Machiavelli and Schmitt on Princes, Dictators and Cases of Exception.

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I. Introduction.

The world of Machiavelli, Bodin, Hobbes and Schmitt is populated by ‘princes’, ‘kings’, ‘sovereigns’, ‘commissarial and sovereign dictators’ aimed at protecting citizens from all sorts of dangers brought about either by internal or external enemies.

This paper draws attention to the ideology of emergency that runs through Machiavelli’s *Prince* and *Discourses*, Bodin’s *Six books on the Republic*, Hobbes’s *Leviathan* and *Behemoth*, and Schmitt’s *Political Theology* and *The dictatorship*.

I will argue that in these writings one can detect the following themes:

First, crises and emergencies are i) inevitable in politics, last but not least because of human nature and ii) unpredictable, in the sense that one can never know when and how normality will be challenged; moreover iii) crises are always caused either by internal or external enemies, and iv) if badly handled, they bring about the collapse of the political association.

Second, the law cannot predict all possible emergencies and how to handle them; the law can at most decide who will handle emergencies. To restrict by law what can be decided or done in an emergency means to restrict the power to protect *salus populi*.

Third, although emergency decisions may be extra-legal, they are not arbitrary in so far as they are inspired by the protection/obedience principle; this principle (that provides protection in exchange of obedience) provides the continuity between a situation of normality and an emergency and is the supporting skeleton of any polity.

Finally, I will suggest that (1) although Machiavelli, Bodin, Hobbes and Schmitt share the same ideology of emergency, they do not attach the same importance to the ‘personal’ element in the handling of emergencies and to the notion of leadership; (2) the decline of the concept of leadership seems to go hand in hand with the rise of the concept of sovereignty.

II. Machiavelli on leadership and emergencies

The first theme – that in politics crises are inevitable and unpredictable- is very clear both in the *Discourses* and in the *Prince*. Unexpected bad luck affects equally ‘the good’ and ‘the bad’ as the stories of two leaders as different as Cesare Borgia and Cleomenes¹ demonstrate.

¹ successor to Agis, who consolidated the Spartan kingdom with good laws (Machiavelli, 1989:33-34; 1976:133-134)
We may recall that for Machiavelli *fortuna* is what “prudence cannot manage” or control or predict. (Machiavelli, 1989, 89-90). In chapter 25 of *The Prince* Machiavelli elucidates that *fortuna* is a “mistress of one half of our actions but … she leaves the other half, or almost, under our control.” (Machiavelli, 1989, 90). *Virtu’,* on the other hand, is the manly ability to subdue *fortuna* or chance (Machiavelli, 1989, 90-92).

As to the second theme – namely the belief that any restriction by law of what can be decided in an emergency can undermine the power to protect *salus populi*; and the belief that the law can at most decide who will handle emergencies – one needs to look above all at the *Discourses.*

In the *Discourses* (I, 30, 33, 34), Machiavelli discusses the Roman tradition of appointing a dictator for the handling of an emergency or crisis. Machiavelli is very keen to point out that such a dictator is not a tyrant but a man entrusted with a mission and with all the necessary power to accomplish it. Indeed Machiavelli points out that according to custom such a dictator would give up his position as soon as his job is done and before the end of the mandate.

As many interpreters have pointed out (e.g. Skinner), when things go well, according to Machiavelli, the best form of government is republican; conversely, in corrupt times, principalities are to be preferred to republics. This is so not only because corrupt people cannot handle their freedom, but also because for Machiavelli corruption fosters crises and crises are best handled by strong leaders.

Moving now to the third theme, Machiavelli maintained that good emergency decisions may indeed be extra-legal (such as the decision made by Cesare Borgia at Senigallia or his decision regarding Rimirro de Orco) but not arbitrary. Even though Bodin will accuse Machiavelli of being in favour of arbitrary power, this is not the case. Indeed Bodin is right that neither natural law and nor God restrict the Machiavellian Prince. Machiavelli, however, puts across the view that leadership-preservation and *salus populi* coincide. Hence in protecting himself the prince protects also his people. The success of Cesare Borgia for example brings about order and peace to the people of Romagna, regardless of the selfish motivation behind Borgia’s actions.

In both the *Prince* and the *Discourses* Machiavelli suggests that the protection/obedience principle (and the related love/fear principle) is the key to lasting power

> ...a wise prince takes care to devise methods that force his citizens, always and in every sort of weather, to need the government and himself; and always then they will be loyal (Machiavelli, 1989, 42, emphasis added).

