a political

crisis to be sure, but its result was to strengthen Rome's popular institutions, not weaken

them. In fact, Machiavelli sees the episode as just one example in a long line of virtuous

crisis management.[66] To protect his account of the plebian tribunes, Machiavelli's

explanation of the republic's decline must account for the fact that a change to *some other*

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[65] This renewal required the virtue of a citizen who rushes spiritedly to execute them against the power of those who transgress them. Chapter 5 addresses this type of citizen.
[66] "From the Tarquins to the Gracchi, which was more than three hundred years," Machiavelli writes, "the tumults of Rome rarely engendered exile and very rarely blood." D I.4.i 16 also see D III.1.iii.

part of the Roman political order impaired Rome's ability to manage political crises

virtuously.

Moreover, that explanation must account for the fact that Rome lost its capacity

to turn political crises into episodes of renewal.[67] Machiavelli tells us that once a state is

sufficiently corrupt, an episode that would otherwise result in renewal poses a risk to the

state itself because "so many delinquents join together that they can no longer be

punished without danger." (D III.1.iii) He makes this observation on the heels of

claiming that institutions such as the plebian tribunes and episodes such as the Second

Succession are necessary for checking the ambition of the elites. According to this logic,

the fatal corruption of a republic is the result of failures to regularly and frequently

check the ambitions of the elite. The crisis generated by the absence of the tribunes

during the period of the Decemvirate resulted in renewal rather than danger to the

Roman republic because Rome had not yet undergone the kind of corruption that is the

natural consequence of unchecked ambition.[68] But, Machiavelli tells his reader elsewhere

that, by the time of the Gracchi, Rome had become so corrupt that it would have been

better to "temporize" in the face of the crisis engendered by the revival of the agrarian

law than to tackle the corruption head-on. (D 1.37.iii)

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[67] For an extended discussion of the role of corruption in enervating Rome's ability to handle a crisis, see Vickie Sullivan, *Machiavelli's Three Romes*, 83-101.
[68] For a general discussion of Machiavelli's notion of corruption, see Pocock's *The Machiavellian Moment*, 209.

Rome's eventual decline came about - in Machiavelli's assessment – when conflicts over inequality of wealth led to extra-legal attempts at exercising power and when Rome began to "prolong [military] commands."[69] In this respect, the death of the Roman republic lay in the corruption of its military.[70] Roman political practices were sufficient for checking the ambition of the nobles at home, but were insufficient for checking them in the more distant provinces of the empire. The attenuation of elite constraints proceeded along two tracks.[71] First, the growth of the empire created a loophole in Rome's Agrarian Law. The Agrarian Law originally limited individual landholding and required equal distribution of imperially acquired lands among citizens of Rome. Provincial landholdings, however, "being distant from the eyes of the plebs and in places where it was not easy to cultivate them came to be less desired by them." (D I.37.ii) Nor did tribucan authority extend beyond Rome itself. With elites using the provinces as springboards to greater power, the revival of the Agrarian Law by the Gracchi "found the power of its adversaries redoubled, and because of this it inflamed so much hatred between the plebs and the Senate that they came to arms and to bloodshed, *beyond every civil mode and custom*." (D I.37.ii, Emphasis Mine) The extraordinary violence of this episode of class conflict began with Tiberius Gracchus's violation of the sacrosanctity of his fellow tribune Marcus Octavius, who had been

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[69] For an extended discussion of the roles played by the desire for property and honor, the effect of Roman religion, and the Gracchi's own political innovations, see Vickie Sullivan, *Machiavelli's Three Romes*, 69-80.
[70] Sullivan, *Machiavelli's Three Romes*, 149.
[71] McCormick, *Machiavellian Democracy*. 88.

persuaded by the Senate to veto Tiberius's proposal of the *Lex Sempronia Agraria* to the

Popular Assembly (Concilium Plebis). The violence continued through Tiberius's

murder by several Senators and their partisans. According to Machiavelli, that violence

finally culminated in the civil war between Marius and Sulla nearly 50 years later. The

attempt to revive the Agrarian law was thus the beginning of the end, so to speak. It also

explains half of the puzzle of what led to the collapse of the Roman republic.

The other half of the puzzle links the crisis caused by the Gracchi and the civil

wars that ultimately ended the republican era. That half of the puzzle was the

transformation of the Roman military into a clientelistic body. As Rome's empire grew,

the Senate began extending the length of time for which a given commander would

remain with his army. A seemingly convenient policy,

> That thing produced two inconveniences: one, that a lesser number of men were practiced in commands, and because of this they came to restrict reputation to a few; the other, that when a citizen remained commander of an army for a very long time, he would win it over to himself and make it partisan to him. Because of this Sulla and Marius could find soldiers who would follow them against the public good; because of this, Caesar could seize the fatherland. (D III.24)

Here, the growth in Rome's power and her corruption are intimately intertwined.[72] We

know from *The Prince* and *Art of War* how dangerous it is for an army to develop a

corporate identity, whether those linkages are mercenary or clientelist. The civil wars

that brought Rome's republican era to an end illustrate that danger by showing that

links between soldier and commander facilitate civil war when they *trump those between*

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[72] Pace Hulliung, *Citizen Machiavelli*, 59.

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citizen and commonwealth. According to Machiavelli, the extensions of military

commands, which surely aided the rapid expansion of the empire during the late

republican era, led to the formation of those linkages, and thus the downfall of the

Roman republic itself.

It is worth noting that Machiavelli does not point to the Marian Reforms as

contributing to the formation of clientelistic linkages in the Roman military. These

reforms lowered the property requirement for entering the military and thereby opened

it to Romans most likely to depend on the spoils of war for their sustenance. This

reconfiguration of the Roman military swelled its ranks and created new possibilities for

conquest and a rank and file that was more loyal to its commander, who delivered

spoils, than the state, which demanded sacrifice. Whether intentionally or by oversight,

Machiavelli ignores the importance of the Marian Reforms and holds the Senate's policy

of extending commands responsible for creating clientelistic linkages in the military.[73] In

so doing, he absolves the Roman people at large of responsibility for enabling Marius

and Sulla to "find soldiers who would follow them against the public good," and

instead condemns a patrician policy of extending commands for creating partisan

armies.

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[73] This oversight is particularly odd, given Machiavelli's focus in the *Discourses* on the people, as Leo Strauss puts it, as "the maintainer of established modes and orders, or as the repository of morality and religion." *Thoughts on Machiavelli*, 133. On the issue of the oversight, see also Vickie Sullivan, *Machiavelli's Three Romes*, 177.

Similarly it is worth noting that Machiavelli blames the conflict over the Agrarian Law on the imprudence of the Gracchi, though he provides ample evidence on which one could indict the people. Popular indifference to lands far from Rome helped create the vacuum that elite acquisition filled. (D I.37.i) Then, wanting to share in "honors and possessions" with the elite, the plebs reversed their position on these provincial holdings when pushed to do so by the Gracchi.[74]

The republican era came to an end in Rome because class-based factions took up private arms in an attempt to settle the disputes between them.[75] The failure to enforce the Agrarian Law was the opening that allowed Rome's classes to break their institutional constraints (such as the Tribunes and the Senate) and resolve their conflicts by force of arms, rather than by the tumults that Machiavelli praises. As a result, the Gracchi's attempt to revive the Agrarian Law was the beginning of a decades-long cycle of "extraordinary" uses of violence. Those extraordinary uses of violence brought an end to the republican era because the Roman military became a source of private arms. In this respect, changes to the way that Rome addressed the core political problems of violence were the final cause of death for the Roman republic. Rome thrived while her forces were "public" and died when they became "private." Recall Machiavelli's description of praiseworthy punishment in book I:

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[74] For more on the role of the people's ambition in the crisis ensuing from the revival of the Agrarian Law, see Vickie Sullivan, *Machiavelli's Three Romes*; Harvey Mansfield, *Machiavelli's New Modes and Orders*, 122.
[75] J.G.A. Pocock *The Machiavellian Moment*, 211; Vickie Sullivan, *Machiavelli's Three Romes*, 74.

> For the execution is done without private forces and without foreign forces,
> which are the ones that ruin a free way of life; but it is done with public forces
> and orders, *which have their particular limits and do not lead beyond to something that
> may ruin the republic*. (D I.7.ii, emphasis mine)

The armies of the late republican era had become private forces and thereby ruined the free way of life and the republic in Rome. The death of the Roman republic coincided with the rebirth of the army as a private force.

How, then, can a democracy, or any type of regime, keep its forces public, rather than private? Though Machiavelli does not make this suggestion, his analysis of Roman politics offers a promising way of thinking about the problem. Machiavelli was an advocate of popular participation in political decision-making, provided that participation was properly structured (i.e., shackled). The same goes for popular participation in institutions of violence. His proposal for the citizen-militia in *The Prince* and the *Art of War* held out popular participation in the principality's chief mechanism of violence as a constraint in its own right, but that constraint was meant to shackle the prince. In republics, popular participation in a given mechanism of violence is not enough to ensure that the guardians are themselves guarded. While Rome excelled at structuring popular political participation through the tribunes, she eventually failed to properly structure participation in the military. By extending the length of military commands, Rome allowed her citizen soldiers to come under the sway of their commanders' *ambitions* in addition to the demands of the given campaign. If Machiavelli's depiction of the fall of the Roman republic is accurate, then rank-and-file

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service in the military is not all that different from citizen participation in other political institutions.[76] When properly structured, such participation can help republics thrive. When poorly structured, it can lead to their collapse.[77]

4.5 Good arms, good laws, and citizen participation

For Machiavelli, every state must respond to two great sources of oppression: invasion from other states and oppression by elites within the state. Machiavelli took Rome to be the best example of all known states because she responded to both sources so admirably. Rome exported the ambitions of her elites in her expansionary projects, thereby sidestepping the factionalism of Florence and securing her own place in a chaotic interstate system. Rome also provided him with a specifically mixed model for minimizing violent oppression, in which citizens were recruited to check the ambitions of elites in addition to serving in a citizen-militia – a policy that he recommends for autocracies as well. This chapter showcased Machiavelli's assessment of the Roman tribunate because it highlights both the strengths and the limitation of the people in checking the ambitions of the elite. The people, when under the right institutional

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[76] Pocock goes as far to depict military service as a school for citizenship: "It may be through military discipline that one learns to be a citizen and to display civic virtue." *The Machiavellian Moment* 200; Merleau-Ponty offers a sympathetic interpretation when he writes that "The trap of collective life springs both directions: liberal regimes are always a little less so than is believed, others are a little more so." *Merleau-Ponty Reader*, 125. Also see Wolin, *Politics and Vision*, 212.

[77] Vickie Sullivan reads a different takeaway in Machiavelli's treatment of the downfall of the republic: "the Republic's constitution should have had mechanisms for preventing such extraordinary appeals [as those made by the Gracchi]. Caesar should not have been allowed the firm foothold he attained." *Machiavelli's Three Rome's* 80.

constraints, are particularly adept making the right decision about elite ambition. But an

institution like the tribunate can only check the ambition of the elites where authorized

to do so, which amounted to a serious limitation in the Roman case. Unchecked when

abroad, Roman elites forged clientelistic linkages with the soldiers in their charge. This

corrupted military spelled the end of the Roman republic. For today's democracies, it is

not enough to simply hold elections and have representatives to fend off collapsing into

autocracies or failed states altogether; they must take note of the dangers posed by

poorly structured militaries as well as the virtues of virtuously structured ones.

