

Machiavelli's political science has not received the attention it deserves. All commentators are attracted, with a force they often seem not to understand, by the question of his notion of virtue: is it a compromise with evil or is it innocent? So stark a formulation is not usual, but the sophisticated attempts to evade that question end up by coming back to it or by assuming some answer to it. I too began with Machiavelli's virtue. But after concluding that it does indeed compromise with evil for the sake of political success, one needs to know how the compromise is fashioned and how success is to be achieved. What is the political science of Machiavelli's politicized virtue?

Unfortunately the *classical republican* interpretation of Machiavelli offers little help. Despite the name, it is preoccupied with Machiavelli's morality and almost unconcerned with his politics. The classical republican view does not offer a sophisticated excuse for Machiavelli's little divergences from the straight and narrow path of strict virtue. It supposes, in its supersophistication, that Machiavelli's republican virtue amounts to unsophisticated self-sacrifice to the common good. How Machiavelli's republic actually *works*—which is not so different from the working of his principality—is, in this view, of little interest.

Yet Machiavelli's wonderful innovations—his new modes and orders—are in his political science. One of them is indeed the sacrifice of a self, but it is an involuntary sacrifice of a scapegoat whose sensational execution makes everyone except him feel virtuous. Accusations precede executions, and elections are a kind of accusation by which the candidate is first humiliated, then released for public service. Republics thrive on emergencies and should avoid too much respectable stability. To deal with emergencies they need dictators, and to deal with dictators, they need counterdictators. Their “orders” are distinct from illegal or extraordinary modes and yet originate in the resort to such modes. The only way they know how to live is dangerously.

The animating principle of Machiavelli's political science is to get people to impose harsh necessities on themselves, so that the government can escape responsibility. A self-inflicted wound hurts less than one done to you by someone else, he remarks. When one thinks about this principle, is it not the basis of modern, democratic, representative government? Our government gets the people to tax

and punish itself. Does one have to be a cynic to see that an elected government is a kind of self-inflicted wound? Machiavelli was not a cynic; he expected great progress from his innovations. Nonetheless, his specialty was uncomfortable truth, his own effectual truth. From his political science we can learn the effectual truth not so much of the politics of his time as of ours. He was hostile to his time but a founder of ours. The modern impersonal state, seemingly so different from Machiavelli's personal *stato*, works on his principle and uses his manipulative devices. Machiavelli is no longer a discernible influence on us under his own name; books on how to succeed in business that mention him use his name, not his wisdom, but his wisdom is all around us.

Machiavelli's political science leaves room for, and gives evidence of, his own politics. It describes his own principality and the republic to which he is devoted. Like the argument of design proving the existence of God, only more seductively, the indirect government described by Machiavelli's political science suggests the presence of a master manipulator behind the scene that is revealed behind the scenes. Our brave liberalism assures us that we are in charge of our self-government. But just to be sure we are not deluded, here is another conspiracy theory to check out.

MACHIAVELLI'S NEW REGIME

In the preface to the first book of the *Discourses on Livy*, Machiavelli says that he is bringing "new modes and orders," a new regime, to men. That regime is far more than a collection of the pungent Machiavellisms that frighten and delight Machiavelli's readers. Although not presented systematically, it is in fact a system of a new type that I shall call indirect government, which was intended to oppose the classical understanding of the regime that prevailed in his day. Although Machiavelli had his eye on the troubles of Italy and Florence, he was prompted, he said, by a "natural desire" to bring "common benefit to each" in his new regime. It is based on a new view of the natural classes or "orders" of men that underlie all regimes and on a borrowed insight into the importance of punishment in government. As preparation for the main point, therefore, I shall briefly consider the classical understanding of the regime and the two preliminary stages of Machiavelli's attack on it. Machiavelli begins to present his new regime in the *Discourses* when he discusses the Roman institution of accusation, an institution not important in itself but characteristic, as one learns, of Roman government as a whole. My method will be to follow Machiavelli's method and to show how the orders of the new regime emerge from a careful examination of accusation.

THE CLASSICAL REGIME

Machiavelli opposed his idea of indirect government to the direct government of the regime (*politeia*) as presented in the political sci-

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ence of Plato and Aristotle and their tradition. The classical notion of the regime is most easily available in the third book of Aristotle's *Politics* and was known to Machiavelli from Livy and Polybius as well.¹ According to this notion, the regime is the rule of the whole of any society by a part of that society, which by its rule, gives that society its particular character. Men can live together in many different ways, but *these* men live in *this* way because, by choice or accident, they are kept to this way by the more powerful among them. Since men are variable and no one regime is dictated unambiguously by nature, societies must be made to cohere by legislation. The group—whether one, few, or many—that has made and can remake the laws, customs, and beliefs of a society, is responsible for the particular way in which this society coheres. Thus the most important question to ask about any society is: who rules? When that question is answered, one has learned the ordering principle of the society, for rulers make laws that conform to their rule. Some rule is indispensable to human society, and rulers try to make *their* rule indispensable to this society by forming the society so that it respects and needs them.

Ruling shows itself, therefore, in the most open and public ways. Since the ruling part of every society is the most powerful part of the society, it is the most *visible* part. It is the public, for the public is what shows, and what shows is the power that does not need to hide. Of course, in every society hidden powers exist that may affect or even for a time determine the rule of the society, but the reason these powers remain hidden is that they are weaker than the power that does not have to hide. The "grey eminence" is weaker than the king whose open majesty he uses and needs, and assuming that he wished to improve his power, he would make himself king if he could. In every established society, according to the classical notion of the regime, the most respected power is the most powerful and vice versa; and in a revolutionary situation, groups are fighting to become the public power. Classical political science takes the fact about any society that is most obvious to any member or observer of the society, who rules, and designates it the most important fact. It considers most important what seems most important to the citizen or statesman.