The overall purpose of leadership is effective government. For Machiavelli governing is both an art and a science. In places the art or science of governing is compared to the art
or science of fighting a war. But elsewhere governing is not simply similar, but it is *about* fighting wars. In *The Prince*, chapter 14, we are told:

A wise prince, then, has no other object and no other interest and takes as his profession nothing else than war and its laws and discipline; that it is the only profession fitting one who commands, and it is of such effectiveness that it not merely sustains in their rank men who are born princes but many times enables men born in a private station to rise to princely stations. (Machiavelli, 1989, 55)

To conclude, in a crisis there is need for strong leaders unrestrained by conventional morality. Cruelty, deceit, fraud are sometimes necessary means for a leader in order to attain and maintain order and peace. Such a necessity derives from the fact that human nature is generally selfish, greedy and ambitious:

> For there is such a difference between how men live and how they ought to live that he who abandons what is done for what ought to be done learns his destruction rather than his preservation, because any man who under all conditions insists on making it his business to be good will surely be destroyed among so many who are not good. Hence a prince, in order to hold his position, must acquire the power to be not good, and understand when to use it and when not to use it, in accord with necessity (Machiavelli, 1989, 57-58).

### III. Bodin on sovereignty and emergencies

As in the life of Machiavelli, so in the life of Bodin, political crises played an important role. Bodin published *Six livres de la Republique* in 1576 namely four years after the massacre of Huguenots; the intention of his work was to give a theoretical underpinning to the power of the king as the only way to promote unity and peace in France.

The three themes introduced at the beginning of this paper run through Bodin’s construct. Indeed we will see below that in his work on dictatorship Carl Schmitt claims that Bodin’s account of sovereignty is close to what he himself defines as ‘commissarial dictatorship’, namely a form of dictatorship that – in the case of exception- has the power to suspend temporarily the constitution with the aim to protect it.

If Schmitt believed that Bodin’s notion of sovereignty takes into account and copes with the problem of emergencies, it is worth reminding ourselves of Bodin’s definition:

> ‘Sovereignty is the absolute and perpetual power of a commonwealth’ (Bodin, [1576]1992, p1). Sovereignty is the power to give laws ‘without the consent of any other, whether greater, equal, or below him’ (Bodin, [1576]1992, p 56). All the other attributes of sovereignty – the power to declare war and to make peace, the power to appoint magistrates and officers, the power to levy taxes, etcetera (Bodin, [1576]1992, p48), are consequences of the position of the sovereign as legal head of the state.
Here is a quick reminder of the characteristics of the Bodinian sovereign power:
Firstly, the sovereign power is ‘absolute’ - ab legibus solutus- Bodin explains that sovereignty cannot be restricted by law because the sovereign is the source of law:

‘[A] king cannot be subject to the laws...Thus at the end of edicts and ordinances we see the words, “for such is our pleasure” which serve to make it understood that the laws of a sovereign prince, even if founded on good and strong reasons, depend solely on his own free will.’ (Bodin, [1576], 1992, pp12-13)

Secondly, sovereignty is unconditional: ‘sovereignty given to a prince subject to obligations and conditions is properly not sovereignty or absolute power’. (Bodin, [1576], 1992, p8).

Thirdly, sovereignty is unaccountable to his subjects. But Bodin is at pains to point out that God and natural law impose limits on the power of the sovereign, i.e. sovereign power is not arbitrary. Accountability to God prevents rulers to forget about their mission which is the wellbeing of the commonwealth.

Fourthly, sovereignty is indivisible. Although Bodin preferred monarchy to other forms of government, he believed that sovereignty can lie in a person or an assembly or in the populace.

Finally, Bodinian sovereignty is humanly unlimited and ‘irrevocable’ or ‘perpetual’: ‘Sovereignty is not limited either in power, or in function, or in length of time’ (Bodin, [1576], 1992, p3). ‘The law is nothing but the command of a sovereign making use of his power (Bodin, [1576], 1992, 38) and hence any limitation on the power to command cannot be but extra-legal. Bodin concludes that ‘he is absolutely sovereign who recognizes nothing, after God, that is greater than himself’ (Bodin, [1576], 1992, p 4)².