5. Infinite Princes – Elites and Political Violence in the *Discourses*

The motivating question of chapter 3 was, "does Machiavelli think that the need to prevent violent oppression gives rise to special privileges and or special duties for princes in principalities?" In that chapter, I argued that, yes, he does. In *The Prince*, Machiavelli recommends special privileges for princes and does so because princes are better positioned within a principality to constrain oppression-oriented elites as a result. In this chapter, I ask if Machiavelli's assessment of republics in the *Discourses* shares this conclusion with respect to their own political leaders. At first glance, it should not. How could a republic share this characteristic of principalities when it – strictly speaking – has no prince? To speak of a prince of a republic seems paradoxical, but Machiavelli does precisely that when he writes, "through the mode of electing [a republic] has…

…infinite most virtuous princes who are in succession to one another. This virtuous succession will always exist in every well-ordered republic." (D I.20.i) If a "virtuous succession" of "infinite most virtuous princes" exists in "every well-ordered republic," then there must be some use for "princes" in a republic.[1] The question before us concerns the nature of that use in relation to the prevention of violent oppression in a

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[1] With respect to the role played by elites in republics, Patrick Coby writes "extrapolating from the Roman experience, one sees that politics, Machiavelli-style, depends heavily on heroic individuals, princes, who arguably are more important to its success than the well-crafted institutions of a mixed regime." *Machiavelli's Romans,* 15. For Coby's extended discussion, see Chapter 6. See also J.G.A. Pocock, *The Machiavellian Moment*, 212; Mark Hulliung *Citizen Machiavelli*, 73; Vickie Sullivan, *Machiavelli's Three Romes,* 161.

republic. So, turning away from the last chapter's focus on popular participation, in this chapter I turn to Machiavelli's treatment of elite-level participation in addressing the same question.

The *Discourses* features a diverse cast of political elites, the members of which earn Machiavelli's praise for myriad political actions. They are founders of states and religions, commanders of armies, political officeholders and more. In these various roles, they are more or less closely involved with actual mechanisms of violence and the actual creation and maintenance of political institutions. In order to evaluate these various roles, in section 1, I parse the relationship between good laws and good arms in the *Discourses* and try to specify Machiavelli's definition of the former. That relationship is one of a two-way street, in which good laws can cause good arms and vice versa. So preventing violent oppression requires both good laws and good arms, and thus knowledge of how elites can bring these into being.

In section 2, I turn to Machiavelli's use of praise and blame as mechanisms for prompting his contemporaries to imitate ancient political practices. Because Machiavelli uses praise and blame to induce that imitation, section 2 analyzes the Roman example Machiavelli praises most highly in the *Discourses*, Numa Pompilius, with respect to the political effect he had upon violent oppression in Rome. Thinking about Machiavelli's treatment of Numa and his religious innovations in these terms explains various puzzles in the *Discourses*, including Machiavelli's elevation of Numa above Romulus as a

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founder of Rome, as well as Machiavelli's focus on Roman religion at the expense of

Christianity. Of course, Machiavelli does not ignore Romulus's role in founding Rome.

In Section 3, I detail the way in which Machiavelli rehabilitates Romulus as an exemplar

for republican elites. Despite the murder of his brother, Remus, Machiavelli holds

Romulus out as a worthy exemplar because his use of violence empowers, rather than

undermines core Roman institutions. This effect obviates concerns over the destabilizing

effects of violence. In section 4, I present the third member of Rome's trinity of founders:

Brutus. Brutus is an exemplary figure where the minimization of violent oppression is

concerned because he establishes a tradition of frustrating elite humors. Romulus

subjected the use of violence to law and Numa subjected it to religion, but it is Brutus

who sets an example of policing the corruption of these orders while simultaneously

protecting the people from the elites who would use violence to oppress them.

 While Numa, Romulus, and Brutus are each exemplars of elite-level action for

founding and renewing regimes, they do not exhaust the universe of models that are

necessary for understanding how elites can address problems of political violence in

republics. In particular, good generals, good "dictators," and good opinion leaders can

also do much to address problems of political violence, though their individual tasks

(winning wars, resolving crises, and influencing decisions) may be different. In section 5,

I parse the function of these various roles in Rome. Finally, because Machiavelli uses

praise and blame as his primary lever of motivation for elites in republics, in section 6, I

explain how Machiavelli thinks such regimes ought to award glory for public service.

5.1 Good Arms, Good Laws, and Good Causes.

In the *Discourses,* Machiavelli describes the relationship between arms and laws

in three different ways. Once one makes sense of these descriptions, it is possible to see

how they inform the privileges and duties of political elites in republics. The first

reference to this relationship is as a measure for orders, of which laws are a part.

Machiavelli writes, "I cannot deny that fortune and the military were causes of the

Roman Empire; but it quite appears to me that [critics of Roman politics] are not aware

that where the military is good, there must be good order; and too, it rarely occurs that

good fortune will not be there." (D I.4.i) Machiavelli's claim here is that one can know

that Rome's orders were good despite the apparent chaos of the class-conflict there

because Rome enjoyed such military success. Rome's military strength and strength of

her orders were testaments to each other. Indeed, Rome's military success is the reason

that Machiavelli elevates Rome's political order over Sparta's and Athens's as an object

of study. (D I.6.i-ii) This heuristic device tells the reader that both Rome's arms and laws

were good, but does not tell the reader which was the cause of the other.

Near the end of book III, Machiavelli seems to settle the matter by repeating his

claim from *The Prince* that good arms are – at the very least – necessary for good laws.

He writes, "although it was said another time that the foundation of all states is a good

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[militia], and where this does not exist there can be neither good laws nor any other

good thing, it does not appear to me superfluous to repeat it."[2] (D III.31.iv) The lesson

that the right kind of mechanism of violence must back laws is so important to

Machiavelli that he self-consciously chooses to repeat it to the reader or at least make the

reader aware that he has made the claim elsewhere. (P 12.i) Machiavelli then takes the

opportunity to remind the reader that the only good kind of militia is a citizen-militia,

because "one sees that the military cannot be good unless it can be trained, and that it

cannot be trained unless it is composed of your subjects." (D III.31.iv) Because command

over training implies command in general, Machiavelli must mean that good

mechanisms of violence are those that the regimes they are meant to serve can command

them when necessary. This meaning could imply that a mechanism of violence that

usurps sovereignty is incompatible with good laws to the extent that sovereignty is a

characteristic of good laws. This conclusion does not lead definitively, however, to the

idea that good arms are the generative cause of good laws, only that "neither good laws

nor any other good thing" can exist without a citizen-militia. To put the matter another

way, we ought to construe this relationship as a causal one, but a passive cause at best.

A review of other references to law in the *Discourses*, shows Machiavelli

characterizing law as a causal factor for a variety of important political outcomes. Laws

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[2] The Mansfield-Tarcov translation I have been using has "military" rather than "militia," but the original
Italian is "milizia," which clearly translates to "militia."

can function as a "necessity" which constrains citizens to become better soldiers. (D

I.1.vi) Laws can teach citizens about justice and enforce the proper feelings of political

gratitude. (D1.2.ii) While "hunger" makes people "industrious," law makes them

"good." (D1.3.ii) One can make laws that "favor" freedom and laws that prevent rich

citizens from acquiring partisans. (D I.4.i and D I.34.ii, respectively) Laws can "shackle"

and "regulate" the behaviors of the people and princes alike. (D I.58.ii-iv) Properly

designed laws can also lead states "back to the mark" as part of periodic institutional

renewal. (D III.1.ii) Laws cannot produce desirable outcomes, however, where a state

has become thoroughly corrupt. (D I.18.ii) If the "order of the state" does not change to

adjust for the corruption in citizens' "customs," then laws, which "have need of good

customs so as to be observed," are rendered useless at best and destructive at worst.[3] (D

I.18.ii) This brief catalogue of some of the references to law in the *Discourses* indicates

that good laws, rather than merely being epiphenomenal to good arms, are in fact causal

factors in their own right. While Machiavelli never explicitly defines the term, it is clear

across his references to good laws that they create virtue-generating necessity in those

who obey them. They are artificial constraints on that produce desirable political

outcomes such as martial readiness, minimal economic inequality, and regular

institutional renewal. Like all artificial social constraints, however, they cannot have the

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[3] Machiavelli defines the order of the state in Rome as "the authority of the people, of the senate, of the tribunes, of the consuls; the mode of soliciting and creating magistracies; and the mode of making the laws." (I.18.ii)

full and desired effect if the people subject to them do not also internalize the norms

they reflect. This limitation on law explains Machiavelli's emphasis on maintaining

customs consistent with those laws as part of the "order of the state." With respect to the

question at hand, it is clear that good laws, as Machiavelli understands them, produce

the necessary components for good arms by constraining citizens to become better

soldiers. Moreover, by precluding the acquisition of partisans, good laws preclude civil

war. (D III.22.iv and D III.28) Perhaps most importantly, by generating institutional

renewal, good laws reinvigorate the regime as a whole, arms included. (D III.1.ii-iii)

Ultimately, Machiavelli's treatment of the relationship between good laws and

good arms in the *Discourses* is a two-way street. There are causal pathways leading from

good arms to good laws as well as causal pathways leading from good laws to good

arms.[4] Part of this complication results from there being different kinds of political

causality. Some political things (such as arms or laws) may come into being for different

reasons than the reasons they stay in being. For example, Machiavelli argues in the

opening chapter of book I that good laws are made by founders, but clarifies the point

later that while princes "are superior to peoples in ordering laws, forming civil lives,

and ordering new statutes and orders, peoples are so much superior in maintaining

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[4] Michael Mallet is right that "Good laws needed to precede good arms in the sense that he intended them; the ideal military solutions would only emerge in a settled state with just and equitable institutions, a state which might expect to attract the sort of patriotism which Machiavelli was seeking." But, because Machiavelli's fundamental tenets include a mutual causality between arms and law, Mallet is wrong to say that "perhaps the conclusions that we can draw is that Machiavelli's basic concepts were mistaken." Michael Mallett, "The Theory and Practice of Warfare," 179.

things ordered that *without doubt they attain the glory of those who order them*." (D I.58.iii, emphasis mine) Machiavelli so often uses glory as a measure for praiseworthy action that we have to take his language here as one of equal valuation of these different kinds of causes of law. Likewise, we learn in book III that "good captains" can be the cause of "good arms" insofar as they can "instruct their army and make it good." (D III.14.iii) But if good captains can be the cause of good arms by bringing armies into being, so too can laws "impos[e] a necessity to exercise on those who had to be soldiers, so that through such an order they became better soldiers." (D I.1.iv) Without such ongoing necessity, "very agreeable and very fertile countries [are] apt to produce men who are idle and unfit for any virtuous exercise." (D I.1.iv) Captains may be capable of bringing good arms into being, but laws are much more reliable at maintaining them.[5] From this perspective, laws deserve credit as a "cause" of good arms because they maintain arms as such, especially given Machiavelli's argument that the maintenance of a thing can be just as glorious as the creation of it. Moreover, keeping the creation of the tribunate in mind, it is possible to see how "good arms" create good laws. It was the need for plebian enrollments in the military and ongoing popular authority to do violence that gave the tribunate the power it had to prevent the oppression of the plebs. These various causal interactions mean that at different times good arms are the cause of good laws, good

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[5] Partly because the right set of laws, according to Machiavelli, can produce a succession of "virtuous princes," upon whose shoulders it would fall to command the armies of the republic. (I.20)

laws are the cause of good arms, they are mutually causal, or they both come into being

as a result of a virtuous founder.[6]

If the *Discourses* is consistent about one facet of politics in republics, it is that

elites in those regimes must know when and how to bring good arms and good laws

into being, to use one side of the dyad as leverage to create or maintain the other, and to

get out of the way entirely where appropriate.[7] As a result, the grand arc of elite-level

politics in the *Discourses* is one of extra-legal (by virtue of being pre-institutional) elite

political action resulting in elites being constrained by the institutions that they then

create and maintain with the help of the people.[8] In this regard, the *Discourses* mirrors

the grand arc of the *Prince* insofar as the former uses the prince to create a citizen-militia,

which in turn constrains him. Likewise, the kinds of institutions that Machiavelli praises

in the *Discourses* empower the republic as a whole but, ought to be particularly attractive

to members of the elite because they provide a platform for the pursuit of glory, which

partially and safely satisfies the elite drive for oppression. So just as the *Prince* exhorts

the princes who read it to strike a bargain with the people to repress the petty lords who

would otherwise vent their appetites on the people within their territories, the *Discourses*

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[6] Even in the *Prince*, we learn of Borgia's use of violence in the Romagna to shift behavioral expectations back towards lawfulness – and thus how "cruelty well-used" can make good laws possible. But, we also learned in the *Prince* that the creation of a citizen-militia (i.e. "good arms") can liberate a principality from the vicissitudes of relying on auxiliary or mercenary arms. While that kind of political autonomy is not "good law" per se, it is consistent with the idea of what good law should effect, and thus illustrative of the complicated causal relationship at play.