Machiavelli proposed to replace this notion of direct government with indirect government carried on by a hidden power. In-

stead of ruling in open light, government would be "management." Machiavelli speaks frequently of "managing" (*maneggiare*) men in the up-to-date, business-school sense of the term: ruling without seeming to. Management is not merely a clever improvement on direct government; it is made necessary by the division of men into two different natural orders. Some men, Machiavelli says, love to master other men; others only want not to be dominated and to live in security with wife and property (*D* I 4, 5; *P* 9, 19; *FH* III 1). He agrees with Aristotle that the regime, the ruling part, forms society, and does not accept the present-day opinion first advanced by the theorists of representative government that politics takes the shape of the society.

Machiavelli was too sensitive to the virtue of political men to use the passive verb of sociology. Yet he believed that the division of human beings into political and nonpolitical men, princes, and peoples precedes every political opportunity or decision. The regime forms society, but every regime is constituted by the natural political order, the princes. All politics is traceable directly to the nature of some men, not to an act of legislation by the regime, as for Aristotle. One cannot characterize a society by seeking to identify its legislators, because the legislators have the same nature in every society. Aristotle said that man is by nature a political animal, from which it follows that one cannot explain from human nature the presence, in a certain time and place, of a certain kind of politics.² But for Machiavelli, only some few men are political, and they rule in every regime, whatever it is called. The people do not wish to rule, and when they seem to rule, they are being managed by their leaders. They are matter without form, body without head. Since they cannot rule, the regime is always the rule of a prince or princes; it is not the settled primacy of one of the three formal groups in society (one, few, or the many) by a political act.

In the second chapter of the *Discourses*, as we have seen in chapter 3, Machiavelli shows the inadequacy of the traditional threefold (or sixfold) classification of regimes. The regime is indeed constituted by a political act, the founding, but always by the same natural group or party, the princes, the few, each of whom tries "to be alone" (*D* I 9, 18). Hence the founding merely expresses the nature of founders, and not the particular character of those who happened to be founders of a particular regime. The fundamental

fact for Aristotle, who rules, is political; for Machiavelli, that same fact is merely natural. But since Machiavelli agrees that politics is too varied to be determined by human nature, the fundamental fact for him cannot be *who* rules. Instead, it is *how* the princes rule. When nature determines the character of political men, and hence the end of politics, the varieties of politics must arise from differences in technique. Yet there is only one technique, corresponding to the one natural political order, the technique of management. The differences must then be accounted to the "times" or "the degree of corruption" in this particular society (*D* III 8, 9). With all his appreciation for quick, ruthless action in politics, Machiavelli is forced to anticipate the passive, gradual, and constricted politics of present-day social science because he saw the political end as the fulfillment of a political nature in some men, not in man as such.

The people do not wish to be ruled, but for their own good they need to be ruled. The end they desire, security, cannot be achieved by the passivity with which they enjoy that end. Security comes only with acquisition, not in enjoyment after acquisition but in the continuous acquisition of this world's goods before one's brother or neighbor can take them first or take them from you. Restless "virtue" in Machiavelli's sense, repulsive to the people and unappreciated by them, is the condition of their desire to be left to live as they please. The necessity of acquisition makes possible a common good between the two naturally disparate orders of men. When a founder makes a regime entirely anew so as to acquire the highest glory for himself, he incidentally gives the people their heart's desire, so far as it is attainable. Although he cannot bring them peace, he can establish relative security and overshadow their fear of natural evils with artificial fear of the laws and the gods. Security is achieved for those who want it by those who scorn it.

As "human things are in motion," (*D* I 6) a political founding is never permanent and security is never assured. One founder must be succeeded by another, and in the economy of human goods it is fortunate that the acquisitive nature of the princes matches the need of men to acquire continuously. But since "acquisitive" means "acquisitive for oneself," the problem of rewarding the acquisitive class arises: How can one satisfy the desire for glory that moves princes to be acquisitive, and thus makes peoples secure, without endangering that security? The princes serve the foremost human need, but

they serve it for themselves, neither for the people nor for humanity at large. They must be rewarded and they must also be controlled.

REWARDING PRINCES

The method of rewarding princes cannot be simply according to their deserts, or with justice. A state that adheres to a policy of justice makes few friends and many enemies. It makes enemies of all who might benefit from injustice. At the same time, it does not make friends of those whom it rewards, for no one admits that he is obliged to anyone for honors and benefits that he deserves. Just as a student who writes an excellent paper is not grateful for receiving an excellent grade, a prince collects his rewards with complacency rather than humility because he thinks he has earned them. Moreover, no man is so modest about his own merits as to think he is not entitled to security for himself, his property and his wife and children. Since no one is thankful for receiving his due, justice cannot be the source of trust or obligation. The just state might not need the gratitude of its friends if it did not, by its very justice, create so many enemies and if it were not liable, whatever its justice, to attack from enemies it has not created. But, given the fateful disproportion between the friends that justice attracts and the enemies it makes or fails to win over, the just state cannot afford to be satisfied with the cool acknowledgment of the man who has been justly treated (*D* I 16, 18).

In rewarding princes, then, something must be added to simple justice—which means in effect that something must be subtracted from simple justice. This could be either favor or severity, and Machiavelli chooses the latter. The state that rewards by a system of favoritism discourages meritorious princes and loses the acquisitions they bring. Those who are not favored become enemies to the regime, and those who are favored come to expect their favor as a matter of right. They grow arrogant and ungrateful to the dispenser of rewards. These favorites behave in the way that just men duly rewarded come to behave; for Machiavelli, having shown that justice must be supplemented either by favor or by severity, takes this opportunity to suggest that the cool acknowledgment of the man who has been justly rewarded is soon replaced by an arrogant presumption of reward and by heated resentment when it is denied. No state

can be perfect in its justice, but the man who is used to receiving justice will not only expect it but will also be impatient with any lapse from perfection in the system of delivery, at least in his own case. Favoritism is the "effectual truth" of justice, because too much merit has the same effect as too much presumption. Thus Machiavelli praises the example of Junius Brutus, the founder of the Roman republic, who in an access of statesmanship killed his own sons to prove that the new regime would not allow favoritism (*D* I 18; III 1, 3, 5, 6). Since it is unwise to fall short of justice by favoritism, it is necessary to exceed it by severity.

