subtopic

Machiavelli

MACHIAVELLI, GUICCIARDINI, *and* REASON OF STATE

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Niccolò Machiavelli, Francesco Guicciardini, and sixteenth-century theorists of "reason of state" may be regarded as the initiators of a tradition of political thinking very distant from and even opposite to natural law doctrines. However, the distance and opposition of each with respect to natural law were different in content.

Niccolò Machiavelli never used the term "natural law" and never discussed the subject. His silence is quite eloquent, if we consider that the concept amply circulated in the political and intellectual context of his time. Prominent members of Florentine civic humanism frequently referred to natural law understood as a superior norm that comes directly from God and has therefore a higher normative status in comparison with civil laws. Coluccio Salutati, to mention a prominent example, wrote in his essay on the nobility of law (*De nobilitate legum et medicinae*), composed around 1399 that true civil laws must embody the universal principles of equity, proportion, and justice that natural and divine laws reveal to us. Girolamo Savonarola repeated over and over in his writings and his sermons (some of which Machiavelli surely heard) that natural law is valid in all times and among all peoples, and that human laws must take inspiration from it.

Machiavelli's silence is even more resounding because he was familiar with legal language and its classical sources. "Civil laws," he wrote, "are nothing other than verdicts given by ancient jurists, which, reduced to order, teach our present jurists to judge."[1] He also stressed the value of civil law as a necessary guide for human actions: "men never work any good unless through necessity, but where choice abounds and one can make use of license, at once everything is full of confusion and disorder. Therefore it is said that hunger and poverty make men industrious, and the laws make them good."[2] A wise legislator, he warns, must frame the laws assuming that "all men are wicked," and that they will always behave with malignity, if they have the opportunity.

For him, the rule of law is the indispensable basis of any form of legitimate government. He contrasts in fact political life ("*vivere politico*") with tyranny understood as authority unbound by laws ("*autorità assoluta*").[3] A corrupt city, he explains, is precisely one where laws are disobeyed, and neither laws nor institutions have the force to check widespread license.[4]

When he speaks of the rule of law, Machiavelli means first of all observance of the principle that prescribes that men's actions are to be judged on the basis of general rules that apply equally to all actions of the same type and to all individuals of the group concerned. Once it is in place, it must be obeyed without allowing for privileges or discriminations. As he strongly asserts, crimes have to be punished regardless of the personal and public merits of the criminal. No well-ordered republic ("republica bene ordinata"), he writes, "allows the demerits of its citizens to be cancelled out by their merits; but having prescribed rewards for a good deed and punishments for a bad one and having rewarded someone for doing well, if the same person afterward does wrong, it punishes him, regardless of any of the good deeds he has done." Should this principle of legal justice be disregarded, he concludes, "civil life will soon disappear."[5]

In his defense of the rule of law, Machiavelli asserts that republics must be capable of facing even extraordinary situations by legal means. As an example he cites the Roman dictatorship and stresses that without that institution that republic would have survived "extraordinary accidents" only with difficulty. Even more praiseworthy was the example of the Republic of Venice, "excellent among modern

republics," that "has reserved authority to a few citizens who in urgent needs can decide, all in accord, without further consultation." What makes this institution excellent is precisely that it permits a republic to face situations of emergency without breaking the statutes. Even though extraordinary measures may do good in some cases, yet, Machiavelli warns, "the precedent thus established is bad, since it sanctions the usage of dispensing with constitutional orders for a good purpose, and thereby makes it possible, on some plausible pretext, to dispense with them for a bad purpose." Therefore "no republic is ever perfect, unless by its laws ("*con le leggi sue*") it has provided a remedy for all contingencies and for every eventuality, and determined the method of applying it."[6]

All his political considerations refer to positive laws, particularly to statutes or constitutional laws, the "orders" ("ordini") as he calls them. Natural law has simply no role. Founders do not need it because they rely on their own virtue and, at times, on God's help; rulers do not need it because they have the statutes and the civil laws as their norm; reformers and redeemers do not need it either because they have to count on their "simple virtue" independently of any law.[7] What prevented Machiavelli from appreciating natural law was therefore his realism: since he saw no place for it in real political life, he remained (simply) silent about it.