To conclude, Bodin’s sovereign power resembles closely the Machiavellian Prince and seems to have all the necessary characteristics to cope with emergencies. In particular, the indivisibility of the Bodinian sovereign power is something that Schmitt will single out as essential for copying with the case of exception. There is no doubt that Bodin preferred monarchy to other forms of government and that when he talked of the sovereign power, he often meant ‘the king’. Even so his analysis describes ‘sovereignty ‘as an impersonal entity. Therefore, in spite of the similarities

² Some interpreters point out that Bodin took the idea of sovereign power ‘out of the limbo of theology in which the theory of divine right left it’ (Sabine, [1937], 1973, p372) and attributed to the modern state the omnipotence that theologians had attributed to God (King, 1974,156-157). Indeed Carl Schmitt had in mind not only Rousseau and Hobbes but also Bodin when he talked about the ‘politicization of theology’ and remarked that all significant concepts of the modern theory of the state are ‘secularized theological concepts’ (Schmitt, [1922],1985, p46).
between the Bodinian sovereign power and the Machiavellian Prince, the personal element is missing in the former and present in the latter.

**IV. Hobbes on sovereignty and emergencies**

Crises for Hobbes have heuristic value- whereas normality conceals, emergencies expose the working of politics.

As Bodin had observed that ‘wrong opinion leads subjects to revolt from the obedience they owe their sovereign prince’ (Bodin, [1576]1992, 19), so Hobbes blames ignorance about the function of the sovereign power as the main cause of crises such as civil disobedience and civil strife. In *Behemoth* Hobbes explains that the calamity of the English Civil War occurred because people had ‘false beliefs’ and ‘wrong opinions’ about their political obligation and lacked ‘the science of just and unjust’; he claims that bad teachers, bad priests and bad parliamentarians had taken advantage of people’s lack of understanding of the purpose or ‘end’ of the sovereign state. In *Leviathan* Hobbes writes:

> ‘The End of the institution of Sovereignty [is] the peace of the subjects within themselves, and their defence against a common Enemy’. (Hobbes, [1651], 1991, 150).

> ‘And because the End of this institution, is the Peace and Defence of them all; and whosoever has right to the End, has right to the Means; it belongeth of Right, to whatsoever man, or Assembly that hath the Soveraignty, to be judge … of the meanes of Peace and Defence’ (Hobbes, [1651] 1991, 124).


Hobbes explains that the sovereign power can be acquired by force or created by institution but ‘the rights and consequences and ends of sovereignty’ are the same in both cases.

As Bodin, so Hobbes in Chapter 18 of *Leviathan* argues for absolute, *unlimited, irrevocable, humanly unaccountable, inalienable and indivisible sovereignty*. For the sake of security and peace, Hobbes recommends that the ‘Sovereign Power … is as great, as possibly men can be imagined to make it’ (Hobbes, [1651], 1991, 144).

Hobbes admits that such a power may be regarded as dangerous but never tires to highlight its advantages in terms of security and protection:
‘And though of so unlimited a Power, men may fancy many evill consequences, yet the consequences of the want of it, which is perpetuall warre of every man against his neighbour, are much worse’ (Hobbes, [1651] 1991,144-5).

As Bodin condemns resistance and claims that ‘it is not licit for a subject to contravene his prince’s laws on the pretext of honesty and justice’ (Bodin, 1571, 1992, p33), so Hobbes believes that only if the sovereign endangers a citizen’s life, has the latter the right to resist (Hobbes, [1651],1991,151).

Whereas Bodin is happy to list and elucidate the various characteristics of the sovereign power without offering a supporting argument, Hobbes tries to justify in some detail each and everyone of the attributes of the sovereign power.

For example, Hobbes attempts to offer a rational explanation for ascribing unlimited power to the sovereign. He points out that by nature we have the right to use all available means for self-defence. In spite of this right, our life is in constant danger in a state of nature or during a civil war. We enter the political state with the aim to entrust the sovereign with our defence and security. To impose restrictions on the sovereign would mean to limit the power of the state to achieve its end, namely the protection of our life and the preservation of peace, and this would be irrational. Hence the sovereign power must be unrestricted.

From a Hobbesian perspective, there is no escape from unlimited sovereign power:

‘And whosoever thinking Sovereign Power too great, will seek to make it lesse; must subject himselfe, to the Power, that can limit it; that is to say, to a greater ( Hobbes [1651], 1991, p145).

To sum up, Hobbes ascribes to the sovereign power all the attributes listed by Bodin. Like Bodin, Hobbes too preferred monarchy to other forms of government; like Bodin, Hobbes too discusses ‘sovereignty’ as an impersonal entity.

Much more forcibly and unambiguously than Bodin, Hobbes spells out that the sovereign provides protection in exchange of obedience and that absolute protection requires absolute obedience to an absolute and indivisible sovereign power.

All the three themes introduced at the beginning of this paper run through Hobbes’s argument. Indeed the Schmittian concepts of ‘emergency’, of ‘case of exception’ and of crisis play a fundamental role in Hobbes’s theory of the state.