Severity in the rewarding of princes requires the use of punishment. Machiavelli says that no well-ordered republic cancels the demerits with the merits of its citizens. For example, the Romans deserve blame for having acquitted Horatius of the murder of his sister because of his service to Rome in overcoming the champions of the Albans. Moreover, if one considers that the meritorious man will or may become arrogant, it is necessary to anticipate possible demerits in the future when rewarding men for past services. Therefore, while it is useful to reward merit when that merit helps you, it is necessary not to reward it fully and to keep everyone, not only the unjust but also those whom you anticipate may become unjust, under the fear of punishment. Fear of punishment will produce gratitude, for when a man believes that he may suffer punishment, despite his merits or services, then he will be grateful if he does not suffer it. A justly rewarded man is not grateful, but a citizen who fears punishment, even *unjust* punishment, is grateful for justice when he gets it. His fear makes him value his rewards and obliges him to the giver of rewards (*D* I 24, 28-32; II 23).

In terms of the professor grading students' papers, the prince or republic makes no friends by grading an A paper with an A. He could make friends by giving a B paper an A, but this is expensive and arouses envy. It is much better to give an A paper a B—not usually, but occasionally. Then the A student will be grateful for his A when he gets it. In the full knowledge that perfection is impossible—for even the best hero may murder his sister—the state must punish every lapse from perfection regardless of previous services. "What have you done lately?" is the demand of Machiavelli's policy; and the meaning is, "What can you do now?" To repeat: the state must reward according to merit as a rule; but it must also learn to

depart from merit on occasion, for gratitude draws its power from fear. Prudence consists in knowing when and how to depart from justice in the management of rewards and punishments. One may surmise that Machiavelli found this idea in "the present religion," as he once referred to Christianity, where men are held to a standard of perfection so that remission for their sins replaces rewards for their good deeds.

PUNISHING PRINCES

In the *Discourses* Machiavelli first discusses punishment in regard to accusation and calumny, at the end of the section of chapters on parties and the regime (I 2-8). The seventh and eighth chapters on accusation and calumny are explicitly connected with each other and with the sixth chapter, to show that they belong to this section. In the titles, Machiavelli says that accusation is necessary to keeping a republic free, while calumny is as pernicious to a republic as accusation is useful. Accusation is the power of the guardians of liberty in a city to bring charges before the people or some magistrate or council against citizens who "sin" against free government, and calumny is private slander. It is not at first clear whether a calumny is also a lie or a false charge, for the emphasis is on its delivery in private rather than to "authority" (*D* I 7, 8).

To us, it is surprising that political parties should be discussed with accusation and calumnies, or with the more familiar and somewhat narrower institution of impeachment. While parties today are considered essential to the practice and honored in the theory of modern government, impeachment is thought to be a relic from the history of free government at its fighting origin, an early, clumsy, and obsolete weapon against malefactors in office. In a political science textbook today, one would expect to find "parties and elections" discussed together, not parties and accusation or impeachment. Machiavelli does not discuss elections as such, but he does discuss ways of gaining the favor of the people. The people grant their favor as a reward for merit or good birth, actual or presumed in both regards (*D* I 18). Election is a kind of reward, whereas accusation is a kind of punishment. But since Machiavelli believes that punishment is more fundamental than reward, it seems reason-

able for him, when treating political parties, to discuss accusation rather than elections.

Accusation is a kind of legal punishment, as opposed to calumny. Machiavelli says that a law providing for accusation, by forcing calumniators to make their charges in public, will prevent them and their victims from pursuing private revenge and from making a consequent appeal to the "outside forces" of foreigners. But in developing his argument, he shifts attention from the good effects of legality in itself to the way in which the legal punishment is enforced. He says that this law has two very useful effects for a republic: first, by fear of being accused, men do not attempt anything against the state, or if they do, they are put down instantly and without respect; second, it is a way of purging humors that arise in cities against a certain citizen. Then he gives two Roman examples to show the success of this law, the trial of Coriolanus and the imprisonment of Manlius. Neither Coriolanus nor Manlius was affected in the least by fear of accusation; neither was put down instantly; and both were treated with the respect of their noble rank. If they had been put down instantly or treated like ordinary criminals, their punishment would not have served to purge the humors of the people against a particular citizen. In the case of Coriolanus, we can reflect (for Machiavelli does not say) that the law failed completely, because after he was exiled to the Volsci, he led them against Rome in a marvelous invasion that nearly succeeded (*DI* 7, 29; *III* 13). Machiavelli tells of this event much later in the *Discourses* without reference to the law on accusation. It was the Tribunes, who had been created by the Senate and whose authority Coriolanus opposed, that saved him from the mob. Not only did the law of accusation prove dangerously lenient, but it also had to be invoked by the very Tribunes who would have profited in this case from its absence.

In the example of Manlius, the law was not used at all. Manlius was envious of the honor and glory awarded to Camillus, whose services to Rome (he believed) were no greater than his, but more recent. Unable to remain quiet or to show discord in the Senate, he spread word among the people that a certain treasure gathered from the people had been taken by private citizens for their own use. To check this calumny, the Senate appointed a dictator to conduct a public investigation. The dictator appeared with the nobles to con-

front Manlius, appearing with the plebs; and he asked Manlius which private citizen held the public treasure Manlius had said was hidden. Failing to name a specific culprit, Manlius was put in prison, Machiavelli says.

