

**THE GARMENTS OF COURT AND PALACE:
MACHIAVELLI AND THE WORLD THAT HE MADE**

(PHILIP BOBBITT)

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Philip Bobbitt is best known for his earlier work *The Shield of Achilles*, a thousand-page work tracing the development of the modern state. This book, *The Garments of Court and Palace*, focuses more narrowly on the inception of the modern state, through the prism of Niccolò Machiavelli's writings. At the same time it claims to be a new interpretation and synthesis of Machiavelli's thought, rejecting many widely held beliefs about it, including that he denied the importance of virtue and morality in politics. Bobbitt posits that Machiavelli instead had a specific conception of virtue, and he wrote with a precise constitutional purpose: he was the midwife of the European princely state, superseding the feudal state, and therefore the herald of the modern Western state, in all its versions.

The book's title comes from Machiavelli's famous 1513 letter, written during forced retirement, in which he describes his day, at the end of which he comes home, shakes off the dust of the countryside, dons "the garments of court and palace" and proceeds to immerse himself, through books, in the ancients and their lives, 'jott[ing] down what I have profited from in their conversation.' " Bobbitt's basic claim is that in his labors Machiavelli presciently identified a wholly new type of state struggling to be born and devoted his writings to bringing that form of state into existence. Though he failed in his immediate goal of enabling such a state in central and northern Italy, his writings influenced its later development outside of Italy. Bobbitt's project is thus to deny the common view that Machiavelli was often self-contradictory or self-serving in his works, and to present him as a genius with a unitary vision of a new constitution of government. His primary method to show this is to rescue Machiavelli from the common habit of picking standalone passages from his works, and instead to synthesize all his commentary within the larger context it is made. I am not really qualified to judge if Bobbitt is correct in his conclusions, or for that matter in his analysis, but certainly he offers an impressive and cogent argument.

Most of Bobbitt's inquiry revolves around Machiavelli's two best-known works, *The Prince* and *Discourses on Livy*, though others also come in, such as the *Florentine Histories* and *The Art of War*. The first two are usually seen as contradicting each other, especially in that the first is seen as endorsing authoritarian or princely rule, and the second as endorsing republican rule. Bobbitt sees them instead as not inconsistent in any way, and in fact claims they should really be viewed as parts of one work, hypothetically named *Lo Stato*, "the state," split into two as a result of events beyond Machiavelli's control. Generally, I am not a fan of historians who search for, much less find, hidden meanings earlier missed, especially when those meanings fly in the face of common understandings and common sense (Paul Rahe, whom Bobbitt cites occasionally, is a prime offender, like many disciples of Leo Strauss). But Bobbitt doesn't seem to take his analysis too far, and maintains a sense of detachment, so the effect isn't too annoying.

Stato is a word that Machiavelli often used, but to which he (sometimes) gave an entirely new meaning. In translations of Machiavelli, this appears to often be a bone of contention—what Machiavelli meant by a specific word, since he frequently used existing words by giving them new meanings, rather than coining neologisms. This also makes the task of readers of works analyzing Machiavelli difficult, since we must rely on filtering through experts, who disagree among themselves on many crucial matters. But there is no help for that, so I will treat Bobbitt's argument as it stands. Along the same lines, a very great deal of Bobbitt's analysis depends on careful parsing of dates, both of events in Machiavelli's life, and in the history of Italy during that time. Since this is a short book, it is hard to tell, but it seems like portions of Bobbitt's chronology are disputed, and there is a distinct feel that Bobbitt may be glossing over arguments in opposition. On the other hand, he is very open that his is a minority and novel view, and he cannot be expected to both set forth his argument and defend it against all possible attacks in a few hundred pages.

Bobbitt lists five common understandings of Machiavelli's work and explicitly rejects them all (though he nods to the apparent hubris of this, in defense quoting Isaiah Berlin, "where more than twenty interpretations hold the field, the addition of one more cannot be deemed an impertinence"). The most prominent of these understandings is

that *The Prince* is a mirror book, a book of advice for rulers. From the belief that *The Prince* is a mirror book flows the most common criticism of Machiavelli, found early in reactions to his work (including in Shakespeare)—that he was an amoral villain who advised rejecting all virtue and morality, hence the adjective “Machiavellian.” Bobbitt repeatedly contrasts Machiavelli’s writings with Cicero’s *De Officiis*, the classic mirror book, claiming that “expecting a mirror book, [Machiavelli’s] readers were given a mirror instead.” That is, *The Prince* is a book of analysis of the world as it is, and men as they are, not as it and they should be, as would be a traditional mirror book. Bobbitt instead posits that Machiavelli does not reject virtue, he merely defines it differently than classical sources like Cicero.

