These observations from the opening of Harrington's *Oceana* seem well worth developing, and my principal aim in what follows will be to enlarge on them. First of all, it is I think correct to suggest that there is a danger -- far greater now than when Harrington was writing -- that we may have lost touch with one fruitful way of thinking about the concept of political liberty. It also remains plausible to suggest that this may be due in part to the continuing influence of Thomas Hobbes and other 'gothic' theorists of freedom and government. Not only did they succeed in discrediting the very different way of thinking about law and liberty characteristic of Renaissance political theory, but their impact has remained astonishingly pervasive. If we turn, for example, to such leading contemporary theorists as John Rawls, Robert Nozick and their endless disciples, we encounter a self-conscious attempt to revive and extend the same gothic vision of politics. The vision is one in which liberty is a natural right, the antonym of liberty is coercion, and the maximising of liberty is seen as the chief (perhaps the sole) duty of enlightened governments.²

There is also much to be said for Harrington's further suggestion as to how we might profit from reflecting on earlier and contrasting ways of thinking about these issues. As he proposes, we can hardly do better than focus on the political theory of the Renaissance, and in particular on Machiavelli's analysis of liberty in his *Discorsi*.³ I have already attempted in chapter 5 to sketch the intellectual context out of which Machiavelli's *Discorsi* arose. As I tried to show, one of his principal aims was to restore, revise and develop a traditional defence of communal forms of 'free' government. I now wish in the present chapter and in chapter 7 to examine in greater detail Machiavelli's theory of freedom itself, and at the same time to contrast it with the very different and arguably more blinkered understanding of the concept to be found in contemporary liberal thought.⁴

If we ask how we can hope to maintain our freedom as members of civil associations, contemporary exponents of gothic politics tend to respond

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² For John Rawls's characterisation of his own theory as one that 'generalises and carries to a higher level of abstraction the traditional conception of the social contract' see *A Theory of Justice*, p. 3.
³ For Robert Nozick's invocations of the same tradition, especially as represented by John Locke, see *Anarchy, State and Utopia*, pp. 10–12.
⁴ This suggestion is also pursued in the valuable discussion in *Lewin 1997*, pp. 52–78.
⁵ For a similar contrast between liberal and gothic humanist conceptions of freedom, centring on Locke's presentation of the case, see *Lewin 1997*, pp. 315–29.
by echoing and endorsing the classical assumption that the task is not merely one of paramount importance but also of exceptional difficulty. The deep gulf that separates gothic from classical and especially neo-Roman theories of government begins to appear only when we turn to their rival explanations of what makes it so difficult to ensure that freedom is safely preserved.

Contemporary exponents of the gothic approach are generally content to repeat the answer put forward by Hobbes in Leviathan. Consider, for example, the account given by John Rawls in A Theory of Justice. When Rawls asks what makes our liberty such a fragile commodity, he explicitly announces his agreement with what he calls ‘Hobbes’s thesis’, the thesis that the inclinable threat to our freedom arises from our natural selfishness. As rational egoists, Rawls concludes, all of us have ‘an inclination to self-interest’, a disposition to increase our freedom of action as far as possible, even at the expense of others. But it is obvious that, if each of us seeks to act in this fashion, we shall soon find ourselves encroaching upon and interfering with the liberty of others. The fact of limited altruism is thus held to set the basic problem for the theory of justice.

For a neo-Roman theorist like Machiavelli, the problem is more complicated. He agrees that the majority of citizens in any polity can safely be assumed to have it as their fundamental desire to lead as free a way of life as possible. It is true, he admits, that among the grandi we instead see a great desire to dominate others. But among the generality of people we usually find that their sole desire is not to be dominated, as a result of which their principal wish is to live freely, pursuing their own ends so far as possible without insecurity or unnecessary interference. They want, in particular, to be able to enjoy the common benefit of a free way of life. They want to live without fear, to bring up their family without anxiety for their honour or welfare, and to be in a position ‘freely to possess their property without distrust’. These are the benefits that enable us to recognise and rejoice in the fact that we ‘have been born in freedom and not as slaves’.

Machiavelli’s further claim, however, is that there is no possibility of our being able to attain these ends unless we live in a community of

which it can already be said that it enjoys uno vivere libero, a free way of life. Our community must be based on free institutions in which all of us as citizens participate. It must be kept entirely free from subjection to the will of any particular individual or group. To cite Machiavelli’s way of putting the point, it must be free from any dependenza or servitù, whether imposed by a conqueror in the form of ‘external servitude’ or by a tyrant who arises from within the community’s own political system.

Machiavelli’s basic claim is thus that, if we wish to prevent our government from falling into the hands of tyrannical individuals or groups, we must organise it in such a way that it remains in the hands of the citizen-body as a whole. It is only if everyone remains willing to place their talents at the disposal of the community that the bene commune, the common good or public interest, can be upheld and factional interests controlled. And it is only if this happens that the personal liberty of each individual citizen can in turn be secured. In the classical oxymoron that Machiavelli is restating, freedom is a form of service, since devotion to public service is held to be a necessary condition of maintaining personal liberty. As we saw in chapter 2, it was Sallust who provided the moralists and historians of the Renaissance with their main authority for insisting on this general truth. As he had stressed in a much-quoted passage from the start of the Bellum Catilinae, if we wish to maximise our freedom to live without anxiety or interference, we must first turn ourselves into wholehearted servants of the public good.

Machiavelli’s way of summarising these claims is to say that libertà, both personal and public, can only be maintained if the citizen-body as a whole displays the quality of virtù. The possession of virtù is in turn equated with a willingness ‘to follow to the uttermost whatever course of action’ — whether conventionally virtuous or not — ‘will in fact save the life and preserve the liberty of one’s native land’. But therein lies the rub. For the sad truth, as Machiavelli repeatedly insists, is that most of us are not naturally virtuosi. On the contrary, most citizens are corrupt, by which Machiavelli means that their basic inclination, if left

5 Machiavelli 1966, I, XLVI, p. 174: ‘di poter godere liberamente le cose per sanza alcun suspetto’.
6 Machiavelli 1966, II, 2, p. 484: ‘che nostro liberi e non servitori’.