[7] Benner, *Machiavelli's Ethics*, 151.

[8] Benner, *Machiavelli's Ethics*, 156-161.

devises a set of institutions for a republic to reward its leading citizens for their public

service, thereby directing them away from oppressing their fellow citizens and toward

virtuous political action.

5.2 Glory, gods, and gore

In the political world Machiavelli describes, the greatest public servants deserve

the greatest praise. In chapter 3, I argued that Machiavelli makes the case in *The Prince*

that the prince's rewards for popular service are glory on the one hand *and* the retention

of power on the other. What one can easily overlook is the fact that Machiavelli uses

glory and retention of power to stimulate public service, which is the foundational good

of his politics. The same is true of the *Discourses*. Catering to popular desires is the

dominant end of politics, but in the *Discourses*, Machiavelli just uses glory to induce that

service among elites. Republican elites are powerful and secure when the republic is

powerful and secure, but that power and security are not private goods. Individual

republican elites share in the power and security of a powerful and secure republic by

virtue of their citizenship, but their positions as elites within the republic are never

secure; their power is borrowed, never owned. Their only individual goods are the glory

and honor they earn through virtuous action.

Machiavelli's assessment of the human psyche includes a deep appreciation for

the motivational power of praise and blame. In prefacing the text, he confesses that the

greater "read[iness] of men to blame than to praise the actions of others" makes his

undertaking the *Discourses* "no less dangerous" than the search for "unknown waters

and lands." (D I.PR.i) His intention is not to counteract the human impulse to offer

praise and to offer blame, but rather to offer praise and blame in the right measure to the

right objects of consideration. Our habits of offering praise and blame and responding to

the praise and blame of others can be a reliable foundation for politics, if we praise and

blame the right things. Often, however, we tend to err in the objects and measure of our

praise and blame. Machiavelli argues, "men always praise ancient times – but not

always reasonably." (D II.PR.i) The tendency of human reach to exceed human grasp

leads to discontent with the status quo, which "makes them blame the present times,

praise the past, and desire the future, even if they are not moved to do this by any

reasonable cause." (D II.PR.iii) Machiavelli sees this tendency to praise unreasonably as

leading to the admiration of the ancients, *rather than imitation of them*.[9] "Indeed," he

writes, ancient action is "so much shunned by everyone in every least thing that no sign

of that ancient virtue remains with us." (D I.PR.ii) To counteract the loss of ancient

virtue, Machiavelli takes upon himself "the duty of a good man… …[which is] to teach

others that the good that you could not work because of the malignity of the times and

fortune, so that when many are capable of it, someone of them more loved by heaven

may be able to work it." (D II.PR.iii) "The good" that Machiavelli teaches is both new

[9] For a discussion of the different "sense" metaphors Machiavelli uses in counseling proper appreciation of the ancients, see Benner, *Machiavelli's Ethics*, 110.

and old.[10] Machiavelli "labors" to "find new modes and orders," but these new modes and orders are inspired by "the most virtuous works the histories show us." (D1.pr.i-ii) Upon reflection, this strategy of fashioning the new out of the old is a shrewd one because it mirrors the transformation Machiavelli wishes to bring about in his day. Machiavelli's contemporaries *already admire* the political acts of the ancients, but Machiavelli's goal is to transform that existing admiration into something that does not currently exist, namely the creation of new orders via *imitation* of the politics of the ancients.[11] Machiavelli wants the elites of his day (the young, spirited, and impressionable ones in particular (D II.PR.iii)) to imitate the best parts of ancient politics with the same vigor and passion that they imitate ancient art and medicine.[12] (D I.PR.ii)

To do so, Machiavelli writes on "whatever [he] shall judge necessary... ...so that those who read these statements of [his] can more easily draw from them that utility for which one should seek knowledge from histories."[13] (D I.PR.ii) Like *The Prince*, Machiavelli wrote the *Discourses* according to a political agenda and offer a view of the political world commensurate with that agenda.[14] And because Machiavelli understands praise and blame to be motivational levers when it comes to human behavior, it stands

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[10] Benner points out that all political "imitators" deploy a blend of new and old. *Machiavelli's Ethics,* 109; See also Leo Strauss, *Thoughts on Machiavelli,* 85 -86, 116, 167.

[11] Benner, *Machiavelli's Ethics,* 133.

[12] For a comparison of Machiavelli's task to those of Agis the Spartan and Jesus Christ, see Strauss *Thoughts on Machiavelli,* 173.

[13] Part of this task involves painting an overly rosy view of the ruling elite in Rome. Strauss, *Thoughts on Machiavelli,* 134.

[14] Nor does Machiavelli think of himself as the first to do this. Benner, *Machiavelli's Ethics,* 112.

to reason that the way he praises and blames ancient political actors reflects the political

behaviors he wishes to inspire in others.[15]

This line of thinking makes Machiavelli's opening to DI.10 so intriguing. He

writes,

> "Among all men praised, the most praised are those who have been
> heads and orderers of religions. Next, then are those who have founded
> either republics or kingdoms. After them are celebrated those who,
> placed over armies, have expanded either their kingdom or that of the
> fatherland. To these literary men are added; and because these are of
> many types, they are each celebrated according to his rank. To any other
> man, the number of which is infinite, some share of praise is attributed
> that his art or occupation brings him." (D I.10.i)

Contrast this hierarchy with his characterization of the four founders in *The*

Prince (Romulus, Theseus, Cyrus, and Moses) in chapter 6. In that chapter, he dedicates

himself exclusively to a discussion of the 3 secular founders, writing, "one should not

reason about Moses, as he was a mere executor of things that had been ordered for him

by god." (P.6.ii) Moreover, Machiavelli holds Moses out not as a figure for imitation, but

rather as a figure who "should be *admired* if only for that grace which made him

deserving of speaking with god." (P.6.ii, emphasis mine)

In the *Discourses*, however, it is a religious figure who most fundamentally

shaped patterns of violence to prevent violent oppression. Machiavelli regarded Rome

as a city of multiple founders and orderers. In DI.1.v, Machiavelli offers the case to be

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[15] Machiavelli writes of one contemplating the ancients, "without doubt, if he is born of man, he will be terrified away from every imitation of wicked times and will be inflamed with an immense desire to follow the good." (D I.10.vi)

made for Aeneas, Romulus, Numa Pompilius, "and others" in each having a hand in

founding Rome. But who was *the* founder? In DI.11.ii, Machiavelli settles the matter of

their relative influences by writing,

> If one had to dispute over which prince Rome was more obligated to,
> Romulus or Numa, I believe rather that Numa would obtain the first
> rank, for where there is religion, arms can be easily introduced, and
> where there are arms and not religion, the latter can be introduced only
> with difficulty. (I.11.ii)

Numa surpasses Romulus as a founder of Rome because his religious

innovations "served to command armies, to animate the plebs, to keep men good, [and]

to bring shame to the wicked." (D I.11.ii) Romulus's reign gave Rome its "birth and

education" but those things that were "omitted by him were [ordered] by Numa." (D

I.11.i) These "omitted" things, it turns out were cultural practices necessary to "reduce

[the Roman people] to civil obedience." (D I.11.i) As a collective, Romans were fiercely

independent, but as individuals they were fiercely obedient to each other. They owed

this second characteristic to Numa.[16] Machiavelli underscores the degree of Roman

interdependence by claiming, "The citizens feared to break an oath much more than the

laws." (D I.11.ii) Far from leading to lawlessness on the part of the Roman people,

Roman religious practices made "easier whatever enterprises the Senate or the great

men of Rome might plan to make." (D I.11.i) In a state so radically divided by class,

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[16] Vickie Sullivan takes Machiavelli to be blaming Numa for downfall of the Roman empire and the oppression of the average roman citizen by roman elites: "Numa's introduction of religion made it possible for the patricians, in the pursuit of their own class interests, to use fraudulent appeals to the divine to manipulate a credulous people." Sullivan, *Machiavelli's Three Romes*, 6.

what could be more important than a willingness to abide by agreements made? Machiavelli celebrates the agonism of Roman politics, but that agonism was only useful insofar as Rome could still successfully pursue her enterprises. Here Roman religion supplied the necessary social glue: "it caused good orders; good orders make good fortune; and from good fortune arose the happy success of enterprises," which we know to be military enterprises in Rome's case.[17] (D I.11.iv)

So, rather than an interest in moral perfection, Machiavelli's concerns over political violence in general and oppression in particular, drive his treatment of religion.[18] In the *Art of War*, we should remember, Machiavelli praises "ancient lawgivers and governors of kingdoms and republics [who] took great care… …to inspire all their subjects—but particularly their soldiers—with fidelity, love of peace, and fear of god." (AW PR) These characteristics are essential to the makeup of a good citizen-soldier and, by extension, to the possibility of a good citizen-militia, because they guarantee the exercise of force according to politically desirable norms. In Rome, "fear of god" was the foundation of reciprocal trust between citizens because it guaranteed oath-keeping. And nowhere – in any regime – is reciprocal trust more important than among those who are

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[17] We also know it to be the non-violent settling of disputes up to the era of the Gracchi. Compare that to the Florentine experience as Machiavelli depicts it in books 1-3 of the *Florentine Histories*.

[18] Most interpreters of Machiavelli have understood religion to be a tool of politics. See for example, Pocock, *The Machiavellian Moment*, 192-193; Maurizio Viroli, "Machiavelli and the Republican Idea of Politics," 156. None have gone so far, however, as to tie it specifically to a tool for the management of political violence. For the contrasting view that Numa's religious innovation actually created a split between the demands of politics and those of religion, see Sullivan, *Machiavelli's Three Romes*, 58.

armed and between those who are armed and those who are not. Without reciprocal

trust, states are forced to fall back on sub-optimal mechanisms of behavioral

enforcement. In such cases "it must be either that the kingdom comes to ruin or that is

sustained by the fear of a prince, which supplies the defects of religion." (D I.11.iv) We

know from elsewhere in Machiavelli's work that fear is an effective political tool, but it

is nevertheless suboptimal because it relies on the virtue of its user.[19] Moreover, the

heavy-handed use of fear to maintain order nullifies the primary advantage of a "free

way of life," which is predicated upon individual citizens not fearing the loss of

patrimony and wealth accruing from industriousness. (D II.2.iii) Machiavelli sees orders

that are self-sustaining by virtue of internalized norms as far better than those that

depend exclusively on fear.[20] (D I.11.v) Numa receives such praise from Machiavelli

because he engineered such a self-sustaining order.

That Numa did so gives Machiavelli more fodder for his indictment of his own

times. It is true that Numa's task was easier in early Rome than it would have been in

Florence of Machiavelli's day owing to the self-styled sophistication and refinement of

Machiavelli's contemporaries. (D I.11.v) Nevertheless, Machiavelli cites the

accomplishments of Savonarola as evidence for the remaining possibility of religious

persuasion. (D I.11.v) In light of that remaining possibility, Machiavelli excoriates

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[19] Pitkin, *Fortune is a Woman*, 77.
[20] Pace Sullivan, *Machiavelli's Three Romes*, 188.

Christian doctrine because it "has glorified humble and contemplative more than active men... ...and if our religion asks that you have strength in yourself, it wishes you to be capable more of suffering than doing something strong." (D II.2.ii) The effect of this set of expectations is to "have rendered the world weak and given it in prey to criminal men, who can manage it securely." (D II.2.ii) The task of a 'New Numa' would be to reinterpret Christianity "according to virtue" rather than "according to idleness," a task which Machiavelli regards as plausible: "For if they considered how it permits us the exaltation and defense of the fatherland, they would see that it wishes us to love and honor it and to prepare ourselves to be such that we can defend it."[21] (D II.2.ii) We can safely assume the scale of praise and blame that Machiavelli lays out in the *Discourses* would serve as a helpful guide to the prospective renovator of Christianity.