Perhaps so, though the onion-layer type of morality Bobbitt offers instead, on Machiavelli’s behalf, is so far removed from what Cicero was talking about that it’s not really the same type of morality at all. Bobbitt’s key claim, one which he appears to also have made in his other books, is that Machiavelli was a believer in “consequentialism”—the idea, in short, that the moral demands placed on a political leader are inherently not comparable to the moral demands placed on an individual. Or, put more bluntly, a leader sometimes acts in a wholly moral fashion when he does things that for an individual would be evil. This is because the state, *lo stato*, properly viewed, is not, or should no longer be, regarded as synonymous with the prince himself—the ruler acts on behalf of his people, which may require acting in a way forbidden to an autonomous individual. What this boils down to is an argument from necessity—when the state must be protected, the ruler must do what is necessary, and he does not act wrongly by torturing, killing, or lying to do so. “Properly viewed” here means a new kind of state, the state aborning, where the state is not horizontally and vertically enmeshed within a feudal web, but rather a modern unitary and autonomous state—still led by a prince, but fundamentally different than earlier states. This insight is what Bobbitt credits as Machiavelli’s supreme achievement—prescience, and theoretical application of that prescience to the circumstances at hand in his lifetime. On this reading, Machiavelli is not separating ethics from politics at all. He is offering a mirror book, just with a different type of mirror.

Bobbitt's moral imperative of consequentialism therefore revolves around what constitutes the "common good." Not all evil actions of the ruler are excused by consequentialism—those that are not in furtherance of the common good are still immoral. Excessive cruelty, such as that of the Syracusan tyrant Agathocles, is not justified by appeals to the common good, nor are such acts as torture if done for personal gratification. Bobbitt wrote a book on the War on Terror; I have not read it, but on this reasoning presumably he excuses waterboarding of terrorists but not the petty humiliations of Abu Ghraib. Trying to fit this into a traditional moral frame, Bobbitt argues, weakly, that "Machiavelli's argument . . . is grounded in a Christian view of reality," and that "Roughly speaking, Machiavelli's ethics recognize that different forms of life require different ethical rules." I'm not sure this is all that different from the traditional knock on Machiavelli as a preacher of vice, though; it's just phrased differently, in the language of utilitarianism given a moral gloss. Bobbitt doesn't understand Christian views at any level, since his argument is because bad people are everywhere, as shown in Genesis, "it is a prudent rule that the prince who governs a state must do unto others as they would do unto him," because otherwise the downfall of the state will result, and people for whom the prince is responsible will suffer. This may be true, but it is very dubiously Christian (for which "prudence" is not the main judge of what is moral), as shown by both Machiavelli's and Bobbitt's exclusive reliance on Old Testament examples to buttress their claims, and Bobbitt makes no other effort, beyond the bald claim, to show that it is Christian. He would do better to examine the rule of Charlemagne to grasp the tensions that devout Christianity imposes on a ruler—although, to be fair, Bobbitt's point seems to be that the new, princely form of the state is inherently different than the feudal one of Charlemagne. Still, maybe the Saxons could be slaughtered in a way found compatible with Christianity, but it's harder to see why all your Borgia or Medici brothers-in-law need to get knifed. Necessity has never been regarded in Christian thought as the "get out of jail free" card that Bobbitt seems to think it is.

Of course, Machiavelli was right, in that it is true that consequentialism is the governing principle of all modern states. On a secular level, certainly, consequentialism seems appealing, but it strays very close to "the end justifies the means" (something Machiavelli never said, as

Bobbitt is at pains to point out), which removes the ruler's decisions entirely from the moral realm. This makes it a favorite argument of embattled rulers—both princely, but even more of republican rulers, who are trying to justify to the masses and to history what they feel they must do. Lincoln, famously, used consequentialist arguments in his remaking of the American state. So, perhaps, as a description of reality, Machiavelli was entirely correct—though given his influence, what is chicken, and what is egg?