19 The passage almost invariably invoked is Sallust 1934, I, 3, p. 12 and I, XL, pp. 18–22.
For Machiavelli, accordingly, the fundamental threat to freedom is not simply posed by the fact of human selfishness. The problem is rather that, in pursuing our self-interested desires, we are prone at the same time to be self-deceived. We are prone to entertain false beliefs about the best means of attaining our desired goals, including the goal of maintaining our liberty. If we are oziosi, we tend to think of a free way of life as one in which there are no calls on our time and we are able to act as we please. If we suffer from ambizione, we instead tend to think that the best way of getting what we want will be to reshape the institutions of our community to serve our own ends. To act in either of these ways is to forget that, whenever we corruptly permit or pursue such policies hostile to the common good, we begin to subvert the free institutions of our community, and hence our own personal liberty at the same time. The paradox with which we have to reckon, as Machiavelli repeatedly reminds us, is that ‘the people, deceived by a false image of the good, very often will their own ruin’.

For a neo-Roman theorist such as Machiavelli, the problem of how to maintain our freedom in the face of our limited altruism accordingly seems more complicated than it does to a modern gothic theorist of liberty. For the latter, the dilemma is resolved as soon as we discover a fair means of regulating the tendency of self-interested individuals to threaten the freedom of others. It is assumed, that is, that the fundamental problem in the theory of liberty — and indeed in the theory of the state — is simply that of devising the best means of adjudicating between competing rational egoists. The problem is solved when each person is able to enjoy an equal right to the most extensive system of basic liberties compatible with a like system of liberty for all. For a neo-Roman theorist, by contrast, the further problem is that of finding some means of transmuting our natural but self-destructive tendency to corruzione into a virtuo concern for the common good. If this transmutation is rendered impossible by our incorrigible ozio or ambizione, the problem then becomes that of devising some mechanism for preventing these inescapably corrupt motives from having their natural but self-destructive effects. The deepest secret of psychology and statecraft is to understand how these acts of alchemy can be performed.

Machiavelli begins by asking how these self-destructive tendencies arise. What causes us to behave corruptly? He answers with a recurrent visual metaphor: we are easily blinded to the nature of our own best interests. This impairment of moral vision is capable of afflicting even the most virtuosi citizens. Quintus Fabius, one of the Decemvirs in early republican Rome, “was an outstanding man, but became blinded by a little ambizione and changed from being a man of good behaviour into the very worst.” So too with Manlius Capitolinus, who began as a great leader of the early republic but “fell into such blindness of mind as a result of his envy of Camillus that he tried to raise a revolt in Rome.” The danger is even more likely to be incurred by the rank-and-file of citizens. The ordinary people are always prone ‘to be blinded by an appearance of false good’. As Julius Caesar cunningly discovered, “it is possible to blind the multitude so completely that they fail even to notice the yoke they are placing around their own neck.”

It is perhaps worth underlining the general shape of Machiavelli’s argument at this juncture. It is often supposed that, if we say of someone that there is a reason for them to act in a certain way, even though they are not motivated so to act, we must be committing ourselves to one of two arguments. We must either be positing a ‘higher self’ with different and more rational motives, or else implying that there are certain purposes...
which it is objectively rational for all agents to pursue. It is then held to follow that our only means of coming to see that there is indeed a reason for us to act which differs from any of our current motives will be by finding some means of attuning ourselves to these objective reasons or to our higher self.

It is arguable, that if there are determinate human needs, there must be objective reasons of this character. And it is certainly true that, in a theory of liberty such as Kant's—which bears certain resemblances to Machiavelli's—we find their existence powerfully defended. As we shall see, however, Machiavelli's own view of the matter occupies a middle ground between the two poles of this long-standing argument. By contrast with the assumption of much later philosophers like David Hume that 'reason is and ought only to be the slave of the passions', Machiavelli contends that there can be genuine reasons for action which are unconnected with any of our present desires. But by contrast with Kant's criticism of Hume, Machiavelli shows that it is possible to defend this position without having recourse, even implicitly, to the idea of objective reasons or higher selves.

To understand how Machiavelli arrives at this position, we need to begin by asking why he believes that we are so readily blinded to our own true interests. He principally focuses on the fact that political leaders are often so corrupt and ambitious that they deliberately mislead the people about the right courses of action to follow in order to attain their desired ends. The success of Appius Claudius in putting himself forward as leader of the Decemvirs is offered as an exemplary instance of this general truth. His actions show that even a virtuous people can be totally blinded and thus deceived by an unscrupulous leader into enslaving themselves. But the most shameless case is said to be that of Julius Caesar, against whom we are warned not to be deceived by his glory or the flattery of later ages. Caesar provides the best example of how the powerful have proposed laws not in favour of public liberty but for their own power, with the result that the people have either been deceived or forced to decree their own ruin.

What makes it so easy for corrupt leaders to deceive and betray the people? Machiavelli first points to the capacity of great men to dazzle us with their greatness, thereby preventing us from seeing—until it is too late—that they may be misusing their gifts in order to seize power for themselves. The problem is outlined in general terms in the discussion of dangerous citizens in Book I, Chapter 33:

When in a republic a young noble of exceptional virtù rises up, the citizens all begin to turn their eyes towards him and to agree without any suspicion to honour him. The result is that, if he has any spark of ambizione, this mixture of the favours of nature with his situation will quickly bring him to a position in which, when the citizens recognise the mistake they have made, there are almost no remedies left to them.