This praiseworthy result was effected by an arrangement similar to accusation; so accusation proper does not seem to be necessary. Machiavelli also shows this by varying his estimation of accusation. In the heading of Chapter 7, he promises to inquire "how much accusation in a republic is necessary to maintain liberty." He immediately pronounces that it has "most useful" effects, then warily asserts he has shown "how much it is useful and necessary" and blames the "bad orders" of a city, not merely the lack of accusation, for an appeal to outside forces. He says that Florence lacked "such methods" as accusation. At the end of Chapter 7 and in the heading of Chapter 8, he allows merely that accusation is "useful." Then he says that this matter was well ordered in Rome and badly ordered in Florence; if Florence had had an arrangement (*ordine*) for accusing citizens and punishing calumniators, "countless troubles would not have followed that did follow" (*DI* 8).

Accusation, then, is more an order or arrangement than a precise law. It depends on enforcement by prudent princes whose prudence seems very unobtrusive. It was invoked against Coriolanus by the Tribunes, who had been created by the Senate; and it was used against Manlius by a dictator, also appointed by the Senate. It is not incidental to note that in both cases, the Senate had something to gain or nothing to lose from either the actual or the alternative result. If Coriolanus had won his campaign against the Tribunes, the Senate would have profited from their defeat, just as it actually profited from the removal of a troublesome man of ambition. If Manlius had pointed out a private citizen who appropriated public treasure, this citizen and perhaps the dictator would have suffered punishment, but not the Senate. As it was, the Senate was again rid of a trouble-maker and excused from a more searching investigation of his "calumnies" against "private citizens," who in fact were Senators.³ By varying his judgment on the specific necessity of accusation, and by dwelling on the prudent management of accusation, Machiavelli suggests how important is the enforcement of accusation and also reflects, in his own rhetoric, the unobtrusiveness of that enforcement.

In the case of Manlius, Machiavelli, as it were, leaves the enforcement incomplete. He says that "the Dictator had put him in prison" and at the end of the chapter he says blandly that when charges turn out untrue, calumniators "should be punished as Manlius was punished."⁴ Only later (I 24) are we reminded how Manlius was finally punished: "he was without any respect for his meritorious actions thrown from that Capitol which before, with so much glory to himself, he had saved."⁵ We see first that the power of accusation "without respect" (mentioned in I 7) refers not merely to respect for noble rank but more generally to respect for debts of gratitude (*D I pr*, 8, 52; III 35). Since the Romans properly punished misdeeds without respect for previous good deeds, their punitive justice contained a proper dose of ingratitude.

EXTRAORDINARY MEANS

It is more surprising that the dramatic and definitive nature of Manlius's punishment was withheld, for Machiavelli is not always reserved about the use of "extraordinary means."⁶ The reason for his reticence in I 7-8, however, can be seen in the understanding of punishment he wishes to develop. At first, accusation seems to have the advantages of deterring attempts against the state and of allowing the purging of humors against a single citizen by legal means. Legal means proceed "ordinarily" as opposed to "extraordinary means." "Oppression" of such a citizen by ordinary means causes little or no disorder because "the execution is done without private forces and without foreign forces." This remark pays no attention to the justice of any particular "oppression," but still it only hints at the turn to come. Machiavelli says that much "novelty" would have been avoided in Florence if such a man as Francesco Valori could have been stopped by ordinary means, for the extraordinary means used against him killed him and many other noble citizens besides. Ordinary means would have killed him alone, like Manlius, and perhaps in an extraordinary way too. Accusation is an ordinary means of keeping order in a republic, but it issues in extraordinary punishments.

Machiavelli's strange use of the distinction between ordinary and extraordinary means in Chapter 7 is explained by his pregnant reserve regarding Manlius's punishment in Chapter 8. Ordinary

means include occasionally extraordinary demonstrations; indeed, they seem to conclude in such demonstrations. Machiavelli uses the connection between "order" (*ordine*) and "ordinary" (*ordinario*) to suggest that order is not the rule of the lawful over the unlawful but the result of calculated violence prudently managed (*D I 7*, 8). In a formula, he replaces the distinction between lawful and unlawful with the continuum between ordinary and extraordinary means.⁷ This is to bring the perspective of the founder into ordinary political life, for the founder recognizes that he who establishes order is outside or beyond order, in that sense "extraordinary." The ordinary, law-abiding citizen, on the other hand, merely lives with the difference between lawful and unlawful, and does not reflect on the dubious means by which the lawful was created. For a citizen, the lawful determines what is unlawful, but for a prudent prince, extraordinary means make possible ordinary means. "Manlian severity" in the sense of severity to Manlius should set the tone of punishment by accusation, for in the other ancient example, the law on accusation did not prevent the return of Coriolanus, and Rome barely survived.

Florence had no ordinary way of allowing humors against a single citizen to be purged, and so its purging involved partisanship. In the example of Coriolanus in *D I 7*, Machiavelli refers to "purging of the anger [*ira*] that the generality [*universalità*] conceives against one citizen." When he comes to the case of Florence, he says that "the multitude [*moltitudine*] was not able to purge its anger [*animo*] ordinarily against a single citizen." Since purging was impossible in an ordinary way, "many other noble citizens" besides Valori were killed. If Rome had not had ordinary means of purging, and had suppressed Coriolanus "in a tumult," each one may judge how much evil would have resulted to the republic: "for from that arises offense by private individuals to private individuals, which offense generates fear; fear seeks for defense; for defense they procure partisans; from partisans arise the parties in cities; from parties their ruin" (*D I 7*). So soon after the praise of partisanship in *D I 4-6* does Machiavelli admit the dangers traditionally ascribed to it. How may they be avoided?