It is interesting to notice that, regardless of Hobbes’s pessimistic view of human nature, there is genuine optimism in his argument that a correct understanding of man-made crises can protect us from them in the future. ³ Unlike Machiavelli and Bodin and

³ Of course for Hobbes we can protect ourselves only from crises inside the state; nothing can protect us from disorder in international relations.
Schmitt, Hobbes believes that knowledge and understanding are essential to prevent the recurring of emergencies.

V. Schmitt on Dictatorship and Exceptions

In his writings Schmitt engages often with Machiavelli⁴, Bodin and Hobbes. In his work on dictatorship⁵ Schmitt suggests that in Machiavelli’s Discourses and in the Prince there are elements of ‘commissarial dictatorship’ and elements of ‘sovereign dictatorship’.

By ‘commissarial dictatorship’ Schmitt means a transitional dictatorship that, in an emergency, suspends temporarily the constitution for the sake of protecting it; by ‘sovereign dictatorship’ instead Schmitt means a dictatorship that abrogates the existing constitution with the aim to introduce a different one.⁶

All dictatorships for Schmitt are most suitable to face crises. This is so because in a dictatorship power is undivided and often personal. For Schmitt emergencies require urgent decisions and urgent decisions rule out committees. Indeed as Tom Sorell has pointed out:

‘A leader exercising his judgment and implementing whatever measures seem appropriate in time of national peril seems better to him than rule by committee or constitution’. (Sorell, 2003, 223)

Schmitt stresses that a commissarial dictatorship is different from arbitrary despotism or tyranny (Schmitt, 1975, p 9). He points out that there is a link between his notion of commissarial dictatorship and the classical definition of sovereignty by Bodin. In The Crisis of Parliamentary Democracy Schmitt writes:

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⁴ In The Crisis of Parliamentary Democracy Schmitt singles out Machiavelli as a precursor of the nationalist myth famously described by Mussolini in October 1922 before the March on Rome. In his review of Schmitt of 1925 Richard Thoma had written I would hazard to guess …that [for Schmitt] an alliance between a nationalistic dictator and the catholic Church could be the real solution and achieve a definitive restoration of order, discipline, an hierarchy


⁶ In the case of the crisis of the Weimar Republic, Schmitt had recommended to suspend the constitution for the sake of protecting it.
‘The usual definition of sovereignty today rests on Bodin’s recognition that it will always be necessary to make exceptions to the general rule in concrete circumstances and that the sovereign is whoever decides what constitutes an exception’. 7

In Die Diktatur Schmitt adds that Bodin has provided us (in chapter 8, of book 1 of his Six livres de la Republique) with a ‘definition of commissarial dictatorship’:

‘Bodin has not only the merit of having given us the concept of sovereignty, but also of having discovered the link between the problem of sovereignty and the problem of dictatorship and of having provided us with a definition that even today must be regarded as fundamental’. (Schmitt, 1975, 36)

For Schmitt Bodin, i.e. an ‘otherwise moderate political writer’, has given an important contribution to the understanding of emergencies; in particular Schmitt praises Bodin’s claim that the sovereign power cannot be divided and his preference for monarchy.

Although admiring Machiavelli and Bodin, of course Schmitt regarded himself as a direct descendent of Hobbes. For Schmitt Hobbes understood better than anybody else the nature of political obligation and the function of the state, namely the protection of citizens in exchange of obedience. Carl Schmitt famously stated in the Concept of the Political that:

The ‘protego ergo obligo’ is the ‘cogito ergo sum’ of the state. (Schmitt, [1927], 1996, 52).

Schmitt’s interpretation of Hobbes is even more controversial and open to criticism than his interpretation of Machiavelli and Bodin. It is outside the scope of this paper to engage with it. However, as discussed for example by Sorell (2003), in places Schmitt suggests approvingly that Hobbes was committed to decisionism and (in spite of describing the Leviathan as a machina machinarum) to some form of personal leadership. Schmitt contends that by promoting the rule of law and an impersonal legal system, liberal democracies remove the possibility to cope with the exception.

In places, however, Schmitt seem to suggest that systems of checks and balances only hide the concentration of power within liberal democracies.

He claims that in a case of exceptional danger, coming from inside or outside the state, be it terrorism or any other lethal challenge - the location of supreme sovereign power becomes unambiguous, as it becomes unambiguous that the sovereign power is undivided and personal:

Sovereign is he who decides on the exception. (Schmitt, Political Theology [1922], 1985, 5).

If this reading of Schmitt is accepted, then it can be said that in the works of Machiavelli, Bodin, Hobbes and Schmitt one can trace a ‘return journey’ from ‘the personal’ to ‘the impersonal’.

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