Machiavelli cites several cases in which this happened in ancient Rome, including that of Horatius as well as Julius Caesar. But his chief example comes from much closer at hand:

Cosimo de' Medici, who initiated the grandezza of the house of Medici in our own city, attained such a reputation by virtue of his own prudence and the ignorance of the other citizens that he began to alarm the government, so much so that other citizens judged it dangerous to offend him and even more dangerous to let him continue.

The insidious rise of the Medici and their destructive impact on the traditional institutions of the Florentine republic are never far from Machiavelli's mind.

The most effective means, however, for political leaders to dazzle and mislead the people is through the corrupt use of their wealth. Sometimes the grandezza may be so rich that they can employ their fortunes not merely to purchase loyalty but even to build up private armies. Less spectacular, but scarcely less effectively, the rich are always in a position to prevent people from seeing that their liberty is in jeopardy by bribing them to look the other way. Bribery, Machiavelli thinks, is in fact the most frequent cause of corruption in public life. He offers many instances of this depressing truth throughout the Discorsi, as well as discussing the
problem in general terms in several chapters of Book 1. Among the many cases he discusses, one of the most instructive is said to be that of Spurius Cassius in early republican Rome:

This Spurius, being ambizioso and wishing to seize unlawful authority in Rome, spoke to the people and offered them money taken from the grain imported by the government from Sicily. They utterly refused it, believing that Spurius wished to give them the price of their liberty. But if the people had been corrupt, they would not have refused this bribe, and would thereby have opened up the road to tyranny which they closed.

A still more shocking example—shocking because it was successful even in a period of great civic virtù—is that of the Decemvirs under Appius Claudius. Returning to their positions of absolute authority for a second year, they began to create a party for themselves by condemning prominent citizens, confiscating their property and giving it away to young members of the nobility. Machiavelli refers us to Livy's solemn judgment on the inevitable outcome: 'corrupted by these bribes, the young men preferred licence for themselves instead of liberty for all' and thereby destroyed the freedom of the city and its citizens at the same time.

The dilemma posed by the prevalence of corruzione can now be summarised. On the one hand, there are good reasons for all of us to subordinate our private ambitions to the common good. Nor are these reasons 'external' to the boundaries of our present selves. We are certainly capable of reflecting on the relationship between our current motives and our desired ends with enough clear-sightedness to perceive that any tendency to behave corruptly must be eradicated if we are to avoid behaving in self-destructive as well as anti-social ways. But on the other hand, the vices of ambizione and avarice are very deeply rooted in human nature. As a result, it will always be difficult, perhaps impossible, to recollect our own patterns of motivation with sufficient tranquillity to prevent ourselves from falling into self-deception, or from being blinded into acting against our own best interests.

36 Machiavelli 1960, III, 8, pp. 413-4. 'Il quale Spurius, essendo uomo ambizioso e volendo pigliare autorità straordinaria in Roma... parlando egli al popolo, ed offrendone di codi dannar che si erano ritirati dai grani che il pubblico aveva fatto venire di Sicilia, altrui il vecchio, pure a quello che Spurius volleci dare lui il prezzo della loro libertà. Ma se il popolo fosse stato corretto non avrebbe cercato detto prezzo, e gli avrebbe aperto alla rimandare quella sua che gli chiese.'
37 Machiavelli 1960, I, 46, p. 236, quoting Livy III, XXXII, 8: 'Quibus duos invenit corruppebatur, et male habuit licentiam sumum quam omnium libertatem.'
38 For this way of putting the point see Nagel 1959, p. 7 and note.

This being so, we are brought back to the questions that need above all to be answered if the value of liberty is to be upheld. How is such corruzione to be overcome? How can we hope to reform our naturally self-interested patterns of behavior in such a way as to avoid undermining our own as well as other people's liberty? If such a change in human nature is impossible, what can be done? Can we nevertheless hope to evolve some mechanism for preventing our incorrigible corruption from having its destructive—and self-destructive—effects?

One of Machiavelli's beliefs is that the solution to the problem of corruzione lies to some extent outside the boundaries of statecraft. We can never hope to overcome the forces of corruption unless we happen to enjoy a large measure of good fortune. Just as he contends in Il Principe that all great leaders are to some degree indebted for their ascendance to the favourable attentions of the goddess Fortuna, so he affirms in the Discorsi that no community has the least hope of avoiding corruzione—and hence of assuring its libertà—unless it happens to be blessed with two large and wholly gratuitous pieces of luck. He begins by arguing—in the opening chapters of Book 1—that the first stroke of fortune any city needs to enjoy is that of starting life in the hands of a great founding father, a leader and lawgiver of outstanding virtù to whom as a daughter the community may be said to owe its birth. Later he goes on to insist—this being the principal theme of Book 3—that although this element of good fortune is necessary, it is by no means sufficient to enable a city to attain greatness. It is also necessary that the community should be lucky enough to acquire a succession of later leaders in whom the natural tendency of mankind towards corruzione is similarly and almost miraculously replaced by a virtùsua commitment to the promotion of the public good.

Machiavelli strongly disagrees, however, with those who argue that the rise to greatness of any city is entirely a matter of luck, and he opens Book 3 by castigating Plutarch for propagating this calumnuy in the case of ancient Rome. Machiavelli replies that the process is, at least to some degree, susceptible to ragione and thus to the elaboration of rules. His remaining task is accordingly that of giving an account of such guidelines as he believes can be formulated for the defence of liberty against its enemies.

39 On this prima fortuna see Machiavelli 1960, I, 2, pp. 129-33; on the city as a fillidinae see I, 11, p. 260.
40 Machiavelli 1960, III, 1, p. 275.
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One possibility is that our natural tendency to behave corruptly can perhaps be successfully transcended. Perhaps we can manage to reach out, if not to a higher self, at least to a heightened state of selfhood. Perhaps we can aspire to that condition which Machiavelli sometimes seems to attribute to the citizens of early republican Rome. ‘The love of their country was more potent in the whole body of the citizens than any other consideration’, so that ‘they remained enemies for four hundred years to the name of kings and lovers of the glory and the common good of their native land’.