That said, Numa – not Christ – stands alone as an orderer of a religion.[22] For Machiavelli, the brilliance of Numa was the effect he had on violent oppression via his use of "the arts of peace." (D I.11.i) Without Numa, "who pretended to be intimate with a nymph who counseled him on what he had to counsel the people," there would have been no "way to maintain a civilization" among such "a very ferocious people." (D I.11.i) Of course, the fact that Numa committed an act of fraud by claiming divine

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[21] Strauss, *Thoughts on Machiavelli*, 108.

[22] Jesus Christ is only mentioned by way of Machiavelli's discussion of Saint Dominic's and Saint Francis's respective uses of the life of Christ as a model for their followers. Moses – who Machiavelli calls a founder in the *Prince* – is not treated in the *Discourses* as a head or orderer of a religion, but rather as a secular founder (D I.1.vi, DI.9.iii, DII.8.ii) or a exemplar for reformers of republics. (D III.30.i)

influence in ordering Roman religious practices only underscores the extent to which Machiavelli is really characterizing religion as a tool for minimizing violent oppression.[23] Machiavelli dedicates lengthy passages to the Roman military's use of the auspices to inspire confidence in their soldiers or justify prudent retreat. Machiavelli holds out fraud itself as a glorious way to win a military engagement. (D III.40.i) In discussing that manner of fraud, Machiavelli makes a telling remark. He writes, "I do not understand that fraud to be glorious which makes you break faith given and pacts made… …but I speak of fraud that is used with the enemy who does not trust you and that properly consists in managing war." (D III.40.i) While one might assume that this precludes committing fraud against ones own countrymen, Machiavelli might pose the following questions in response. Who are "the enemy" if not those "who have rendered the world weak and given it prey to criminal men?" As we saw in *The Prince*, the members of the latter group are the prince's 'friends,' who would multiply violence if left to their own devices. Similarly, In the *Discourses*, who must Numa's contend with if not those early Romans who were so "ferocious" that they precluded "civil obedience?" Numa occupies a place of privilege in the *Discourses* because he transformed Rome into a place where ferocity led to great endeavors abroad, while piety, fidelity, and love of peace led to a civil way of life at home.[24] As Maurizio Viroli puts the matter, "the point that

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[23] For a supporting view, Hörnqvist, *Machiavelli and Empire,* 83.
[24] For a discussion of the fraudulent use of necessity in ruling republics, see Hörnqvist, *Machiavelli and Empire,* 95-96.

Machiavelli stresses again and again is that a city must be in a position to fight to protect

its liberty and that both citizens and rulers must go to war in order to have peace but

should not disturb peace in order to have war."[25] Numa saw to the second half of

Viroli's formulation. Romulus, we shall see, saw to the other.

5.3 Romulus, violence, and the ordering of good laws

Numa's place of privilege in the *Discourses*, however, does not make his actions

the central focus or even the first figure that readers of the *Discourses* might want to

imitate. Despite holding the second and third ranks of praise, readers need to

understand virtuous political and military action because it holds priority over the

creation or renovation of religious orders. To put the matter another way, Rome may

have been more obligated to Numa – especially where internal concord was concerned –

but Numa, in turn, traded upon the virtuous action of Romulus.[26] Numa was only able

to "rule Rome for many years with the art of peace" because "the virtue of Romulus was

so much that it could give space" for Numa to be "an orderer of a civil way of life." (D

I.19.i, DI.19.iii) In so many ways, Numa relied on fortune and was able to hold Rome on

the basis of what he had been given by his predecessor. In contrast, "he who is like

Romulus, and like him comes armed with prudence and arms, will hold it in every

mode unless it is taken from him by an obstinate and obsessive force." (D I.19.iv)

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[25] Viroli, "Machiavelli and the Republican Idea of Politics," 159-160.
[26] It is, as a result, an error to call a founder an "unmoved mover." Pitkin, *Fortune is a Woman*, 54 and 63.

Romulus is praiseworthy and worth imitating for this capacity to lay the foundation for later political success.

It is therefore understandable that Machiavelli would open book I with chapters on the "beginnings" of cities, the relationship of different kinds of regimes to their beginnings, and the causes of Rome's successful development into a "perfect" regime. (D I.1-3) If Machiavelli is to spark a new beginning in politics among his contemporaries, he ought, at the very least, show them how to initiate new beginnings. Undertaking a new beginning, like undertaking any other project, requires knowledge of both means and ends – knowledge, in other words, of both how one makes a good beginning and what a good beginning looks like. For the purposes of imitating a founder like Romulus, this means both knowing how he created the inheritance that he left to his successors like Numa and what that inheritance was. The need for this knowledge motivates Machiavelli's extended treatment of foundings.[27] For our purposes, both aspects of founding directly concern the minimization of violent oppression. In Romulus's case, understanding the means of his founding requires an analysis of the "cruelties well-used" that allowed him to consolidate power and understanding the substance of his founding requires an analysis of the core Roman institutions he created.

How could Machiavelli praise Romulus's means such that he profitably inspired imitation? Romulus committed fratricide. What sort of politics would be engendered by

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[27] Strauss, *Thoughts on Machiavelli*, 133.

the imitation of such an action? In DI.9, Machiavelli takes up the minority opinion that Romulus, despite his most memorable act, is nevertheless a worthwhile example of a "prudent orderer of a republic." (D I.9.ii) Machiavelli's effort to redeem Romulus's actions in founding Rome proceeds along two lines, one concerning the necessity of Romulus's tactics and the relative value of those means with respect to his ends. The first of those efforts embodies one of Machiavelli's most prominent leitmotifs: the restriction of extraordinary authority to "uno solo." In part, this restriction, speaks to the nature of group decision-making. Machiavelli takes it as a given that groups tend to favor the status quo, because they are generally unable to agree upon, and therefore unite behind, a suitable alternative to it. (D I.9.ii) In this respect, "uno solo" really just represents a functional alternative for making and executing decisions in a crisis.

But why excuse such disgusting violence? How can we overlook Romulus's fratricide (and other uses of violence)? If we are to accept Romulus as an example, we have to accept his uses of violence, which Machiavelli regarded as part and parcel to the solitude of his authority. Machiavelli's second line of effort to redeem Romulus casts the use of political violence as necessary for becoming "uno solo." This necessity does not arise from the nature of "the many," which functioned as the counterpart to "uno solo" in Machiavelli's argument about group decision-making. Rather, the necessity to use violence arises from political dynamics spelled out by Machiavelli's diverse humors thesis. The humor characteristic to the elite – the humor to oppress – creates a double

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necessity for anyone attempting to create new orders with an eye toward the common good. The creation of new orders that promote the common good presupposes that the extant order is corrupt. In a chapter detailing the pervasive challenge posed by the enviousness of the great toward others in power, Machiavelli tells us that in such cases of corruption, the great are "men who are used to living in a corrupt city, where the education has not produced any goodness in them… …and to obtain their wish and to satisfy their perversity of spirit, they would be content to see the ruin of their fatherland." (D III.30.i) Whoever reads "the Bible judiciously," Machiavelli continues, will understand Moses's use of violence in light of a bloody effort to marginalize that form of enviousness. This problem, it would seem, is common to the founding moment as well. Corrupt and envious elites covet the kind of power necessary for founding and reforming. Moreover, such elites invariably lose out in orders that promote the common good. In *The Prince*, Machiavelli underscores the danger of "introducing new orders. For the introducer has all those who benefit from the old orders as enemies, and has lukewarm defenders in all those who might benefit from the new orders." (P6.iv) So attempts to found a virtuous political order are necessarily fraught with the emergence of enemies rather than allies. This perspective makes the use of violence much easier to justify because it takes the use of violence as a given and reframes the question of the use of violence as one of ends rather than one of means.

Machiavelli reduces the political world as it exists in the flux of founding or reform to two kinds of users of violence: "he who is violent to spoil" and he "who is violent to mend." (D I.9.ii) Elsewhere in the same chapter Machiavelli tells his reader that a "a prudent orderer" deserves the authority of "uno solo" because "he has the intent to help not himself but the common good, and not for his own succession but for the common fatherland." (D I.9.ii) Romulus, in Machiavelli's mind, certainly fell into the latter category. Remus falls into the former by default. But even if Remus had no intention to use violence for personal gain or to "spoil" his and Romulus's political project, the utility of the example is undiminished for Machiavelli's purposes in the *Discourses*, which is to rehabilitate ancient examples as models for imitation.[28] So Machiavelli does not indict Remus because that is not the part of the example that needs rehabilitation. The text itself presupposes a corrupt political era. Machiavelli does not need to cast Remus as a villain because, in Machiavelli's era, there were villains aplenty. Machiavelli intended for his new modes and orders to bring forth new political heroes cast in the mold of Romulus, who is characterized in D I.9 not by his opposition to Remus, but rather by his willingness to use "extraordinary authority" to found Rome.[29] To use an analogy from the world of sports: Machiavelli is treating Romulus like a gold-medal winner. The key takeaway from a gold-medal winner's performance is the fact

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[28] Benner, *Machiavelli's Ethics*, 101.
[29] Pitkin, *Fortune is a Woman*, 76. Pace Sheldon Wolin. *Politics and Vision*, 205.

that he or she took the top prize, not the fact that he or she beat some specific competitor

or even the entire field of competitors.

In that same vein, Machiavelli uses Romulus to rehabilitate the idea of using

extraordinary means to found a virtuous political order.[30] The creation of such orders

should be the overweening concern of Machiavelli's contemporaries, but – as we learned

in Machiavelli's treatment of Christianity of the day – care for the soul had trumped care

for worldly politics. One could say that Machiavelli's contemporaries confused the story

of Romulus and Remus with the story of Cain and Able. The difference between the two

was the founding of Rome. So while both involved a fratricide, the former led to a

virtuous political order.[31] Moreover, if the first virtue of a virtuous political order is that

it effectively constrains and shapes uses of violence in accordance with a civil way of

life, then the very terms used to condemn Romulus's act simultaneously exonerate him

by virtue of the outcome. Machiavelli writes, "it is very suitable that when the deed

accuses him, the effect excuses him; and when the effect is good, as was that of Romulus,

it will always excuse the deed." (D I.9.ii) We should keep in mind that the accusing deed

and the excusing effect are *commensurable*.[32] This conceptual move may be Machiavelli's

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[30] Sullivan, *Machiavelli's Three Romes*, 128.
[31] One reading of Machiavellian *virtú* understands it as the ability to turn disorder into order and thereby create stability and reduce the effects of *fortuna*. For example See Benner, *Machiavelli's Ethics* 142, 162; Pocock *The Machiavellian Moment,* 188.
[32] Merleau-Ponty, "A Note on Machiavelli," 128; Wolin, *Politics and Vision*, 198.

most important move in the *Discourses*.[33] Politics is a matter of dirty hands.[34] Those who have bad ends are always willing to use bad means and so will always exacerbate problems of political violence. The trick is motivating those who have good ends – perhaps like Zanobi Boundelmonti and Cosimo Rucellai, to whom Machiavelli dedicates the work – to behave a little like Romulus and not shy away from his example of using any means necessary to pursue admirable ends.[35]

Part of the concern over the exemplary nature of Romulus act falls away, in Machiavelli's view, when one considers that the political upshot of Romulus's action as a whole was the initiation of the process by which Rome's virtuous political order emerged.[36] In his rehabilitation of Romulus as an example for imitation, Machiavelli tells his reader that he is contradicting the view of "many" that Romulus sets a bad example for political action because it might justify committing offenses out of "ambition and the desire to command." (D I.9.i) If one can justify fratricide with the pursuit of power, then few other barriers against violence – if any – remain. However, what Machiavelli considers virtuous about Romulus's actions "is demonstrated by his having at once ordered a Senate with which he took counsel and by whose opinions he decided." (D I.9.i) Romulus is worth imitating, precisely because he gave up his extraordinary authority after founding Rome and did "not leave the authority he took as an

[33] Pace Skinner, *The Foundations of Modern Political Thought*, 157.
[34] Walzer, "Political Action: the Problem of Dirty Hands," 217-237.
[35] Strauss, *Thoughts on Machiavelli*, 168.
[36] Wolin, *Politics and Vision*, 188.

inheritance to another." (D I.9.ii) Those who would use Romulus to justify offenses in

acquiring power ignore the fact that Romulus did not simply acquire power per se;

Romulus acquired, consolidated, and *shaped* political power for those who succeeded

him.[37] Moreover, he did so in a way that enabled Numa and Brutus to take the steps that

they did to minimize violent oppression.