In the trial of Coriolanus, the "universality" purged its anger. Machiavelli had said that accusation provides a way of purging the humors that arise in cities against a single citizen. These humors, as

regards Rome, are not the diverse partisan humors of the nobles and the people that he spoke of before (*D I 4-5*). Although Coriolanus was "an enemy to the popular faction" and wished "to punish" (*gastigare*) the plebs, the issue did not become (according to Machiavelli) a partisan conflict involving the desire of the great to dominate and the desire of the people not to be dominated. Instead, the result was apparently a universal purging in which both parties, mixing or forgetting their diverse humors, turned their anger on Coriolanus. Livy reports the episode as more of a partisan conflict, the Senate proceeding to Coriolanus's trial in a united body and the Tribunes perhaps guilty of having excited the popular exasperation that they then directed to legal punishment of Coriolanus. But Livy remarks that the anger of the plebs was such "that the senators were obliged to extricate themselves from the danger by the punishment of one."⁸ This seems to be Machiavelli's recommendation as well: replace the anger of the many against the few with the anger of all against one alone. Popular anger, which is normally directed against those who wish to dominate the people, can be managed when it is adopted by the nobles and focused against one individual. Such management is included among the "ordinary means" of prudent princes in a republic.

Ordinary means yield to extraordinary remedies, we learn, when calumniators are not required to make public accusations (*D I 8*). Popular anger cannot be focused on an individual unless those who make charges are forced to put up or shut up. When they have been forced to do one or the other, the Senate—that is, the ruling princes—can step quietly to the rear and allow the people to make its choice between accuser and accused. Accusation is a two-edged sword: It may cut accuser or accused, but neither edge cuts the Senate. It becomes clear that accusation is essentially the recourse of a plebeian prince, which is to say a prince out of favor with the rulers.⁹ Manlius, despite his noble birth, was driven by envy of Camillus to seek favor among the plebs by spreading calumnies against the Senate. He could not "sow discord among the Fathers" because they were determined to honor Camillus for his more recent benefit to Rome. When a prince is out of favor, he must go to the people like Manlius or else flee the city like Coriolanus. Since Coriolanus had to flee to another city, where he found favor, the only recourse for a prince out of favor is the people. Whether fallen

from above or risen from below, the plebeian prince has the nature but not the office of a prince. He can therefore be managed by the ruling princes because, having the same nature and belonging to the same natural order, they know what he wants. He may be adopted into the ruling order, as the Senate adopted plebeian princes to be Tribunes and used them against Coriolanus; or, like Manlius, he may be exposed as a mere rival of the ruling princes rather than a friend of the people.

INDIRECT GOVERNMENT

Since extraordinary means make possible ordinary means in a republic, they must be legalized. If they are not, good and necessary deeds that are unlawful will become examples to be followed for bad purposes by ambitious men (*D I 34, 46*). Since it would have been necessary to break the laws for good purposes, it would become excusable to break them for bad purposes. Machiavelli's solution is simply to provide in the laws for extraordinary means that "ordinarily" would be unlawful. Such was his defense of the Roman institution of the dictator, who had power, for a limited term, to find his own remedies and to punish without appeal, but not to take authority from the Senate or people or to make new institutions in the city (*D I 34, 35, 40; cf. I 60*). Note that the dictator could punish without appeal, that is, without reference to the laws on accusation. From the standpoint of the Senate, he was an accuser who had to make his accusations stand.

In the two Roman examples of accusation (*D I 7-8*), the accusers were not the Senate but the Tribunes and the dictator. Machiavelli's Roman republic was not ruled by the Senate; it was managed by the Senate. Instead of holding all power directly, the Senate allowed institutions to exist permanently or temporarily that apparently derogated from its authority, like the Tribunes, the Dictator, the Censors, and even the Decemvirs. In fact, these institutions made the position of the Senate more secure by handling emergencies for it. No emergency, Machiavelli well knew, can be resolved merely by referring it to an institution whose name is the Department of Emergencies, for men of routine, wherever placed, produce routine solutions only.¹⁰ A most virtuous prince is required. But given this prince, a republic finds itself in a dilemma between the cure and the

disease. Its emergency typically includes the dangerous ambition of the only man who can save it (*D I* 18, 33, 34; *III* 3). In this emergency once removed from the first danger, indirect institutions can permit the Senate to use the virtue of an outstanding prince without succumbing to his ambition. His extraordinary intervention does not undermine the laws, and hence the ordinary authority of the Senate, because the laws have been stretched to include him and to limit him. Ordinary authority must bow to extraordinary means in an emergency, and it is better, Machiavelli argues, that this be done legally. He praises the Senate for its willingness to yield to necessity and for its noble condescension in the business of management (*D I* 37, 38, 51).

We may take as an example the interlude of government by the Decemvirs, presented by Livy and usually accepted by others as a revolution in regime that overturned the government of the Senate.¹¹ Machiavelli says more mildly in a chapter heading that the creation of the Decemvirate was "harmful to the liberty of the Roman republic," as if the Decemvirate were merely a departure from the ordinary within the system of that republic. Then he contrasts the limited power of the dictator, who could not take power from the Tribunes, Consuls, and Senate, to the greater power of the Decemvirate, "thus finding itself alone, without consuls, without tribunes, without appeal to the people and therefore not having anybody to watch them" (*D I* 35). So in describing the power of the Decemvirate, he omits the Senate, an unseen watcher. Five chapters later, he again takes up the Decemvirate. In the interval he had described and praised the prudence of the Roman nobility, which was chiefly shown in willingness to put its property above its honor. The Senate habitually yielded names and honors when it had to and tried to keep its property inviolate against plebeian disorders and also against individual nobles who valued glory above all else.