One way in which we can perhaps be raised to this condition of naturally virtuous citizenship is by means of the right education. It is hardly surprising to find Machiavelli putting forward this suggestion, since he lived in – and wrote for – an intellectual community in which it was widely believed that, in Erasmus’s phrase, ‘people are not born but made’. The political treatises of Machiavelli’s humanist contemporaries were often couched – as in the case of Erasmus himself – in the form of pedagogic handbooks, outlining the type of instruction best suited to instilling in political leaders a virtuous desire to serve the common good. Nor does Machiavelli question the conventional wisdom at this point. He declares at the start of Book 2 that ‘when I think how it could have arisen that people in ancient times were greater lovers of libertà than nowadays, I conclude that the cause must have been the difference between the education given in antiquity and in the present age’. He returns to the argument at the end of Book 3, claiming that ‘the feebleness of the men of the present age is caused by the feebleness of their education’ and reminding us that the impressions we receive in our tender years tend to regulate our behaviour for the rest of our lives.

Despite his endorsement of these commonsense maxims, Machiavelli appears uncertain about the value of this particular argument. He has little to say about the relationship between education and the promotion of virtù, and nothing at all about the specific training that might be expected to provide the best preparation for a life of citizenship. He instead devotes far more of his attention to a second possibility, the possibility that a body of citizens may be capable of transcending their natural selfishness if they are inspired by the example of virtuous leadership. The working out of this line of thought occupies much of Book 3 of The Discourses, the chief aim of which, as Machiavelli explains at the outset, is ‘to show everyone how far the actions of individual men brought greatness to Rome and caused in that city so many good effects’.

One way in which great leaders are capable of inducing deeds of virtù among their followers is by the sheer force of their example. Machiavelli puts forward this suggestion at the start of Book 3, and he subsequently illustrates it at considerable length. The reason, he argues, why any type of civil association can always be reformed ‘simply by the virtù of a single man’ is that ‘these figures enjoy such a reputation, and furnish such a great example, that good men want to imitate them, while the wicked are ashamed to live a different way of life’. The austere and demanding figure of Manlius Torquatus provides the best exemplification of this general truth. He acted at all times for the benefit of the community, without any regard for personal ambition, and thereby demonstrated that it is possible to reanimate the ancient virtù of a republic simply by means of exemplary deeds.

As before, however, Machiavelli seems unwilling to place much weight on this argument. As he makes clear, the arrival on the political scene of a truly virtuous leader is always a gift of fortune, and accordingly constitutes an unreliable means of promoting virtù in the citizen body as a whole. He concedes that, if a republic were fortunate enough to produce a continuous supply of leaders of Manlius’s quality, the effect would not merely be to keep it from falling into ruin but would actually make it everlasting. But he also points out that, even under the Roman republic, the stream of such virtuous leaders eventually dried up. There were no further examples after Marcus Regulus in the middle of the third century, after
had an easier time of it. This was because ‘those ages were filled with religion, and the people with whom he had to deal were coarse and ignorant, which made it very easy for him to follow out his designs, imposing on them any new arrangement he wanted’.60

As Machiavelli’s tone throughout the above discussion suggests, he is pessimistic about the prospect of changing human nature, of transforming our natural selfishness into a willing and virtuous concern for the common good. He prefers to take people as they are, and to recognise that in general they are corrupt. He puts the point with memorable vehemence at the beginning of Book 1 chapter 3:

As everyone who has written about the _vicere civile_ has shown, and as every work of history is full of examples to attest, it is necessary for anyone who establishes a _republica_ and ordains its laws to presuppose that all men are wicked, and that they will always act according to the malignity in their hearts whenever they are given free scope.61

Given that this is the most realistic axiom from which to work, the problem of how to uphold our liberty in the face of our own egotism remains to be solved. If we cannot hope to transcend our selfish desires, it becomes a matter of even greater urgency to discover how to curb and bridge them, so that our self-interested behaviour can somehow be prevented from having its natural but self-destructive effects.

Accepting, as he generally does, that we cannot be expected to forswear our foolish ways, Machiavelli’s basic proposal about how to contain our natural tendency to _corruzione_ appears at first sight a familiar one. He places all his trust in the coercive power of the law to act as a guardian of our liberty. It is obvious, he assumes, ‘that it is possible to make men better and less ambiziosi by fear of punishment’, and it is this consideration that enables the law to preserve our liberty.62 ‘It is always possible for lawmakers in republics or kingdoms to bridge human appetites by taking

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53 Machiavelli 1960, III, i, p. 382.
54 Machiavelli 1960, III, iv, p. 436: ‘è impossibile ordinare una repubblica perpetua, perché per null’
55 Machiavelli 1960, I, li, p. 162: ‘la religione introdotta da Numa fu invero le prime ragioni della _felicità_ di quella città [di Roma].’
56 Machiavelli 1960, I, iv, p. 163.
away any hope of breaking the law with impunity. 65 The indispensable role of the law is thus to deter us from corruption and impose on us the necessity of behaving as virtùosi citizens by making it less tempting to follow our natural tendency to pursue our own interests at the expense of the common good. ‘Hence it is said’, as Machiavelli rhetorically concludes, ‘that hunger and poverty make men industrious, while the laws make them good.’ 64 He summarises once again at the end of Book I in terms that remind us of Rousseau’s profound admiration for the Discours. ‘The people’, he declares, ‘must be chained by the laws’ if a free way of life is to last for any length of time. 65

The best illustration of the law’s capacity to maximise public (and hence personal) liberty is said to be provided by the constitution of the republic of ancient Rome. When Machiavelli begins by asking himself at the start of Book I how Rome ‘managed to prevent herself over so many centuries from becoming corrupt’, he answers by pointing to ‘the many necessities that were forced upon her by the laws made by Romulus, Numa and the rest.’ 66 From the outset, the Romans recognised that ‘no republica can ever hope to become perfect unless she provides for everything by means of her laws and furnishes a remedy for dealing with every possible accident’. 67 Perceiving the significance of this fact, the Romans ‘always recognised the necessity of creating new ordini when new necessities arose in the handling of their city’s affairs.’ 68 This was what eventually brought them their unique success. By maintaining ‘law and order’ – the right leggi e ordini – they were able to preserve their city’s freedom and independence; and by preserving their free way of life they were able to scale the highest peaks of grandezza.