Throughout his work, but in the *Discourses* especially, Machiavelli discusses

different kinds of political authorities and "modes." One important subspecies is

"extraordinary" authority and modes.[38] This classification serves to distinguish between

those authorities and modes that are not typical of a given political order and those that

are. This distinction extends to the use of violence in key parts of Machiavelli's

discussion of Rome. (D III.3.iii, DI.18.iv) The use of violence can, for example, be

"ordered" by laws or institutions, as in the case of tribunes – or it can fall outside them

as in the case of the actions that Machiavelli argues that his old patron, Piero Soderini,

should have taken to consolidate the Florentine republic. In all cases, there seems to be

an implicit understanding that extraordinary violence, as Machiavelli understands it, is

powerful, rarely recommended, and extremely dangerous, but sometimes necessary

when consolidated orders are absent or not enough to deter violent oppression. In many

ways, Machiavelli seems to share the wariness of excessive uses of extraordinary

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[37] Wolin, *Politics and Vision,* 196.
[38] Authorities: DI.34.ii, DIII.3.iii, and DIII.8.i; Modes: D1.4.i, D1.7.i, DI.7.iii, DI.7.v, DI.18.iv, DI.37.iii, DI.37.iii and DIII.38.i.

violence that motivates "the many" who condemn Romulus as a bad example because those following him might construe his "extraordinary action" as precedent-setting for the orders that follow. In all likelihood, Machiavelli would have concurred in that condemnation had Romulus failed to dictate the manner in which the power he had consolidated could be used. Machiavelli notes that "he who considers well the authority that Romulus reserved for himself will see that none other was reserved except that of commanding the armies when war was decided on and of convoking the Senate." (I.9.ii) That Romulus's orders (augmented by Numa's) "were more conformable to a civil and free way of life than to an absolute and tyrannical one," is confirmed in Machiavelli's view when "no ancient order was innovated," other than the creation of the consulship, during the transition from monarchy to republic. (D I.9.ii) Herein lies the crux of the Romulan example. The effect that excuses the deed that accuses Romulus takes the form of substituting acquired, inheritable "ordinary" authority for "extraordinary" authority.

This inheritable "ordinary" authority is the foundation of the Roman edifice. Machiavelli's affirmation of the orders of pre-republican Rome as "more conformable to a civil and free way of life" specifies the goal that any would-be imitator of Romulus should have, but does not thoroughly detail the contents of that goal. What content should orders conformable to a civil and free way of life have? If I have read Machiavelli correctly, the first virtue of such orders is their ability to minimize violent oppression, which requires, on the one hand, the capacity to defend sovereign territory and deter or

arrest citizens who pose threats to other citizens and, on the other, the capacity to

constrain those who are armed for these purposes from exercising force on those who

are under their protection. When Machiavelli turns to the mechanics of founding in the

opening chapter of the *Discourses* the preeminent measure of the virtue of the founder is

in the ordering of the laws.[39] And the preeminent virtue of founding laws is their

capacity to "constrain [idleness] by imposing such necessities as the site does not

provide." (D I.1.4) In the first instance, this means imposing such necessity that the state

can defend its people. Praiseworthy ancient regimes "impos[ed] such a necessity to

exercise on those who had to be soldiers, so that through such an order they became

better soldiers." (D I.1.4) The early Roman orders excelled in the outward projection of

force, thus solving the first requirement mentioned above. Machiavelli excuses

Romulus's use of extraordinary violence because he used his acquired authority to build

a political edifice that was valuable by virtue of "the necessity ordered by the laws."[40] (D

I.1.iv) "Because men work either by necessity or by choice, and there is greater virtue to

be seen where choice has less authority," laws that 'order necessity' are laws that

generate virtue. (D I.1.iv) To put the matter another way, Machiavelli excuses Romulus's

fratricide because Romulus created a political order in which law acted as the necessity

that governed violence. Good laws, we should keep in mind, are artificial constraints

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[39] In this passage, Machiavelli mentions both "the choice of the site" and the ordering of the laws. This choice turns upon available resources of a given physical site and earns precious little attention from Machiavelli in the rest of the *Discourses*.

[40] This phrase actually refers to Egyptian orders. But it is apt and certainly would apply to Roman ones.

that produce virtuous outcomes. For Machiavelli, the more that states can subordinate the use of violence to law, the better. This process has limits, of course, and Machiavelli's recommendations on how to respond to those limits are some of his most distinctive. That said, anyone can see, and Machiavelli would be the first to point out, that a regime in which violence is the only constraint on men's behavior would not be a regime conformable to "a civil and free way of life." (D I.9.ii)

Romulus suits Machiavelli's project as a good example because Romulus was, on the one hand, capable of navigating the anomic situation prior to the founding for which he was responsible. Yet, on the other hand, Romulus ceded almost all of the extraordinary authority he had acquired in that process, thus shifting the locus of political authority to other parts of the political order. The chief characteristic of that shift was, of course, the inversion of the relationship between violence and political authority that it represented. Prior to the founding, Romulus acquired political authority by using violence. After the founding, the use of violence was directed and shaped by the political constraints (i.e., "the necessity ordered by the laws") placed upon it.

5.4 Brutus, refounding, and reforming

The beginning for which Romulus was responsible was, however, just a beginning and an imperfect one at that. Machiavelli distinguishes Romulus from a notable Greek counterpart: Lycurgus. On the face of it, Machiavelli notes, Lycurgus seems like a much better object of study for those who would learn the art of political

innovation. In a single act of founding, Lycurgus created a political order that was a regional hegemon in its day and also demonstrated far greater longevity than the Roman republic. By any measure that Machiavelli might offer, Lycurgus was a better founder than Romulus. In fact, Machiavelli would have to concede that Lycurgus had more virtue than Romulus given his claim that the virtue of the founder is evident in the virtue of what he creates. Machiavelli says of Romulus's creation that, "first orders of Rome were defective." (D.I.2.vii) Sparta suffered no such "defects."

Still one can defend Machiavelli's focus on Romulus on two grounds. First, ignoring Romulus on the basis of his defects would exclude his virtues from analysis. Machiavelli thus refuses to throw the baby out with the bathwater. Second, there is more to learn from Romulus's founding than from Lycurgus's founding, owing precisely to the defects of the former. "For if the first fortune did not fall to Rome, the second fell to it… …they did not deviate from the right way that could lead them to perfection." (D.I.2.vii) The Roman case, from which its imperfect founding is inextricable, is one of successive political reforms and renovation. Rome was quite literally not built in a day. It is thus easy to imagine that this characteristic of Roman political development – reform over time – recommended it as a better object of study than Sparta, despite Sparta's perfect founding.[41] In fact, this is how Machiavelli characterizes his own project in the *Discourses*. It is one of an imperfect beginning, one that "will at least show the path

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[41] Pocock, *The Machiavellian Moment*, 190.

to someone who with more virtue, more discourse and judgment, will be able to fulfill this intention of mine." (D I.PR.i) Rome succeeded precisely because those with "more virtue, more discourse, and more judgment" were able to continue along the path that Romulus initially blazed. In this respect, the Romulan mode of founding is as great or greater than the Lycurgan mode. If by "perfection of a given order" we take Machiavelli to mean the best possible order for a given people and location, then the Romulan mode can approximate the Lycurgan one over time. If by "perfection of a given order" we take Machiavelli to mean constant, optimal adjustments to a changing world then the Romulan mode can actually *exceed* the Lycurgan one. In either case, only study of Romulus can impart useful knowledge to those who find themselves on paths started by others because studying the art of reform requires properly understanding the imperfections that give rise to it.

Machiavelli credits Romulus with creating Rome's military orders and the senate, but notes that these were incomplete. (D.I.11.ii) In particular, Numa's religious reforms needed to augment them and – as I discussed at length in Chapter 4 – so did the tribunes. Both of these reforms served to limit or constrain the uses of violence by Romans against other Romans. Romulus satisfied one essential requirement for minimizing violent oppression by founding an order that could defend itself, but he only partially addressed another requirement when he inverted the relationship between institutional constraints and the use of violence. He needed Numa and the

other successive reformers to bring the Roman project to completion. One such reformer was Lucius Junius Brutus, the founder of the republican era and a man who Machiavelli calls "the father of Roman liberty." (D III.1.vi) This characterization would seem fairly straightforward given the widespread acknowledgment of Brutus as the founder of the Roman republic, but Machiavelli has already conceded "no ancient order was innovated" during the transition from the monarchy to the republic. (D I.9.ii) Consular power replaced monarchic power, but Machiavelli does not consider this an innovation. The republic did not reach maturity until the creation of the tribunes of the plebs, who replaced the kings as a check on the ambitions of the elites. Nevertheless, Machiavelli begins his review of "how much the actions of particular men made Rome great and caused many good effects in that city" with a discussion of Brutus and his role in founding and consolidating the republic. (D III.1.vi) Why give Brutus such pride of place when he does not appear to have created any new Roman orders? Why call Brutus the "father of Roman liberty" when it appears that he cannot match Romulus's military orders, Numa's religious orders, or the tribunes of the plebs? The answer lies in the concept of precedent and a tradition of Roman politics on par, in Machiavelli's view, with its military and religious orders. Brutus establishes a precedent for renewing and revivifying these orders and, in so doing, demonstrates the quintessential political action of a republic and the best way republics can prevent oppression by elites.

After expelling the Tarquins from Rome following the uprising stemming from

the outrage over Sextus Tarquinius's rape of Lucretia, Brutus presided – at first as the

leader of the uprising and then as consul – over the consolidation of popular rule. In that

capacity, Brutus compelled bystanders at Lucretia's suicide to "never endure that in the

future anyone should reign in Rome."[42] (D III.2.i) Later, as consul, he presided over the

death of his sons, Titus and Tiberius, for their participation in the Tarquinian

Conspiracy, an attempted restoration of the monarchy. Machiavelli brings up this

episode twice in the *Discourses* (D I.16.iv-v and DIII.3.i), both times citing it as an

example of the steps that every fledgling republic must take in order to consolidate itself

upon transition from principality. The "sons of Brutus" represent the humoral elements

of the prior regime that satisfied themselves on the people, obviously at the expense of

the people, and now find themselves frustrated in their desires to oppress. Machiavelli

indicts the sons of Brutus for "conspir[ing] with other young Romans against the

fatherland because of nothing other than that they could not *take advantage extraordinarily*

under the consuls as under the king, so that the freedom of the people appeared to have

become their servitude." (D I.16.iv, emphasis mine) Brutus becomes the "father of

Roman liberty" when he endorses, via his conspicuous presence, the execution of his

own sons for attempting to restore their elite privileges. The fact that Machiavelli

recommends this course of action to every republic indicates that he sees this trade-off

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[42] Livy reports that Brutus later made the people at large swear a similar oath. Livy, *The History of Rome,* 85.

between private elite advantage and popular freedom as a universal one related to the humoral dynamics of every state.