A much more serious line of attack against the principle of natural law came from Francesco Guicciardini. His realism was much more radical than Machiavelli's. In politics, he maintained, general rules do not help at all, and assumptions about men's rationality, particularly in the case of princes, are utterly useless and dangerous. Rather than believing that men follow the dictates of reason it is much safer to consider their passions and inclinations. Any general rule finds in politics very little application. Each situation is characterized by a specific set of circumstances. There are only exceptions, which we can discern with the help of concrete experience. Even examples and similar situations are not safe references for political choices: a small difference between the example and the real situation makes all the difference in the world. What really helps is the ability to detect what makes each situation different. Understandably, for political thinkers who held these beliefs, natural law was of no use at all.

He asserts that all states, even republics, are grounded upon sheer force poorly veiled by pretensions of honesty. From this premise he concludes that whoever intends to devote himself to the great task of governing states must be prepared to violate God's law and elect as a guiding principle not moral reason, but another reason, which he calls "the reason of the states" ("la ragione . . . degli stati"). By making this claim in his *Dialogue on the Government of Florence*, even if he never published it, Guicciardini opens the path to a complete dismissal of natural law. He did not simply point to the practice of states, as Machiavelli had done. He claimed that there is a reason that political leaders may invoke to justify violations of the principles that moral reason dictates to human beings. In Guicciardini's view to invoke natural law as the founding or guiding principle of political action was a clear sign of "crass ignorance."[8]

Around the end of the sixteenth century, the concept of reason of state made its appearance in political literature and rapidly gained a widespread and solid intellectual hegemony in Europe. Even if many theorists were pious Christians and claimed that reason of state was perfectly compatible with the law of God, its very definition elaborated by Giovanni Botero in his book Of Reason of State (1589), made natural law irrelevant. Reason of state is in fact the knowledge of the means that are apt to establish, maintain, and enlarge a state; and "state," Botero promptly explains, is any "firm empire over a people."[9]

As his critics promptly noticed, Botero's definition of reason of state allowed ample room for violations of the norms of justice and religion. Botero in fact spoke of "apt means" ("mezzi atti"), and throughout his book remained quite vague about the priority of honesty over convenience. Moreover, he referred to states in general, without distinguishing between legitimate and illegitimate ones. As later theorists stressed, reason of state ought to be understood as a principle of derogation of ordinary law on behalf of a more universal norm, that is, the interest and the life of the state.[10]

Even presented as the right of overriding ordinary laws for the common good, reason of state became in

seventeenth-century political language the reason of whoever dominates and it consists of a number of secret laws (*arcana imperii*) designed to ensure the state's security. These secret norms are to be distinguished from the bad reason of state used by tyrants. However, it remains true that the prince represents the state and is therefore the ultimate interpreter of reason of state, just as he was supposed to be the sole authorized interpreter of natural law. Although they all paid due respect to natural law and to God, theorists of reason of state did in fact detach political thinking from the natural law tradition and powerfully steered it toward Hobbes.

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[1] *Discorsi sulla prima deca di Tito Livio*, I, Preface.

[2] Ibid., I. 3.

[3] Ibid, I.25 and I.37.

[4] Ibid, I.18.

[5] Ibid, I. 24.

[6] Ibid, I. 34.

[7] Ibid, III.1.

[8] Francesco Guicciardini, *Dialogo del Reggimento di Firenze*, in E.L. Scarano (ed.), *Opere*, Turin, 1974, p. 465.

[9] Giovanni Botero, *Della Ragion di Stato. Con tre libri delle cause della grandezza della Città*, Luigi Firpo, ed., Turin, 1948, Bk. I., ch. 1.

[10] Cfr. Rodolfo De Mattei, *Il problema della 'Ragion di Stato' nell'età della Controriforma*, Milan-Naples, 1979, p. 92.

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