But how can the law be used to protect our liberty? As Machiavelli makes clear in several discussions in Books I and 3, the most obvious way is by stopping other people from unfairly interfering with our freedom to pursue our own ends. To understand his specific programme for using the law to bring about this, we first need to recall what he takes to be the most dangerous methods a citizen can use to threaten or undermine the freedom of others. One method - employed by the Decemvirs and later perfected by Julius Caesar - is to engineer for oneself a position of supreme authority, either civil or (even better) military, and then use it to promote one’s corrupt ambitions at the expense of the common good. Machiavelli’s response is very simple: there must be laws to prevent such positions of command from ever being instituted, unless they are established for limited periods and with the sole purpose of dealing with the emergency that prompted them to be set up. 69 This is because there is no surer method of placing everyone’s liberty at risk than by assigning supreme power to any one citizen. Rome, as always, is offered as the most instructive example. As the chapter heading of Book 3 chapter 24 proclaims, it was ‘the prolongation of supreme military commands that turned Rome into a slave’. 70

The other means by which leading citizens can hope to undermine libertà is, as we have seen, by the corrupt use of their wealth. If they are very rich, they may be able to equip enough military retainers to threaten the liberty of an entire city. Even if they are only somewhat richer than average, they can always try to buy themselves unfair advantages by the judicious payment of bribes. Machiavelli’s solution to the first of these problems is chillingly dramatic. Anyone who wishes to create a republic where there are many such feudal lords has no hope of doing so unless they are completely wiped out at the start. 71 Machiavelli is unspecific about how this is to be done, and about the nature of the legislation needed to prevent any later recrudescence of such feudal arrangements. But he is emphatic in claiming that ‘those republics in which a genuinely political and uncorrupted way of life is maintained never permit any of their citizens to enjoy the status or live in the fashion of such feudal lords’. 72 He even adds with obvious approval that truly virtùosi republics ‘put such people to death as the beginners of corruption and the cause of every scandal in government’. 73

This still leaves the problem of bribery and corruption, to which Machiavelli responds with the same devastating simplicity. As he declares

65 Machiavelli 1960, I, 42, pp. 230-2: ‘le possibili per i lati di leggi delle republiche o di regni a farlo gli appetuti umani e stam loro ogni speranza di potere sopra essi errire.’
64 Machiavelli 1960, I, 2, p. 156: ‘Però si dice che la fame e la povertà fa gli uomini industriosi, e le leggi gli fanno buoni.’
66 See Machiavelli 1960, I, 35, p. 245, speaking of ‘un popolo incitato da quelle leggi’.
67 Machiavelli 1960, I, p. 294: ‘quasto necessarii le leggi fatte da Romolo, Numa e gli altri la correggesse e talmente che . . . non la poterono per molti secoli eontrarre’.
68 Machiavelli 1960, I, 34, p. 211: ‘Eccoli mai fu peretta una republica se con le leggi ace non ha provisto a tutto, ed ad ogni accidente posto il remedio.’
69 Machiavelli 1960, I, 39, p. 241: ‘sempre nel mangiare quella cani si scoprono non ecessità, ed era necessario creare nuovi ordini.’
70 Machiavelli 1960, I, 34, pp. 249-52.
72 Machiavelli 1960, I, 53, p. 297: ‘colori che vede fare dove sono assai gentiluomini una republica, non la può fare se prima non gli spogliati tutti.’
73 Machiavelli 1960, I, 55, p. 258: ‘quelle republiche dove si è mantenuto il vecchio politico ed incorrotto, non supportano che alcuni loro cittadini ne sia né vivi a uso di gentiluomini.’
74 Machiavelli 1960, I, 55, p. 256: ‘come principii di corruzione e cagion di ogni scandalo, gli ammazzano.’
when discussing the Roman agrarian law in Book 1, 'those republics which have been well-ordered have always ensured that the public treasury remains rich while the citizens remain poor'. Again, he does not specify the nature of the ordini required to preserve such a condition of virtuous austerity. But on the need for such ordini he has absolutely no doubts, as he makes clear in one of his most self-consciously rhetorical passages:

I could demonstrate with a long oration how much better are the fruits of poverty than of riches, and how the first has honoured cities, provinces and whole regions while the second has ruined them, were it not that these considerations have already been made celebrated on many other occasions by other men.25

The point is one to which he frequently returns. We have to recognise that, 'because corruzione and lack of concern for a life of liberty spring from inequality',26 it follows that 'the most useful thing a free city can do for itself is to keep its citizens poor'.27

We need to note in conclusion that, as well as these specific suggestions, Machiavelli has a more all-embracing proposal to make about how to use the law to prevent our freedom from being undermined. He argues in Book 1 chapter 5 that what is most of all needed is a special magistracy charged with the specific duty of upholding the freedom of citizens against anyone trying to interfere with them. He maintains that 'those who have shown the greatest prudence in setting up republics have taken it to be one of the most essential things they need to establish that there should be constituted just such a Guardia della libertà'.28 He even goes so far as to add that 'depending on how well this arrangement is established, the vivere libero in question will last for a longer or a shorter time'.29