Republics that do not dedicate themselves to the continual frustration of private, elite advantage fall short of the term "free state." Moreover, republics that do not marginalize "those who are enemies to that new order [make] a state of short life." (D I.16.iv) Brutus is an exemplary figure in the *Discourses* and Machiavelli thinks of him as the founder of the republic because the virtue of his political actions were to punish (and thereby frustrate) the satisfaction and attempted satisfaction of private elite advantage. In doing so, Brutus forged a mold for frustrating oppression by the elite. Given Machiavelli's humoral framework, we can think of three kinds of intrastate violence: intra-elite, elite on non-elite, and non-elite on elite.[43] Given Machiavelli's faith in the desires and habits of the people the last one is not a subject of concern, especially when subject to the right political institutions. In such cases, Machiavelli thinks that the people will judge well in their uses of violence. But the other two remain political difficulties. Brutus is an exemplar because he demonstrates how the one may be used to solve the other.[44]

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[43] Violence committed by average citizens against other average citizens certainly represents a problem of violence, but only represents a problem of *political* violence insofar as state institutions are responsible for that violence. Machiavelli does not take dwell on this issue, probably owing to his faith in the popular humor against domination itself.
[44] Elites who would "take advantage extraordinarily" create a problem that overlaps with the problem of controlling the armed. One avenue for the pursuit of such advantages is the cooptation of the armed as a mechanism of coercion. Machiavelli would certainly see any systematic and widespread use of an armed force to oppress the people as doing so at the direction of a political or military head. And he would

Given Machiavelli's already-discussed praise of the tribunate, it should come as no surprise that the frustration of oppressive elite humors characterizes republics, as Machiavelli understands them. Brutus is nevertheless a surprising exemplar because Machiavelli's treatment of his actions makes the case that the frustration of oppressive elite humors nevertheless requires elite action in addition to popular action through institutions like the tribunes of the plebs. Machiavelli dedicates book III of the *Discourses* to a discussion of how the actions of particular citizens redounded to the greatness of Rome. Brutus is the first citizen he discusses, both in order and importance. Machiavelli prefaces this discussion, however, by claiming that "nothing is more necessary in a common way of life, whether it is sect or kingdom or republic, than to give back to it the reputation it had in its beginnings, and to contrive that it be either good orders or good men that produce this effect." (D III.1.vi) The death of the sons of Brutus, Machiavelli concedes, were but one instance of the Roman republican tradition of exemplary trials and punishments. Machiavelli cites 7 specific "executions" ("esecuzioni") of Roman orders (4 of which resulted in literal executions) which "made men draw back toward the mark" of Roman virtue. What unites these events? A haphazard reading might mistake the outcome of the first 5 "executions" – the deaths of Brutus's sons, of the

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certainly see the most appropriate solution as a separation of that head from that body. Brutus is an exemplar of how intra-elite violence may be used as a bulwark against elite on non-elite violence.

decemvirs, of Maelius the grain dealer, of Manlius Capitolinus, and of the son of

Manlius Torquatus – for Machiavelli's meaning of the word execution. However, the

inclusion of the trial of the Scipios and the prosecution of Quintus Fabius by Papirus

Cursor, neither of which resulted in capital punishment, indicates that Machiavelli is

talking about the *execution of a set of Roman orders* rather than Roman persons. In the

third paragraph of that chapter, Machiavelli defines that set. The "orders that drew the

Roman republic back toward its beginning were the tribunes of the plebs, the censors,

and all the other laws that went against the ambition and insolence of men." (D III.1.iii) So,

when Machiavelli argues that Roman elites took exemplary actions that redounded to

the greatness of Rome, one set of actions he has in mind is the reassertion of the orders

that go "against the ambition and insolence of men," in other words against the

tendency of unchecked elite humors to lead to the oppression of the people.[45]

Machiavelli's discussion of additional cases beyond Rome reiterates his praise of

Rome's periodic reassertion of the orders that checked elite humors. First, Machiavelli

praises saints Dominic and Francis for giving new life to Christianity by reasserting the

life of Christ as a model for Christian piety. But, just as Machiavelli praises these two

"orderers of sects," he condemns them for not creating orders that would punish the

insolence of the "prelates and heads of the religion" and thereby leaving those heads to

"do the worst they can because they do not fear punishment." (D III.1.iv) A second

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[45] Sullivan, *Machiavelli's Three Romes* 10, 169; Hulliung, *Citizen Machiavelli,* 33.

example – this time of successful checks on elite humors – is France, where the Parlement serves the function of punishing the ambitions and insolence of the few with its executions and verdicts. "Up until now it has maintained itself by having been an obstinate executor against the nobility but whenever it should leave any of them unpunished and they should come to multiply, without doubt it would arise either that they would have to be corrected with great disorder or that the kingdom would be dissolved." (D III.1.v) Machiavelli's treatment of Rome, the Franciscan and Dominican orders, and France is united by his use of checks on elite humors as a standard of assessment. Dominic and Francis fail where the Parlement excelled and Brutus was unparalleled: frustration of the elite humor. Romulus and Numa each created institutions that empowered Rome, and the formation of the tribunate empowered the plebs against the Roman elites who would oppress them, but it was Brutus's example that established a tradition of intra-elite checks and spirited executions of Roman orders. Brutus founded a model for greatness that depended upon maintenance of the common good and resulted in service to the people rather than individual success and resulted in personal advantage.[46] Brutus, in short, created a means by which Romans could pursue praise domestically by frustrating attempts at oppression.

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[46] Pace Strauss, *Thoughts on Machiavelli*, 127.

5.5 Speakers, Dictators and Generals.

Of course, glorious action for Roman elites was not limited to only frustrating attempts at oppression within Rome; they exercised other forms of leadership, especially in defense of the city. This brand of leadership required, in Machiavelli's view, virtuous use of the art of war, art of peace, and dictatorial authority.[47] All three activities were necessary for Roman elites to address problems of political violence and Machiavelli's praise of all three speak to his understanding of the dynamics of republics.

Founders of religious and political bodies occupy the first two ranks of praise in the hierarchy that Machiavelli offers in DI.10. Military commanders occupy the third rank. For Machiavelli, military command is unquestionably the function of a republic's few, most virtuous citizens.[48] Machiavelli recommends that republics furnish their own arms, presumably commanders are part of that provision.[49] (D I.21) That provision is not, however, micromanagement. Once command is given, domestic institutions should not interfere with the decisions of their commanders. (D II.33) Presumably, this injunction to trust a commander is predicated upon selecting the best and the brightest for command. In a similar vein, Machiavelli cautions against divided command in the field. (D III.15) In all cases, there is a common dynamic at work: Machiavelli eschews group decision-making in favor of individual command in cases of military engagement.

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[47] For a discussion of the "all-out" nature of elite action in defense of Rome, see Hulliung, *Citizen Machiavelli*; 51, Viroli "Machiavelli and the Republican Idea of Politics," 169; Wolin, *Politics and Vision*, 203.

[48] Hulliung, *Citizen Machiavelli*, 43.

[49] Mallet, "The Theory and Practice of Warfare in Machiavelli' s Republic," 174.

Individual command, in turn, depends on selecting the most virtuous Roman citizens

for that command. We should not confuse his kind of reliance on "the few" with a

limitation of command to Rome's economic and cultural elite (though in practice

command was so limited). Machiavelli notes that a virtuous commander can emerge out

of the ranks of an army that does not have one. Indeed, he treats the military as one of

the surest means of social mobility for someone of low birth.[50] In *The Prince*,

Machiavelli's greatest examples all start as foundlings. (P 6) Similarly, Machiavelli is

careful to point out this dynamic at work in his *Life of Castruccio Castracani*.[51] This

reliance on the few is aristocratic in the purest sense.[52] While the military as a whole

required a widespread, generalized virtue, Machiavelli saw the arts of war as

demanding commanders who excelled in their individual virtues.

That said, we should not find Machiavelli's praise of Roman uses of the arts of

peace shocking. Reckless war-making spells a faster end to a state than a strict policy of

peace. In a republic, it turns out, the people tend to err where an undertaking appears

"great" or "spirited," despite that undertaking's posing a serious risk or certain loss to

the regime. "There is no easier way to make a republic where the people has authority

come to ruin than to put it into mighty enterprises, for where the people is of any

moment, they are always accepted." (D I.53.v) Citizen-militias provide no counterweight

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[50] Wolin, *Politics and Vision*, 180.

[51] Machiavelli, "Life of Castruccio Castracani," 555.

[52] Pace Strauss, *Thoughts on Machiavelli,* 130-1.

to wars where popular fervor for a particular campaign takes root. To avoid this process, Machiavelli notes "nothing is so apt to check an excited multitude as is the reverence for some grave man of authority that puts himself against it." (D I.54.i) This is a core function of elites in republics.[53] Just as the popular authority to do violence undergirded the political powers of the tribunes and so provided a check against elite ambition and misuse of Roman arms, so too Machiavelli recommends that those elites that have acquired political authority act as a check against popular enthusiasm for risky undertakings.[54]

Of course, even a perfectly ordered regime faces wholly unanticipated, externally generated crises. Without legally sanctioned, broad powers, regimes facing unanticipated crises will be forced to break their own laws "so as not to be ruined." (D I.34.i) In such instances, Machiavelli recommends that republics imitate the Roman practice of creating a Dictator.[55] "Dictatorial Authority" Machiavelli writes in the title of chapter 34 of book I, "Did Good, and Not Harm, to the Roman Republic." How can this be? After all, Machiavelli concedes that Caesar used the dictatorship as a veneer for his tyranny.[56] (I.34.i) Machiavelli's response is to point out the necessary conditions for an

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[53] Coby, *Machiavelli's Romans*, 257.

[54] McCormick, *Machiavellian Democracy*, 81-5; Strauss, *Thoughts on Machiavelli*, 129; Sullivan, *Machiavelli's Three Romes*, 179.

[55] Harvey Mansfield, *Machiavelli's New Modes and Orders*, 113.

[56] Mansfield identifies the "ambition of the plebs" with the "ambition of the Gracchi, and then of Caesar, who descended to the people and ascended to the tyranny." *Machiavelli's New Modes and Orders*, 121. Mansfield is only right in the instance that the people have become corrupt, at which point they resemble – humorally speaking – the elite.

institution like the Dictatorship to transform itself into tyranny.[57] The first is the

corruption of the regime itself. The dictatorship can only pose a threat where someone

holding an office like the dictatorship *already has* "very many adherents and partisans,

which he cannot have where the laws are observed." Only then can that office serve as a

launching pad into a full-fledged tyranny. Dictators who lack a hard core of support (be

those linkages clientelistic or ideological) have no legs to stand on in the event of a coup,

even if it is by legal sleight of hand. The second condition concerns the composition of

the dictatorship itself. "The dictator was appointed for a time, and not perpetually…

[and] he could not do anything that might diminish the state, as taking away authority

from the Senate or from the people, undoing the old orders of the city and making new

ones, would have been." (D I.34.ii) Moreover, two largely-overlapping institutional

limitations on the Roman dictatorship acted as bulwarks against its transformation into

a vehicle for tyranny. On the one hand, the dictatorship was only for a specific

timeframe. On the other, the dictatorship could not make changes to other Roman

institutions. We can regard these two as overlapping insofar as any institution, given an

open-ended timeframe in which to work and freed from competing institutions will

expand, de facto, into the spheres of other institutions. As a result of these two

limitations, the powers of each dictator were broad and, for a circumscribed timeframe,

the dictator could act without ordinary constraints, but the dictator could not extend or

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[57] Skinner, *The Foundations of Modern Political Thought*, 179.

expand his power beyond the already prescribed limits. Machiavelli does not regard these kinds of powers as dangerous. "Those magistracies who make themselves by themselves—not those whom the people makes—are hurtful to freedom." (D I.40.vi) The decemvirate falls into this category, as would the unique dictatorships of Sulla (*Dictator Legibus Faciendis et Rei Publicae Constituendae*, "dictator for making laws and for settling the constitution") and Julius Caesar (*Dictator Perpetuo*, "dictator in perpetuity"). Rome's other dictatorships – most commonly created for the specific purpose of conducting war – did not.