Now he says one will see "many errors made by the Senate and by the plebs not in favor of liberty, and many errors made by Appius, head [*capo*] of the Decemvirate, not in favor of the tyranny that he had supposed he would establish in Rome" (*D I* 40). The error of the plebeians, arising from too great a desire to be free, was to suppose that Appius had become one of the popular party while he was attacking the nobles. To attack the nobles with the aid of the people and then to oppress the people is the method of "all those

who have founded tyrannies in republics." But Appius did not use this method. He made the "most evident error" of abandoning the people before he had secured himself against the people. His error saved the Roman people from their error, in Machiavelli's neat analysis, which equates the error of inviting tyranny with the error of failing to seize it (Cf. *D I* 52). How had Appius made his error? He betrayed himself by "showing his inborn pride" to the people while he still had need of their friendship. When it came time to reelect the Decemvirs for another year, the nobles, "hesitating to oppose him openly, decided to do it artfully" and gave him authority to propose himself, "a thing not done and disgraceful in Rome." But he named himself among the first, and soon "showed the people and the nobles their error" by reverting to his arrogant nature.¹²

The people's error is clear, but where is the nobles' error? It seems that they, knowing their man, artfully caused Appius to expose himself and to alienate his popular support. At the end of the chapter, Machiavelli says that the people's error was to take away their guard over the magistrates, which was effected partly through the excessive desire of the Senate to be rid of the Tribunes. But in the place where he explains this excessive desire, he shows that the Senate allowed the Decemvirate to stay in power to meet the emergency of war, in which it failed (*D I* 40, 43). The Senate thought, Machiavelli says, that if the Decemvirs resigned voluntarily, the Tribunes might not be restored. Instead, they were expelled and the Tribunes were restored. This "error" is like the previous "error"; it consisted in forcing Appius to make one of two bad choices and wrongly supposing which of the two he would choose. If he proposed himself for reelection, he exposed his design; if he did not, he was out. Similarly, if he remained in power to meet the threat of war, he was responsible for securing a victory while hard pressed at home; if he resigned, he was out and the Senate, having saved Roman liberty, might not have to restore the Tribunes. In the event, the people got the Tribunes back, but they were also glad to have Consuls again. As a whole, the episode of the Decemvirate confirmed the Senate's authority.¹³

The Senate, however, "did not wish to show its authority" (*D I* 40). This was the guiding principle of its prudence. In this case, it made a puppet of the arrogant Appius, and soon after, Machiavelli restates the principle itself in shocking or comic exaggeration. When

the plebs had seceded, because of the incident of Virginia (Appius had forcible designs upon her, and her father had killed her "to free her"), they demanded that "the Ten" be surrendered so that they might burn them alive. The two ambassadors of the Senate condemned the cruelty of this intention, but also advised that it be concealed until the plebs recovered its authority. Then they would not lack means of satisfying themselves. Machiavelli generalizes: "For one should not show one's intent, but try to seek to attain one's desire in any mode. For it is enough to ask someone for his arms without saying, I want to kill you with them, since you can satisfy your appetite after you have the arms in hand" (*D I 44*). In fact, the plebs had to be satisfied with a trial of Appius under the law on accusation, since the Senate and a tribune prevented an illegal execution of Appius and a terror against the nobles. The arms were in the hands of the plebs, but the necessary prudence was in the head of the Senate, which did not show its authority because it did not show its mind or intent (*animo*) (*D I 45*). Machiavelli elegantly reflects the indirect government of the Senate in his own indirect instruction.

THE KINGLY ARM

Thus accusation, though not the most important "order" in the Roman regime, is characteristic of its indirect government. This regime used individual "princes" to attack and to acquire and the people to aid in acquisition and to reward and punish ambition. It was government by management, for the orders themselves were not individually vital to the whole; what mattered was the prudence of the management. A brief survey of the leading orders of the Roman regime will make clear how, in Machiavelli's view, they were interchangeable.

We have seen him praise accusation as necessary and useful to the republic because it seems to substitute ordinary means for extraordinary, while in fact it blends the two. He then presents the Roman dictator as a remedy for an emergency when it is not possible to appeal to the people "ordinarily"; the dictator is the extraordinary alternative to ordinary accusation (*D I 49*; cf. III 25). But he also praises the dictator as a legal means of avoiding extraordinary means, and immediately states that republics must take refuge "un-

der a dictator or similar authority" (*D I 34*). As extraordinary means become ordinary and legal, which they should, they also become dispensable. Machiavelli specifies that the necessary authority similar to the dictator should have limited powers, which is to say that it should be an authority that has obtained power by ordinary means as opposed to magistrates "that are made and authorities that are given through extraordinary ways" (*D I 34*), such as the Decemvirs (*D I 41*). But in the discussion of the Decemvirs, this distinction disappears. The prudence of the Senate, once we have dismissed its "errors," consisted in electing those made "through extraordinary ways" and allowing them the authority they claimed, in particular Appius. Prudently accepting the inevitable, the Senate managed to make the extraordinary ordinary. Appius was used against the plebs as if he were a dictator, with powers more limited than he knew. He was deposed by a device similar to accusation, in which he convicted himself of ambition, and he would have been disposed of under the law on accusation if he had not, very fittingly, disposed of himself.