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24 Machiavelli 1990, I, p. 218: 'le republiche bene ordinate hanno a tenere riche il pubblico e gli loro cittadini povertà'.
25 Machiavelli 1960, III, p. 25: 'Porch’è con un lungo oratore mostrare quanto migliori frutti produca la povertà che la ricchezza, e come l’una ha onorato le città, le province, le storie, e l’altra le ha rovinate, se questa materia non fosse stata molte volte da altri uomini celeberrima.'
26 Machiavelli 1960, I, p. 175: 'perché tale corruzione è poca attitudine alla vita libera nascere da una ingiustizia'.
27 Machiavelli 1960, III, p. 457: 'la più utile cosa che si ordini in uno vivere libero è che si mantenghino i cittadini povertà'. The moral is several times repeated. See also Machiavelli 1990, II, p. 333 and III, p. 367.
28 Machiavelli 1960, I, p. 175: 'Quelli che prudentemente hanno costituita una repubblica, non tra le più necessarie cose ordinate de loro è stato costituire una garanzia alla libertà.'
29 Machiavelli 1960, I, p. 139: 'secondo che questa è bene collocata, dura più o meno che l’vivere libero.'

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So far, Machiavelli’s analysis of the relationship between law and liberty is founded on familiar premises. As we have seen, however, he is not merely concerned with the obvious fact that, if we behave in a consistently self-interested fashion, this will inevitably violate the liberty of others. He is also moved by the further consideration that, if we are blinded by the stratagems of corrupt leaders, or corrupted by collective self-deceit, this will have the effect of making us behave not merely in antisocial but in self-destructive ways. When he contends, therefore, that the indispensable means of preventing corruption is to invoke the coercive powers of the law, he is not merely endorsing the familiar observation that the law can be used to make us respect each other’s freedom. He is also suggesting that the law can act to liberate us from our natural but self-destructive tendency to pursue our selfish interests. It can force us to promote the public interest in a genuinely virtuoso style, thereby enabling us to preserve our own liberty instead of undermining it. Machiavelli’s further claim, in other words, is that the law can and must be used in addition to force us to be free.

Any consideration of this further possibility tends to be stigmatised by contemporary gothic theorists as an obvious – even a sinister – misunderstanding. Liberty, we are reminded, entails absence of constraint; so to speak of rendering people free by means of constraining them is simply to propagate a blatant confusion of terms.30 Given the prevalence and prestige of these arguments, it is worth examining how Machiavelli nevertheless develops the case for saying that it is possible, and indeed essential, for the law to protect and enhance our liberty by means of coercing us.

The argument he develops is based on two assumptions I have already singled out. One is his generally pessimistic view of human nature, his view that it is wisest to regard our tendency to act corruptly as ineliminable. The other is his key contention that, since corruption is the antithesis of virtù, while virtù is indispensable for maintaining personal as well as public libertà, our corrupt behaviour must somehow be neutralised if a vivere libero (and hence our own libertà) are both to be preserved. The question is what the law can hope to achieve in the face of these difficulties. The answer, Machiavelli suggests, is that the law can be used to
coerce and direct us in just such a way that, even if we continue to act solely out of a corrupt desire to further our own individual or factional advantage, our motivations may be capable of being harnessed to serve the common good.

This process is not envisaged as one in which we are made to bring our desires in line with those of a higher self. On the contrary, Machiavelli assumes that we shall retain our selfish patterns of motivation and in consequence our self-destructive proclivities. All that happens is that the law operates to channel our behaviour in such a way that, although our reasons for action remain self-interested, our actions have consequences which, although not intended, are such as to promote the public interest. We are thereby enabled, by means of the coercive powers of the law, to attain the freedom we actually desire and to avoid the conditions of domination and servitude that our unconstrained behaviour would otherwise produce.\(^{31}\)

There are two passages in Book 1 of the *Discorsi* in which Machiavelli relies on this precise structure of argument. The first occurs in the discussion of constitutional law in his opening chapters, a discussion that contrasts instructively with the handling of the same theme by current gothic theorists of liberty. It seems obvious to Machiavelli, no less than to contemporary theorists, that there must be one distinctive set of constitutional arrangements that offers those living under it the best prospect of maintaining their liberty. It is true that Machiavelli differs from current theorists in his views about how to uncover the nature of these arrangements. He believes that the surest method is to investigate the common elements of the most successful constitutional codes of antiquity. If the causes of their durability can be uncovered, it may in turn be possible to repeat their political success.\(^{32}\) For a contemporary gothic theorist like John Rawls, by contrast, the aim is to stand at an Archimedean point outside history, with the result that Rawls prefers to reflect on his intuitions about justice at an imagined ‘constitutional convention’ in order to elucidate the legal foundations of a free society.\(^{33}\)

Despite these divergent approaches, the fruits of Rawls’s hypothetical convention and of Machiavelli’s historical reflections turn out to be virtually the same – a fact so extraordinary as to cast doubt, perhaps, on whether Rawls has really succeeded in freeing himself from the imaginative constraints imposed by the past. The conclusion at which they both arrive is that the optimum legal basis for a free polity consists of a republican constitution founded on a bicameral legislature,\(^{34}\) a system to which Machiavelli adds the need for a strong consular or presidential element, while Rawls stresses in addition the need for an independent judiciary.\(^{35}\)

If we turn, however, to their reasons for supposing that this structure will best serve to maximise our freedom, we encounter a deep disparity between the individualistic premises governing Rawls’s theory and the more classical understanding of the relationship between law and liberty embodied in Machiavelli’s account. For Rawls, the special value of the constitution he outlines is that it provides everyone, at least potentially, with equal access to power, equal means to prevent any encroachments upon their personal rights and an equal capacity in consequence to defend their liberties.\(^{36}\) For Machiavelli, by contrast, the reason for preferring the same type of constitution lies in its unique potentiality for converting private vices into public benefits, thereby coercing us into respecting our own as well as other people’s liberty.