Dictatorship, military command, and serving as a brake on popular enthusiasm for risky wars do not appear to be united in Machiavelli's thinking by anything other than the fact that they were often the responsibility of leading Roman citizens. That appearance turns out to be wrong when each of these tasks is viewed from the perspective of preventing violent oppression. The dictatorship was an institution that enabled rapid and flexible responses to unanticipated, and usually military, crises.[58] The same logic for example, undergirded the passage of the USA PATRIOT act in October of 2001. Defenders of the act credit it with prevention of terrorist attacks on American civilians. Critics charge it with civil liberties infringement and an operational secrecy anathema to liberal democracy. Machiavelli, if I have read him correctly, might offer

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[58] Michael Mallet notes that this is at the center of Machiavelli's view of praiseworthy states, "States had to be strong to survive, strength meant good military institutions and resolute decision-making, these depended on princes and people." Mallet, "The Theory and Practice of Warfare in Machiavelli' s Republic," 174.

concessions to principals on both sides of the debate. On the one hand, creating crisis-related powers both allows a regime to respond to emerging threats both rapidly and flexibly while still upholding the integrity of its other institutions by obviating extra-legal action. Machiavelli regards the dictatorship, at least up to the Punic Wars, as a praiseworthy example of this kind of response to crises. On the other hand, Machiavelli would condemn the repeated extension of the USA PATRIOT act – and thus the "magistracies" created by it – as well as the use of the act by existing agencies to expand their activities without public debate and authorization. These two de facto characteristics of the act, which extended life and independent expansion by affected magistracies, run afoul of the kinds of boundaries that Machiavelli regarded as essential to the virtuous functioning of crisis institutions such as the dictatorship.

This task of finding the balance between the underutilization and overutilization of force (or security-related activities backed up by the threat of force) likewise links Machiavelli's praise of Rome's reliance on her elites to serve as commanders in military engagement and to advocate caution in the face of popular enthusiasm for some war or other military action. Rome's extraordinary military success stemmed not just from the virtue of the rank-and-file of her military, but also from the prudence, daring, and creativity of her commanders. It also stemmed from Rome's avoidance of overcommitting to war, part of which Machiavelli attributes to elite checks on popular enthusiasm for some war or other military action that posed a danger to the regime as a

whole. While both of these features of the Roman use of political violence are partly

traceable to popular participation in the citizen-militia, which I discussed at length in

chapters 1 and 2, Machiavelli praises Rome for her use of elites in concert with that

popular participation.

5.6: Motivations and Rewards

Given the elite appetite for oppression, how can a republic rely upon elites to

serve the public good and not just pursue their own interests? This problem may be the

most vexing one that any republic faces. By contrast, a prince immediately and directly

serves his own interests by allying himself with the people over and against other elites

in the principality. A prince secures himself by empowering the people through the

citizen-militia. But what do elites in republics get by following in the footsteps of a

Scipio or Horatius Clocus? Virtuous Roman elites took tremendous personal risks in

service of Rome, whether that service entailed military action abroad or policing their

corrupt peers at home. Indeed, Machiavelli rejects myriad sources of personal security

for elites in republics. Fortresses, Machiavelli tells his reader, are "more harmful than

useful." (D II.24.t) They encourage abuses towards subjects without enhancing the

security of the state.[59] Machiavelli likewise condemns allowing a large portion of elites in

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[59] "They make you more audacious and more violent towards your subjects. Then there is not the security inside that them that you persuade yourself of, since all the forces and all the violence that are used to hold a people are null except for two: either you are always able to put an army in the field, as the Romans were; or you disperse eliminate, disorder, and disunite them in such a mode that they cannot get together to hurt

a republic to acquire so much wealth that they can "live idly in abundance from the

returns of their possessions without having any care either for cultivation or for other

necessary trouble in living." (D I.55.iii) Machiavelli calls these "gentlemen"

"pernicious," "hostile to every civilization," and "sources of excessive ambition,"

especially where such wealth is combined with the possession of a fortress or castle.

These covetous individuals acquire for themselves, rather than for the commonwealth or

their fellow citizens. In living "idly," gentlemen do nothing to enhance the martial

capacity of the state. Wealthy citizens, moreover, have the means to recruit political

clients, paving the way to destructive factionalism.[60] They are thus the surest means for

preparing the ground for a would-be tyrant in addition to enervating and weakening

republics, making them prone to conquest. (I.55.v) Citizens who lead via harsh methods,

like Manlius Torquatus, pose no such threats because they are, to quote Vickie Sullivan

"neither liberal nor lovable, and cannot generate followers who adore them."[61] Love of

individual leading citizens is dangerous in all of its forms. Machiavelli even goes so far

as to counsel against a 'karma bank' model for political elites. Prior service, no matter

how exceptional, can neither excuse nor exonerate present failures. A virtuous past

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you." (D II.24.i) For a discussion of Florentine uses of fortification, see Mallet "The Theory and Practice of Warfare in Machiavelli' s Republic," 176-7.

[60] Pocock, *The Machiavellian Moment* 209-210; Sullivan, *Machiavelli's Three Romes* 73, 83; Wolin, *Politics and Vision*, 181.

[61] Sullivan, *Machiavelli's Three Romes*, 153.

ought to be no shield to present vice; otherwise it too, could become a means to tyranny (D I.24.i)

All well-ordered republics must close-off paths that elites perceive as secure but are actually destructive to the regime as a whole. Doing so leaves the natural ambition in the hearts of the elite only one outlet: continual virtuous service to the regime. A well-ordered regime, moreover, must make this outlet an attractive one. In III.28, Machiavelli tells his reader that "a republic without reputed citizens cannot stand, nor can it be governed well in any mode." To satisfy a republic's need of virtuous elites, "one ought to open to citizens the way to this honor and to put up rewards for both counsel and works so that they have to be honored and satisfied with them." (D III.28) Glory is a dominant theme in the *Discourses*, far more than in *The Prince*. In a well-ordered republic, glory and praise replace money and power as the goods over which elites ought to compete. To return to a discussion of the use of the dictatorship, Machiavelli observes that Roman elites during the uncorrupted republican era "that when one came to the dictatorship he carried away from it *the greater glory the sooner he laid it down*." (D I.31.ii, emphasis mine) Swift and decisive use of official powers earns glory and that glory is enhanced by the timely resignation of those powers. Machiavelli praises Rome for creating a trade-off between the ongoing possession of power and individual glory.

Machiavelli takes Rome as proof positive that elite ambitions, sufficiently "beaten down in a city by various ways and by various modes" can safely latch onto

glory, rather than their default target of oppression. Machiavelli is confident that this can be so because he has a negative feedback loop in mind. Elites can satisfy ambition of one kind by frustrating ambition of another kind in their fellows. One way to view the matter is to think of intra-elite policing as intra-elite oppression. Elites have the chance to oppress, but their targets are other oppressors and honor is their reward. With this feedback loop in mind the goal of founders and reformers, who in turn earn their share of glory, is the creation and maintenance of political orders that similarly channel elite ambition toward glory rather than more destructive objects.[62] Then, and only then, can political elites play the role that Machiavelli appoints to them: one half of the agonistic partnership that he deems necessary for minimizing violent oppression.

5.7 The people's elite

Far from completely shifting responsibility for political violence from the elites to the people, republics rely on their leading citizens to both shape and defend the orders that are decisive for preventing violent oppression. In the *Discourses*, Machiavelli holds out Numa, Romulus, and Brutus (among many others) as models of imitation for those citizens endowed with enough talents and resources to breathe new life into Italian politics. In doing so, Machiavelli provides a register for virtuous action according to which elites ought to receive praise. This conceptual move is central to Machiavelli's project because he understands praise and blame to be strong motivators, especially

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[62] Skinner, *The Foundations of Modern Political Thought*, 180.

among elites in republics. Indeed, glory appears to be the only reward that a well-ordered regime can offer safely to its most virtuous citizens in return for their public service. Whether by way of founding a regime, reforming a regime, or defending a regime, elites receive praise, rather than wealth, power, or personal security in return for their virtuous actions. As such, they provide the necessary complement to the people, who make up the body of the citizen-militia, render judgment over the actions of political elites, and retain authority over the use of political violence. The "new modes and orders" that Machiavelli develops in the *Discourses* define that relationship and thereby provide a model of politics in which the natural talents and capacities of political elites are accentuated and their destructive impulses are kept in check, which in turn redounds to the well-being of the regime and its people's desire for non-oppression.

Conclusion

Machiavelli's thought is relevant to any regime – democratic or autocratic – that faces existential threats because conquest means the almost certain oppression of the regime's citizens. Machiavelli is similarly relevant where some citizens oppress each other. We can see why Machiavelli confronted problems such as these simply by thinking about Florence of his day, a city that he "loved more than [his] soul."[1] For all of Florence's banking, artistic, and intellectual wealth, most of her citizens enjoyed little security and suffered a great deal of oppression. Florence could not project power abroad and so was adrift in the stormy interstate system of 15th century Italy, subject to the whims of *Fortuna*.[2] Internally powerful families vied for control of the city, using destructive tactics such as assassination, bribery, and theft of elections. And the way they exercised power – with cruelty toward their enemies, enemies' clients, and the people at large – caused more suffering than their attempts to gain that power.

Florence was neither the first nor the last place to experience such politics. From Corcyra of the Peloponnesian war to Somalia of today, shattered authority and oppressive practices crop up again and again.[3] As a result, Machiavelli too becomes relevant again and again. Thus far, I have detailed Machiavelli's treatment of the

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[1] Machiavelli, "Letter to Francesco Vettori, April 16, 1527," 1010.

[2] Najemy, *A History of Florence*, Chapter 7.

[3] Thucydides, *The History of the Peloponnesian War*, Book 3, Chapters 82-84; Central Intelligence Agency, *The World Factbook: Somalia*. Updated March 11, 2014, Retrieved March 14, 2014. https://www.cia.gov/library/publications/the-world-factbook/geos/so.html

problem of violent oppression in principalities and republics alike. In the remaining

pages, I shall recapitulate my observations and address some of the ways in which

Machiavelli's ideas apply to the autocracies and democracies of today. I shall also point

out some questions for future research as I go.

I began my study with one of Machiavelli's late – and in his day most famous –

works: *The Art of War*. For Machiavelli, the problem of oppression coincides with the

problem of *violent* oppression. His concerns with economic inequality, religious biases,

and social practices all turned back upon the effect they have on violent oppression.

Given this overweening concern, it makes sense to begin a study of Machiavelli by

examining his confrontation with the problem of reconciling military and civil life,

which he does in *The Art of War* more than in any other text. *The Art of War* is not just

about tactics, it is a treatise on making military and political strength coincide with each

other. Political and military strength must coincide because every state needs sufficiently

capable mechanisms of violence that can protect it from invasion from abroad (i.e.,

armies) and marginalize would be oppressors at home (i.e., police forces). But who shall

guard the guardians from becoming oppressors themselves? For Machiavelli, only a

citizen-militia, made up of citizen-soldiers can satisfy both concerns. Citizens-soldiers,

driven by their desire for non-oppression and their constitutive, private attachments,

will fight vigorously in defense of themselves and their fellow citizens. They will be

similarly unmotivated to engage in projects of oppression. Every regime, in

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Machiavelli's view, should make use of a citizen-militia, rather than mercenary or auxiliary armies. Mercenaries will care for fighting more as their profession than as a means to preventing oppression. And auxiliaries will care more for the concerns of their native lands than any projects in which someone else involves them.

Machiavelli's blanket injunction against citizen professionalization in war-making raises doubts about the "all volunteer" model used by the United States and other countries around the world. In the United States, we celebrate the professionalism of our men and women in uniform. For Samuel Huntington, that professionalism guarantees that the US military will *not* engage in projects of oppression and that it is capable of accomplishing whatever undertaking civilian leadership places before it.[4] What should we do, however, if Huntington is wrong and Machiavelli is right that military professionalism will cause the identity of the soldier to supplant the identity of the citizen among the rank and file?[5] Machiavelli's analysis of militaries in general and Rome's military in particular suggest two courses of action. First, Machiavelli identifies the republican period up to the Punic Wars as the golden era of Roman politics. Rome's virtue was ultimately corrupted by Rome's imperial agenda after those wars. Campaigns became so long that they corrupted the military. The US, and global powers like it, might take heed of the deleterious effects that efforts to project power beyond

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[4] Samuel Huntington, *The Soldier and the State; the Theory and Politics of Civil-Military Relations.* (Cambridge: Belknap Press of Harvard University Press, 1957) viii
[5] Commanders are another matter altogether for Machiavelli.

regional spheres have on military institutions in general and rank-and-file soldiers in particular. They then might try to limit those effects by scaling back attempts to project power globally and settle for the kind of regional hegemony Rome enjoyed up to the Punic Wars. The second course of action that Machiavelli might recommend would be *scaling-up* the mechanisms these powers have in place that facilitate the transition from military to civilian life. Members of a citizen-militia fight out of a sense of duty *as well as* whatever private attachments await them after the campaign. Programs like the Montgomery G.I. Bill certainly augment those private attachments. Machiavelli would celebrate this program and urge militaries to put just as much thinking and just as many resources into the process of demobilization and training for civilian life as they do into the process of mobilization and training for war.