"Ordinarily," Dictators were substitutes for Consuls, though appointed by Consuls. But Consuls could become their own Dictators.¹⁴ The Romans excelled in war because they gave full powers (or at least "very great" authority) to their "captains," that is, to "their Consuls, Dictators and other captains of the armies" (*D II 33*; cf. I 49). Tribunes were a check on the ambition of Consuls, but in a pinch, they could do the work of Consuls; on one occasion when the Consuls disagreed and then refused to set up a dictator to settle their disagreement, the Senate had recourse to the aid of the Tribunes, who, "with the authority of the Senate, forced the Consuls to obey."¹⁵ It is no wonder, then, that the Senate was able to reconcile itself to the abolition of the Consuls when, as a result of the Terentillian law, Tribunes with consular power replaced them. The people were permitted to choose plebeians for these offices, but they were bamboozled by the Senate and chose only nobles. Either the Senate had the office asked for by the most reputable men in Rome, or they bribed some mean and most ignoble plebeians to ask for it together with plebeians of better quality who "ordinarily" asked for it (*D I 39, 47, 48*; III 11). This is how Machiavelli proves his contention that the people may be deceived about generalities but not about particulars. They were deceived about the general necessity of a nobility but not about the worth of particular nobles—except that

when they were confused about the merits of particular plebeians, they could be induced to accept the general rule of the nobility. Revolving in this circle, we almost forget that the people are deceived one way or the other of necessity, according to Machiavelli, because they cannot be governed without being deceived by their government.

New necessities made it necessary to devise new laws, and so the Romans devised the Censors. At first they made the mistake of giving them too long a term, but this was corrected by a dictator. New as the Censors were, they can be understood, like the Tribunes and other such officers, as "orders" that restrained the insolence of ambitious men by forcing the republic to return to its beginning (*D III 1*). Ordinary means—that is, the orders of the regime—need to be inspired repeatedly by the extraordinary means that were necessary to found them. Rome began as a kingdom, when it was necessary for one man "to be alone," and in the third chapter of the *Discourses*, Machiavelli says that the Tribunes served the same function as the Tarquins (the kings) of damping the insolence of the nobles. In the chapter on returning to the beginnings (*III 1*), he refers to the case of Spurius Melius, a grain dealer who had sought to feed the plebeians at his own expense; and later he says that the "kingly arm" of a dictator punished him capitally (*D II 28*). The Roman republic was government by the Senate using its "kingly arm" under a number of disguises. It was necessary to find new disguises because the ordinary means of government were always in danger from the ambitious individuals in charge of them, and yet ambitious individuals could not be dispensed with. Therefore, the Senate had to find new orders, that is, extraordinary devices that become legalized remedies, to revive the degenerating old orders.

Ambition is the cause of degeneration in the orders of the regime, and yet ambition is also the remedy. Rome needed new orders to save itself from its former saviors, but the new orders were essentially devices to focus responsibility on a single individual. The Roman regime was, in Machiavelli's view, a succession of "countless, most virtuous princes" (*D I 20, III 15*), rather than a constitution of particular institutions in a fixed pattern of enduring relations. Yet it was not a regime in the classical sense, the rule of a succession of men who happened to be able.¹⁶ It was an arrangement of institutions to place responsibility in individuals and then to limit them by

placing responsibility in other individuals. In causing ambition to counteract ambition it was like a modern constitution, but it did not have the permanency, or aspiration to permanency, of a modern constitution. The only enduring relation was that between the Senate and its "kingly arm," the individual of the moment behind whom it concealed its indirect government. Machiavelli does not seriously claim that the Senate was as prudent as he usually makes it appear, and it certainly did not operate consciously on Machiavellian principles. The self-understanding of the Senate, we may suppose, is to be found in Livy, behind whom Machiavelli conceals himself, with a very different understanding.¹⁷

PURGING AND DETERRENCE

In introducing accusation, Machiavelli said that it had two most useful effects, a deterrent effect on ambitious individuals and a purging effect on the people. Deterrence and purging are separable, for laws can deter crime without purging humors against the criminal, and conversely. Machiavelli connects them in his discussion of the two outstanding qualities of the Roman regime, its ordinary use of extraordinary means and the indirect government of the Senate. Extraordinary means, especially that of capital punishment, have the effect of purging malignant humors in the people, first concentrating their fear on the hatred of the individual and then releasing it by an extreme and notable deed or execution. Indirect government has the effect of deterrence, though not in the way that Machiavelli first indicates. It is not that fear of being accused keeps men from attempts against the state, since in the most virtuous princes, fear is overridden by (or extends to) the desire for glory (*Cf. D I 7 and II 33*). Attempts against the state cannot be prevented, but they can be converted into acquisitions for the state when ambitious citizens are allowed to compete for glory. And they compete not to check each other but to excel one another. Deterrence by indirect government works through management rather than mere prohibition, and thus brings acquisitions to the common good (*D III 16*).

Purging and deterrence are necessary to each other. Purging the people of their malignant humors makes it possible for the Senate to govern indirectly. If the Senate could not have provided release of popular animosities in the punishment of individuals, hatred

would have built up against the nobility as an order. Partisan discords between the plebs and the Senate would have grown to become unmanageable by the latter, at last bursting in revolution. Rome would have become another Athens (or like modern Florence), a succession of partisan regimes, instead of acquiring an empire by means of a nonpartisan regime that adjusted internal partisan discords.

On the other hand, indirect government makes it possible to purge popular animosities. Only if the Senate stands out of the light, in the shadows of its ambitious individuals, can animosities be purged without harming—not only the Senate—but the republic. Common people do not understand or appreciate ambition; they do not feel it themselves and they do not see what it contributes to the common good. Their desire not to be dominated, though not unreasonable, is uninstructed. The people do not know that they can avoid domination only through a competition of individuals to dominate them. Consequently, if the Senate ruled them directly, they would eventually rebel against the nobility as an order, which is to say, against the necessity of ambition.¹⁸ In this mood they could easily be captured by a prince like Appius, but more adaptable or less prudently opposed. By rebelling against ambition, they would become slaves of an ambitious man.