For Bobbitt, therefore, none of Machiavelli's books are princely instruction, even though they are addressed and dedicated to princes. They are constitutional treatises directed to society at large. *The Prince* is, in this view, really a sub-part of a larger work, the hypothetical *Lo Stato*, entirely on republics, "which proposes an ethics of service to the state." But *The Prince* was hurriedly extracted out of the larger work as a result of very specific happenings of the time, when due to Medici accession to the Papacy "[Machiavelli] saw an opportunity to create a new principality in the centre of Italy, uniting Rome and the papal vicarages [lords putatively enfeudated to the Pope] with Florence and its possessions, and thus providing a bulwark against Spain and France." Machiavelli is therefore said to have seen that the new order of things, of states in the era of gunpowder warfare (Bobbitt is very focused on warfare in all his books), long distance communications, bureaucracy, and increasing wealth, needed a new constitutional order to respond to new strategic imperatives—the princely, as opposed to the feudal state. In the nature of the way things were at that time and place, this would be a state headed by a monarch, hence the immediate focus on princely rule in *The Prince* (especially on a ruler who lacked long-term legitimacy, a "new prince"), but Bobbitt's thesis is that Machiavelli wished to demonstrate overall, in *Lo Stato*, that this princely state was a transition phase to a new form of republican state—one which would have as its chief goal the promotion of the common good.

Bobbitt claims that Machiavelli believed that a non-republican princely state was too inflexible to survive long; when Fortuna arrived bearing changed circumstances, individual men would find it very hard to change with the times (a perennial Machiavelli theme), but a republic could bring forward new, suitable men at need. Machiavelli also supposedly believed that many rules he pushed, such as that past

good deeds not excuse punishment for later bad deeds, were incompatible with autocratic rule, though why that should be is not clear. In fact, much of this seems to be grasping to put the best gloss on republican government, because for every supposed virtue of republics, a virtue of authoritarian governments could be adduced—for example, authoritarian governments more often avoid the fickleness and inconstancy of republics, especially those with a broad franchise. Bobbitt, however, does not address such lines of thought, although he does note that Machiavelli believed the vices of the masses could be channeled and constrained by proper civil and constitutional structures, a far more plausible hope in 1513 than in 2018 (not to mention that Machiavelli had zero interest in democracy). Moreover, Bobbitt several times falls into the basic error of believing that the rule of law is somehow a consequence of, or dependent on, a non-authoritarian form of government, something that is ludicrous both historically and theoretically if given a moment's thought.

To examine this more closely, people can agree that the common good should be the highest aim of the state. But why should a republic serve this goal best? For Bobbitt's Machiavelli, it is because the republican form ultimately conveys both legitimacy and durability, in a way that the princely state cannot. That evades the question, since a longer-lasting state does not necessarily best serve the common good, unless that good is reduced to mere stability. This is a question that has new resonance today, as "liberal democracy" reaches its end. Not that Bobbitt foresaw that end—in fact, in all his books, including this one, he vigorously pushes his idea that we have now moved beyond both the type of then-modern state envisioned by Machiavelli, and its successors (such as the twentieth-century "industrial nation-state") to a new form, the "market state," by which Bobbitt means not free markets, but (though he phrases it, and views it, more positively) the neoliberal state that exalts unfettered autonomy and unbridled consumerism under the tutelage and whip of an overweening government. You would think that Bobbitt would notice the inherent contradictions and spreading cracks in this Leviathan with feet of clay, with its lassitude, discontented loneliness and linked lack of children and future, but you would be mostly wrong, although he does suggest that "the sense of a single polity, held together by adherence to fundamental values, is not a sense that is cultivated by

the market state,” and intimates that is a bad thing. What Machiavelli would think of all this, he does not say, but my bet is that he would quickly change his mind about the inherent superiority of republics.

So this book is interesting, though hardly earthshattering. Every so often a false note creeps in. No, “a specific provision of the United States Constitution” does not forbid the suspension of habeas corpus—on the contrary, Article I, Section 9 explicitly authorizes such suspension, although whether by Congress or the President is unclear. And Bobbitt is a lawyer, or at least a law professor, and so elevates men like him above the rest, claiming that dislike for Machiavelli is partially driven by brutish dislike for our betters, who are people like him. He cites “our [read: not my] current contempt for bureaucrats, for politicians, for lawyers—the superstitious reaction of people who are frightened by forces they identify with those who are trying to master those forces, rather like blaming a volcanologist for a volcanic eruption.” Um—sure, Philip. Bureaucrats and lawyers are just like Superman. Still, the book flows well, and Bobbitt provides a very helpful chronology, notes, and bibliography for those interested in diving deeper. You can do worse than start here to think about Machiavelli.