Machiavelli similarly urges commanders to interrupt the formation of linkages within the military along ethnic, religious, and kinship lines. Students of genocide know all too well the ease with which a political entrepreneur can motivate an armed group to wipe out an unarmed one.[6] Machiavelli seems to be aware of this problem, but also seems to underestimate it. In his view, it is always a member of the elite who foments and militarizes political cleavages. (See, for example: AW I, 41; FH III.5; P 7.iv; D I.8.iii) Ethnic, linguistic, and religious cleavages may however, run deeper than he estimates

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[6] Marie-Joëlle Zahar, "Handling Spoilers and the Prospect of Violence," in *The Slippery Slope to Genocide: Reducing Identity Conflicts and Preventing Mass Murder*, (New York: Oxford University Press, 2012), 174.

and exist independently of the machinations of oppression-oriented elites.[7] If that is the case, then we must go beyond Machiavelli's ideas in the *Art of War* and study mechanisms for preventing armed forces from becoming tools of ethnic cleansing, geno-, and religiocide.

After all, Machiavelli relies heavily upon the positive effects he envisions citizen-militia's having on all kinds of regime types. In chapter 2, I observed that the citizen-militia is the crux of the bargain he offers to princes. By arming the people, Machiavelli suggests, the prince arms himself. By empowering the people, the prince empowers the principality as a whole. By securing the people from oppression, the prince secures his place in the principality.

When princes strike this bargain, Machiavelli suggests, everybody is better off. This suggestion gives us a standard by which we can evaluate existing autocracies. If we accept Machiavelli's emphasis on non-oppression, then we have ground for elevating autocracies that take the Machiavellian bargain and arm their people as a whole over those that do not and instead rely on oppressive strategies for retaining power, such as invasive security apparatuses, the fomentation of internal conflict, and programmatic murder of rival groups. While I agree with the near-global consensus in favor of democracy, I concede that Machiavelli's understanding of the relationship between oppression and regime-type makes a case for leaving stable, popular autocracies in place

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[7] Henry Hale, "Explaining Ethnicity," *Comparative Political Studies* 37, (2004), 459-463

until the conditions are ripe for a peaceful transition to democracy. If the choice were one between supporting an autocracy that satisfies the popular humor for non-oppression and a conflict-ridden transitional regime, Machiavelli would urge support for the former.

The trouble is that we so rarely see stable autocracies that satisfy the humor for non-oppression. 'Enlightened Tyrants' are rare to the point of being chimerical. Machiavelli himself observes this tendency when he writes, "one will find that it very rarely happens that someone good wishes to become prince by bad ways, even though his end be good, and that someone wicked, having become prince, wishes to work well." (D I.18.iv) Autocrats, it would seem, tend to not have public service in mind when they pursue and maintain their power. Of course, Machiavelli adds glory to the bargain in *The Prince* with his choice of the four founder-liberators in chapter 6, and his critiques of Agathocles and Severus in chapters 8 and 19 respectively. But even with glory added as a reward for virtuous autocracy, I doubt the efficacy of this motivational tactic in the case of autocrats. Moreover, we have evidence to suggest that projects of oppression may in fact make autocrats all the more secure in their rule and thus so much more attractive to them.[8] We do, however, have reason to believe that income might stay the hands of autocrats and their lieutenants, even if it cannot motivate public-spirited

[8] Barbara Harff, "No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955," *American Political Science Review*, 97 (2003), 64.
Wintrobe, *Political Economy of Dictatorship,* 58-68.

behavior.[9] Perhaps a modern Machiavellian might make a bargain along those lines. Either way, we must conduct more research into the psychology and decision-making habits of autocrats. Such research seems profoundly difficult, but nothing could be closer to Machiavelli's heart than that which is profoundly difficult.

One such profoundly difficult task was the subject of chapter 3: the strategies a prince must pursue to bring order out of chaos and lawfulness out of lawlessness. Taking non-oppression to be Machiavelli's central value dramatically changes the way we must read *The Prince*. The prince has to use cruelties "well" to contend with oppression-oriented elites and consolidate political authority. He must also practice hypocrisy in order to prevent force and fraud from becoming the norm in his principality. For Machiavelli, the goodness of non-oppression justifies the use of these evils. Borgia's attempt to liberate the Romagna and create a civil way of life there justifies, for Machiavelli, his incredible use of force, fraud, and hypocrisy.

So once again we see that Machiavelli gives us reason to say that some autocracies are better than others. Just as those that arm their people as a whole are praiseworthy in comparison to those that use invasive security apparatuses, the fomentation of internal conflict, and the programmatic murder of rival groups to maintain power, those autocrats who use cruelties such as force, fraud, and hypocrisy "well" are better than those that do not. Of course, cruelties "well-used" are those that

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[9] Olson, "Dictatorship, Democracy, and Development," 569; Bates, *When Things Fell Apart*, 15-29.

satisfy the popular humor for non-oppression, rather than the avariciousness, ideological or religious agenda, or petty vengefulness of power-holders, each of which is a form of the elite humor for oppression. One might reasonably say that Machiavelli would care more about the character of the autocrat than the fact that he rules an autocracy. He would encourage us to take the following line of thought: First ask, "Are cruelties growing with time? Or are they in the past?" If they are in the past, reconciliation between groups in the principality may be a better strategy than engaging in tit for tat punishment. For Machiavelli, ongoing and future cruelties – like those that characterized daily life in totalitarian regimes – makes a regime "wretched." Prudence, on the other hand, impels one toward the status quo in regimes that satisfy the popular humor, whether those regimes are autocratic or not.

Machiavelli's political outlook raises the question of which goods are most central to a dignified human life. Does the value of democracy and democratic participation trump the value of satisfying the humor for non-oppression? Should citizens in autocracies that satisfy the popular humor still agitate for democracy, even at the risk of dangerous political crises? Violently? What about non-violently? Machiavelli might suggest that ballots are not worth risking bullets. As committed democrats we should ask if he is right. I have serious doubts about Machiavelli's perspective, but the problem I have just been discussing is a perennial one and its perennial nature speaks to the endurance of Machiavelli's thought.

Moreover, it is difficult to see Machiavelli as thinking of autocracies as anything other than a second-best solution. The regime that captured his imagination was a republic. Machiavelli saw in the Roman Republic an unparalleled example of political virtue and in its history an unparalleled tool for inspiring political virtue in others. If Machiavelli challenges us democrats in the way we ought to think about autocracies, he challenges us even more in the way we ought to think about democracies. In particular, he challenges us to think seriously about non-electoral mechanisms for preventing oppression. Machiavelli loved Rome because no state better prevented the oppression of its citizens. Rome externalized the ambitions of her elites and the talents of her citizens via the use of the citizen army. So long as the army was a vehicle for defending Rome, and not for empowering oppression-oriented elites, it was a great source of protection from oppression. But military arrangements were not enough for Rome, nor are they enough for us. Rome recruited her citizens to police her elites through institutions such as the tribunate. The tribunate, backed by the people's authority to do violence, ensured that the people had a voice uncorrupted by socioeconomic inequality in Rome and ensured, as much as possible, the continuation of Rome's virtue-creating political agonism.

Machiavelli's treatment of the Roman republic thus suggests that reduction of democracy to elections or even polyarchy is too extreme. Machiavelli would look for class-based agonism in every praiseworthy democracy. He would also look for efforts to

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endow major institutions – like the armed forces – with popular influences. Democracies that do not exhibit class-based agonism and take care to keep major institutions popular will resemble, in his eyes, the republics of Sparta and Venice. Machiavelli admires such regimes after a fashion, but they do not capture his imagination like Rome. The greatest regimes for him would be democracies that accentuate internal political conflict without falling into civil strife and that ensure that the people and the elites work together, albeit agonistically.

The critiques that Machiavelli might make of modern democracies raise the question of what institutional steps modern democracies can take to meet those critiques. In the US, I mentioned some of the steps that the army might take above. John McCormick, in *Machiavellian Democracy*, outlines a proposal for a "People's Tribunate," according to which a group of non-elite American citizens participate in a College of Tribunes which has a variety of legislative and veto powers.[10] It is a fascinating proposal and worth serious consideration, but it fundamentally misunderstands Machiavelli's own approach to republican innovation. Rome was so successful, in Machiavelli's view, because it continually returned to its own foundings (of the city itself and the republic) for inspiration during periods of renewal. Any proposal that would renew a democracy along Machiavellian lines should look to the founding of that democracy for inspiration.

[10] McCormick, *Machiavellian Democracy*, 178-188.

If the United States is to reinvigorate its democracy in a way that Machiavelli might find praiseworthy, any institutional innovations should come out of the American founding.

Policing elites in a manner consistent with the spirit of McCormick's "People's Tribunate" is a good place to start, but Machiavelli would also caution us to give elites a free hand to act even as we "[beat] down [their ambitions] by various ways and various modes." (D I.37.iii) For Machiavelli, republics rely on 'princes' (i.e., virtuous republican elites) for myriad services. 'Princes' found republics, innovate in them, reform them, command armies when necessary, caution peace where appropriate, step in during crisis situations and, most importantly, police each other. To tie the hands of republican elites would be to neutralize one of a virtuous republic's greatest strengths: "infinite most virtuous princes who are in succession to one another."

So, just as Machiavelli would encourage modern democracies to empower their people to police their elites, he would simultaneously encourage them to ensure that those elites enjoy the latitude necessary to accomplish the tasks that the state requires of them. Democracies are not immune from experiencing crises and requiring institutional innovation. Democracies cannot make a law for every experience they might face in the future. *Fortuna* sees to that. To that end, Machiavelli would discourage democracies from taking broad, emergency powers off the table and refusing to renovate existing orders. Eschewing the former invites impotence in the face of unforeseen disaster and

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eschewing the latter locks a democracy into a set of orders that cannot change with the times. Both hasten the end of the state.

That said, does Machiavelli provide us with a sufficiently robust theory of democratic leadership? Can republican 'princes' turn profitably to Machiavelli's work for guidance? The short answer is both yes and no. I say "yes" insofar as there is much insight in Machiavelli for ways to prevent violent oppression. I say "no" insofar as we cannot limit our vision of oppression to *violent* oppression. It is true that Machiavelli is critical of economic inequality, but that is only because it weakens a state. Machiavelli is less interested in economic oppression per se. The same goes for religious, sexual, cultural and other forms of oppression that are not physically violent. Can we "renovate" Machiavelli's thinking on violent oppression to tackle these other forms of oppression? Possibly, but that is a question for further study.

It is a question, moreover, that Machiavelli would invite. He regarded his own project as laying groundwork – a founding if you will. (D II.PR.3) Machiavelli developed a political theory to tackle violent oppression in principalities and republics alike. If we 'renovate' that theory to apply to the autocracies and democracies of today, I cannot help but think that he would approve. Moreover, if we 'renovate' his notion of oppression to apply to the myriad forms of it that we continually uncover, again I cannot help but think that he would approve. Whether we consider his theory of politics to be a science or an art, we must acknowledge that he developed it so that those who

love their "patrias" more than their souls would have the conceptual tools to fight the oppression of their fellow citizens. That fight is an ongoing one and the development of those conceptual tools must be ongoing as well. Machiavelli looked to others to carry his project forward when he could not. (D I.PR.i) I have tried to do my part, but now, like the Florentine, I too look to others "with more virtue, more discourse and judgment," to answer the questions that I cannot. (D I.PR.i)

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