For Machiavelli, deterrence is associated with purging of malignant humors. It is not a narrow Benthamite calculation of how great a penalty must be attached to each crime so as to deter each kind of criminal. This does nothing either to satisfy popular vengeance or to satisfy the people about their security and hence about their government. Criminal justice must be considered as a whole, and this perspective is inevitably political. Machiavelli unabashedly mixes criminal and political justice, contrary to the Roman law and to the school of natural law that followed him. So, for example, accusation can be used against a noble because he is a noble, behaving as the few always behave (*D I 7*). His "private" conduct, arising from his dominating nature and reflecting his dominant situation, is political behavior. He cannot avoid committing his "crimes," and the common good would suffer if he could; neither can he be spared punishment, which is required by the nature of the people and also by the common good. What is crime, or at least which crimes are punished, varies with the regime (*D III 1*), and all regimes are alike

chiefly in the need for dramatic punishment that may or may not coincide with justice and does not arise from it.

Accusation culminates in a punishment or execution (*esecuzione*). The chapter (*D I 8*) that ends with the statement that calumniators should be punished as Manlius was punished is followed by the chapter in which Machiavelli says that the founder of a republic must be alone. It includes his memorable excuse for Romulus's "homicide" (he does not quite call it execution) of his brother and also of his partner in rule, Titus Tatius. This is an instance of Machiavelli's impartiality. After showing how the nobility may through accusation focus general resentment against themselves on an individual and purge it by punishing him, he adopts the standpoint of the individual being focused on and shows that execution is again necessary both for his purpose and for the common good (*D I 9, 18, 47, 52; P 7*).

Both dictionary senses of *execution*, "carrying out" and "punishing capitally," converge in Machiavelli's long chapter on conspiracies (*D III 6*). To carry out a conspiracy is to punish the man or men conspired against. Machiavelli seems to define conspiracy merely as a firm determination to kill the prince held by more than one man. Since all regular orders of government can carry out their intentions only with punishment and the fear of punishment, and since punishment must be managed in private, public orders can be understood no less as conspiracies than private schemes. In this chapter, Machiavelli gives directions for conspiring against a prince and then for conspiring against one's native country; he also gives directions for conspirators and for those conspired against (*D III 6; cf. I 55*). By speaking to all openly and indiscriminately, he implies that conspiracy is nearer the ordinary business of government than it is taken to be. Management is a kind of conspiracy, not only because the policemen must know what the criminal knows but because he must do first what the criminal does.¹⁹ The first execution by Romulus was illegal and extraordinary, so to speak a conspiracy by one man; and it was excused by the outcome. But every government needs to return to its beginning by means of fearful executions. These executions are as much in need of excuse as that by Romulus, and they receive the same excuse (*D III 1*). The ordinary rests on the extraordinary. The extreme defines the normal. The public is determined by the success of a private plan, by the execution of a conspiracy. Political science is essentially knowledge of the limits of politics, but

not in the classical sense. In classical political science, politics can never attain the end it aims at; in Machiavelli's, ordinary politics originates from its limit, in the extraordinary and the fearful.

Machiavelli can be recorded as the author of the idea of constitutional dictatorship. The Roman dictator, he said in opposition to "some writers," was not the cause of tyranny but the means of preventing it. Tyranny came with the prolongation of commands in the later republic, which was caused by the very success of the republic in expanding itself. But in Machiavelli's argument, the idea of constitutional dictatorship is much wider than the office of the dictator by itself. It is the same as the idea of a constitution or republic. Machiavelli's constitution is composed of ordinary orders that permit, indeed encourage, extraordinary actions by an ambitious prince; and then they limit the consequences of these actions by encouraging other extraordinary actions from his rival princes. The constitution legalizes what would have been illegalities according to a stricter definition of the lawful. It separates the orders, which in the seventeenth century came to be known as "powers," to make them more effective. The individual who is elected to his office—or allowed to grasp its powers—is not hindered by traditional prescriptions or prohibitions, yet at the same time he can neither make himself tyrant nor leave his example as a precedent for future tyrants. In this system his selfish glory does more for the common good than could any amount of moral and political restriction on his desire for glory. Machiavelli did not conceive the separation of powers as a way of diminishing the power of government. Ambitious men would check each other, it is true, but for the purpose of increasing the good effects, by increasing the safety, of ambition.

Most men identify "lawful" with "ordinary means," failing to see things in the perspective of the founder (or preserver), who knows the need for extraordinary means. Aristotle endorsed this error (in Machiavelli's view) when he discussed the tension between the best men and the best laws, assuming that the best laws could never do justice to the best men. Machiavelli agrees (we have seen) that the best laws cannot do justice to the best men, but he argues that they cannot do justice to ordinary men, either. What is legal or political justice for Aristotle must be, for Machiavelli, security for the people and glory to the princes. Since he accepts the necessity of injustice with open arms, he does not mind including extraordinary

means that might be very unjust. He resolves the tension between the best men and the best laws, between prudence and legality, by removing justice from both. The law can legitimize, and thus moderate, the disorder necessary to the maintenance of order; it makes extraordinary measures ordinary—or at least temporary—by treating them so.

To do this, Machiavelli had to suppose that the purpose of law is to secure order rather than justice. It was not enough to imply, with Aristotle, that a certain injustice to the best men is necessary to even the best regime, or that natural justice is not the same as political justice. For Machiavelli, the best regime can attain justice neither between its two ordinary orders nor within the princely order. Then, since neither natural nor political justice is attainable, the distinction between justice and injustice is not final. On the other hand, though disorder is inevitable, order is attainable by prudent princes who anticipate the inevitability of disorder. They provide for the inevitable not by accepting it merely as the chance imperfection of human things, but by making natural disorder the necessary foundation of humanly contrived order. Understanding the necessity of extraordinary measures, they can extend the limits of order beyond the confines of justice. This was the essential purpose of Machiavelli's new regime.