This outcome is achieved, according to Machiavelli, essentially by exploiting the fact – which he again repeats – that ‘in every type of civil association there are two divergent attitudes, that of the grandi and that of the ordinary people’.\(^{37}\) By instituting a bicameral system, this rivalry can be exploited to the public advantage, as happened in republican Rome. The nobles held control of the Senate, while the establishment of the Tribunate ‘not only gave to the ordinary people a share in the administration of the government, but constituted at the same time a guardian of Roman liberty’.\(^{38}\) The two opposed groups, each representing opposed interests, maintained a continuous watch over each other, thereby ensuring that neither side was able to act simply to promote its own legislative programme. The outcome of this tensely balanced equilibrium was that ‘all the laws that were enacted in favour of liberty arose from the disunion’ between these two mutually hostile.

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\(^{31}\) Vatta 2000, p. 46, complains of my ‘failure to distinguish between negative liberty and the desire not to be dominated’. But my point is that non-domination is a species of negative liberty. For a fuller elaboration see Skinner 1991.

\(^{32}\) For this assumption see especially Machiavelli 1966, *Discorsi*, pp. 123–5.


\(^{36}\) This is the argument of section 36 of Rawls 1971.


groups. Even when both sides were motivated solely by a desire to advance their own ends, the constitution served to coerce them into acting in such a way that all purely sectarian proposals were blocked, and the interests of the whole community were in consequence upheld. By the force of law, the people were thereby liberated from the natural consequences of their own corruzione and channelled into acting in such a way that their individual as well as their civic liberties were preserved.

The other point at which Machiavelli considers how to force people to respect their own freedom is in his sequence of chapters on Roman religious practices. These chapters are placed immediately after the analysis of the Roman republican constitution in Book I. The issue of religion arises in this context because of Machiavelli's belief - which he again shares with most contemporary theorists of liberty - that religious susceptibilities are peculiarly liable to pose a threat to well-ordered societies. A special series of leggi e ordini will therefore be needed to prevent this danger from materialising.

Once again, however, there is an instructive contrast to be drawn between Machiavelli's discussion of this issue and that of a modern gothic theorist such as John Rawls. Rawls assumes that the principal way in which the adherents of a particular sect are liable to jeopardise our freedom is by undermining what he calls 'the common interest in public order and security'. He starts out from the observation that deeply religious people are prone to insist that 'others ought to recognise the same beliefs and first principles' as they do, and 'are grievously in error' if they fail to do so. This tends to breed intolerance, which in turn carries with it a danger of 'interference with the essentials of public order' and a consequential threat to the liberties of anyone who fails to endorse the outlook of the intolerant group.

Machiavelli, by contrast, has a broader sense of the power of religion - and especially of Christianity - to threaten our liberty. To be deeply religious is to be motivated by the hope of going to heaven and the corresponding fear of incurring God's wrath and failing to be saved. But this means that true Christians care nothing for worldly glory or the welfare of their community in this present life. They care only for heavenly glory and their own welfare in the life to come. They have consequently taught us to despise the pagan ideals of 'greatness of spirit and bodily strength'. Instead they glorify humble and contemplative men rather than men of action, and have set up humility, abjectness and contempt for worldly things as the greatest good.

Machiavelli's daring suggestion is thus that Christianity, as habitually practised, has served to encourage a virtù, and has thereby acted as a corrupting influence on civic life. There is no reason, he insists, why the monkish leaders of the Christian faith should have been allowed so much licence 'to interpret our religion secondo l'ozio rather than secondo la virtù'. But the fact is that the ideal of the Christian life we have inherited "has rendered the world feeble and handed it over as a prey to the wicked. They in turn 'can control the world with full security, since the generality of men, hoping to go to Paradise, think more about enduring their injuries than avenging them'.

The threat to liberty posed by any religion which, like Christianity, is based on our hopes and fears about the world to come is thus the threat of corruzione, not of intolerance. To preserve our liberty, we need above all to possess virtù; but to possess virtù is to be willing to place the salvation of our community above all personal considerations, whereas Christianity instructs us to treat our personal salvation as more important than anything else. 'Reflecting, then, on how it came about that peoples in ancient times were greater lovers of liberty than at the present time', Machiavelli concludes that Christianity must carry a considerable burden of the responsibility. 'Having shown us' - he is careful to add - 'the truth and the true way of life', our religion has at the same time 'taught us to give little esteem to worldly honour, whereas in antiquity such honour was immensely esteemed and considered the greatest good'.

50 See Machiavelli 1969, II, 2, p. 282 on the admiration of the ancients for 'grandezza dello animo' [for forza del corpo].
51 Machiavelli 1969, II, 2, p. 282: 'ha glorificato più gli uomini umili e contemplativi che gli attivi [che] ha disposto posto il sommo bene nella umiltà, abiezione, e nel disprezzo delle cose umane'.
52 Machiavelli 1969, II, 2, p. 283: 'che hanno interpretato la nostra religione secondo l'ozio e non secondo la virtù'.
53 Machiavelli 1969, II, 2, p. 284: Questo modo di vivere adunque pare che abbia renduto il mondo debole, e dato in preda agli uomini sedutari.'
54 Machiavelli 1969, II, 2, pp. 282-3: 'I quali sicuramente lo possono mangiagare, veggendone come l'universal degli uomini per andare in Paradiso pieni più a sopportare le sue bizzarre che a vendicarsene'.
55 Machiavelli 1969, II, 2, p. 282: 'Pensando dunque dove poi passa nascere che in quegli tempi antichi i popoli fecero più amanti della libertà che in questi.'
As a result of these divergent views about the relationship between religion and civic freedom, Machiavelli presents an analysis completely at variance with that of most contemporary theorists of liberty when he goes on to consider what leggi e ordini are needed to prevent our religious susceptibilities from undermining our liberties. To a modern gothic theorist such as Rawls, the basic problem is that of adjudicating between the values of liberty of conscience and public tranquility. Liberty of conscience must never be limited unless there is reasonable expectation that not doing so will damage the public order which the government should maintain. But as soon as it becomes clear that a given religion poses considerable risks to our own legitimate interests, then the law can and ought to intervene to 'force the intolerant to respect the liberty of others'.

For Machiavelli, by contrast, the laws required to regulate religion in the name of liberty will be such as are capable of harnessing the self-interested motivations of the religious in such a way as to enable the fear of God to be turned to public account. The basic question for Machiavelli, in short, is how to interpret religion secondo la virtù: how to prevent it from corrupting our public life and thereby threatening our liberty.

The fundamental requirement, according to Machiavelli, is to enact a series of ordini designed to encourage religious belief, or at least to compel the observance of religious practices. As he explains in Book I chapter 11, unless the generality of the people are genuinely religious in their outlook there will obviously be no hope of manipulating their beliefs in such a way as to serve the common good. It follows that, 'just as the observance of divine worship is a cause of the grandezza of republics, so contempt for it is a cause of their ruin.' The moral is emphatically drawn at the start of chapter 12:

Those princes and those republics that wish to maintain themselves uncorrupted must above all else ensure that they maintain the ceremonies of their religion uncorrupted and at all times held in veneration. For there can be no surer sign of the ruin of a country than to see divine worship held in contempt.

Although Machiavelli sometimes speaks with a seemingly ironic inflection about religious belief, whatever cynicism he may have felt is always tempered by the thought that there can be no exploitation of piety unless there is piety to exploit.

As we have seen, however, piety according to Machiavelli is not only insufficient in itself; it is actually capable of undermining civic liberty. The further question is how to channel our fear of God and hope of salvation in such a way as to promote the common good instead of subverting it. Machiavelli gives his answer at the start of Book I chapter 11, the beginning of his sequence of chapters on Roman religion. It is essential that, whatever ordini a community enacts about religion, they must include a requirement that the absolute sanctity of oaths must be respected and recognised. It was due above all to the fact that the Romans 'had a much greater fear of breaking an oath than of breaking the laws' that their leaders were able to make use of religion 'to facilitate whatever undertaking the Senate or the grandi wanted to carry out'.

An oath is a promise in which the name of God is invoked as a guarantee that the promise will be kept. We can readily see the political significance of such oaths if we consider the case, as Machiavelli does, of a body of citizens acting, or planning to act, in a corrupt and self-interested fashion in relation to some important public enterprise. It will be essential for their leaders to find some means of coercing them into upholding the public interest and hence their own liberty. Machiavelli's suggestion is that, as long as the prevailing religion emphasises the sanctity of oaths, it will always be open to the leaders of such a people to force them to overcome their natural selfishness by imposing an oath binding them to behave in the manner of genuinely virtuous citizens. This will not of course have the effect of changing their basic attitudes. But it will certainly have the effect of making them more frightened of evading their public duties than of performing them, since their greatest desire, if they are truly religious, will be to keep their promise and avoid the wrath of God. By means of the ordini governing their religion, they will thus be coerced into acting against their natural disposition, in such a way as to promote the freedom of their community and in consequence their own freedom at the same time. By means of coercion, in short, they will be assured of liberty.

Machiavelli cites numerous cases in which political leaders have successfully played on the religious susceptibilities of ordinary citizens in
such a way as to force them to be free. Of all his examples, however, perhaps the most striking — as we saw in chapter 5 — is that of Scipio Africanus and his conduct at the time of the second Punic war. After Hannibal defeated the Romans at Cannae, many citizens decided to give up and withdraw to Sicily. Hearing of this, Scipio met them with a naked sword in his hand and forced them to swear an oath not to abandon their native land. The result was that, although the love of their country and its laws had not been sufficient to keep them in Italy, they were kept there by the oath they were forced to take. Being forced, in other words, to become virtuosi, they stood their ground, eventually defeated Hannibal and thereby secured, by means of their enforced virtù, the liberty they had been ready to give up.

VI

Machiavelli's account of how to maintain civic (and hence individual) freedom reverses the relationship between liberty and the law expressed by most contemporary theorists of liberty. Among contemporary writers, the coercive apparatus of the law is generally pictured as an obvious allfront to individual freedom. The power of the law to constrain us is only held to be justified if, in diminishing the extent of our natural liberty, it serves at the same time to assure more effectively our capacity to exercise the freedom that remains to us. The proper relationship between the law and liberty is thus held to be expressed by saying that — as Isaiah Berlin puts it — the law should create a framework within which "as many individuals as possible can realise as many of their ends as possible, without assessment of the value of those ends, save in so far as they may frustrate the purposes of others." For a neo-Roman theorist like Machiavelli, by contrast, the law is in part justified because it serves to ensure a degree of personal freedom which, in its absence, would altogether collapse. If the coercive apparatus of the law were to be withdrawn, there would not be a greater degree of personal liberty with a diminished capacity to enjoy it. Due to our self-destructive natures, there would rather be a diminution of personal liberty, a rapid slide towards a condition of complete servitude. The proper relationship between liberty and the law is not to be expressed, therefore, by treating the law as a neutral framework within which we pursue our own purposes. The law needs to be viewed in addition as a liberating agency. If our legislators have been wise, the law will constrain us in just such a way that we are released from the bondage that our natural selfishness would otherwise impose on us, and are granted our freedom by means of being coerced.

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67 Machiavelli 1960, I. 11, p. 161: "E così quei cittadini, i quali l'amore della patria le leggi di quella non rinunciano in Italia, vi furono riconosciuti da un giuramento che furono forzati a pigliare."
68 As Gray 1980, p. 523 emphasizes, this account of how coercion is to be justified constitutes a central feature of classical liberalism. Rawls 1971, p. 502 expresses it in the form of the axiom — which he calls the "First Priority Rule" — that "liberty can be restricted only for the sake of liberty."