

THE DIFFERENCES

[page 209] No matter how well Machiavelli understood and expressed the machinations of city-state politics in his day, his writings are at best an imperfect model of contemporary world politics.* There are of course aspects in Machiavelli's model analogous to the present world, as well as features that are irrelevant (fortresses, moats, weaponry). If one could say with assurance which aspects of Machiavelli's writings are directly analogous to current politics, then one might learn something from his discussions of alliances, the reliability of auxiliary troops, the calling in of external assistance for one's own internal political problems, and other such insights. But the fact is that one must thoroughly understand contemporary world politics before it is possible to say with assurance which aspects of Machiavelli's model are relevant. In that case, there is not much further need for Machiavelli's model; it would only be of interest to those who feel the need of praising (or criticizing) Machiavelli.

To an extent, of course, this is true of any theory—that to know whether the theory applies we have to construct another theory. Nevertheless, the theoretical construction of a model of world politics may help us gain insights into the real world to the extent that [page 210] we have confidence in the correspondence of the features of the model to reality as we know it.

Machiavelli's model of city-state politics 500 years ago does not give us the degree of confidence necessary for our acceptance of his trains of thought or his conclusions. This is not because the number of his actors was small (five important Italian city-states plus France, Switzerland, Spain, and Turkey) compared to the 120 nations today, but rather because of the fact that airborne nuclear weapons were introduced in 1945 rendering nations permeable and summarily destructible. The mere presence of these weapons in the hands of two superpowers necessarily distorts all other world power interrelationships. Local wars today may look like the kinds of wars Machiavelli talked about, in varying degrees of resemblance, but this is only because the major powers allow the wars to proceed as they do. In a broader sense, we must ascribe to nuclear weaponry the fact that local wars since 1945 have indeed remained local. The 'powder keg' of the Middle East would several times by now have erupted into World War III were it not for the deterrence exercised by the two nuclear superpowers. It is also hard to imagine that Vietnam or Korea could be the scenes of multipower participations within small geographical limits except for our knowledge that vast nuclear destructibility lurks in the background exercising, so far, a sobering and controlling effect.

Even the concepts of power and military force have changed dramatically since 1945. Although writers such as Morgenthau, Thompson, and Kennan have articulated their neo-Machiavellian notions of power politics largely since 1945, their own images had been cast firmly in pre-1945 reality. What they have said about the primacy of military power and forcible containment has had slight correspondence with the reality of the post-World War II era. In fact, military power has not been an important factor either for national security or for aggrandizement for most nations in the past quarter century. Boundary lines in Europe have remained almost precisely where they were in 1945 (including the troublesome and widely

considered 'unstable' situation in divided Berlin in a divided Germany). Both the Federal Republic of Germany and Japan have increased their national 'power' and GNP from the ashes of 1945 to positions today exceeding their own pre-1939 inventories; this increase has been accomplished [page 211] without war and without even the feeling that either nation is heading toward war or attempting to provoke one. Perhaps the most dramatic example of the lack of utility of military force is the American experience in Vietnam. The United States first threatened massive bombing of North Vietnam and then, when the threats produced little if any change in the attitudes of Hanoi, actually carried out the threat, dumping more tonnage into that tiny land than all the combatants used in all of World War II. The actual bombing had, if anything, even less effect upon North Vietnam than the threat of bombing. The story with respect to ground troops is even less impressive. By American statistics, which probably are inflated with respect to enemy dead, it costs the United States well over one million dollars to kill a single Viet Cong. Had the United States instead simply given that much money or purchasing power to the Viet Cong, the war would probably have ended a long time ago, with many lives saved.

Military power has become a peculiar concept because of the existence of nuclear weapons. It seems absurd for the United States to use expensive conventional weapons in Vietnam when the United States is overstockpiled with nuclear weapons. This absurdity is not lost on the Vietnamese (nor on the Koreans before them). Anything short of nuclear extinction is not a credible threat, nor is the threat of nuclear extinction itself (as Secretary of State Dulles learned in 1954 when he called it 'massive retaliation'). But if the terms 'force' and 'power' actually have different meanings and connotations today due to the existence of the ultimate weapons, then Machiavelli's use of those terms is not isomorphic with respect to our present theories of world politics. His model, in short, contains basic linguistic divergences as well as empirical differences.

THE SIMILARITIES

Machiavelli's relevance to contemporary world politics lies in a different dimension: that of the psychology of human behaviour. Despite the atomic bomb, we have a high degree of confidence in the sameness of man today with the human model analyzed by Machiavelli. Although 'nature has given each man an individual face,' Machiavelli [page 212] wrote to Piero Soderini, 'men do not change their imaginings and procedures.' FN1 This theme forms a cornerstone of the *Discourses*. It is worthwhile to study history, because history affords a basis for prediction. 'The affairs of the world ...are carried on by men, who have and always have had the same passions,' and therefore it is not surprising that 'of necessity the same results appear.' FN2

Before taking up the constancies of human nature in Machiavelli's writings that are of immediate relevance to present-day world politics, let us consider briefly his theoretical-linguistic method. Both for literary effect, and to exude an air of having comprehended all possibilities, Machiavelli typically uses words in paired opposites. For example, speaking of the qualities which bring 'blame or praise' to princes, he says in part:

one is considered a giver, one grasping; one cruel, one merciful; one a promise-breaker, the other truthful; one effeminate and cowardly, the other bold and spirited; one kindly, the other proud; one lascivious, the other chaste; one reliable, the other tricky; one hard, the other tolerant; one serious, the other like-minded; one religious, the other unbelieving; and the like. FN3

We know today, in light of psychology and psycholinguistics, that human nature cannot so readily be polarized for descriptive purposes, that indeed what seems to be a 'negation' for purposes of Aristotelian logic FN4 is really a cluster of personality factors. FN5 These factors are not necessarily antithetical; on a spectrum of personality traits they would not necessarily be at opposite ends. For example, from the Stoics through the Utilitarians, 'pleasure' was the opposite of 'pain,' yet today we know that De Sade was closer to the truth in describing the transmutation of pleasure and pain in his fictional descriptions [page 213] of masochism and flagellation. Secondly, if we consider 'love' and 'hate,' we hardly have to pause in this post-Freudian era to recognize that 'love-hate' itself describes a state of mind, a true Hegelian synthesis of an intense feeling (which itself might be contrasted with the emergent psychological thesis of the 'apathetic personality').

Machiavelli himself transcended the jejune confinements of logical negation; although he used antinomies for pedagogic and advocacy purposes, he was too astute a student of human nature to be straitjacketed by them. The best proof of this is his constant use of case studies drawn from history or experience. His ever-ready examples do not merely illustrate his verbal generalities; rather they substantively enrich the content of his theory. We are all familiar with theorists (such as Talcott Parsons) who remain so long on the abstract verbal level that the more we read of them the more their constructs appear to be flying off into irrelevant space. Words, after all, are very vague abstractions with different connotations for each reader; the writer who remains on the abstract level may mean all things to every reader and not one consistent thing to more than one of them. How much more meaningful is the still-life verbal painting of a real event! The concrete example cuts between the vague edges or words and adds new meaning and content to them.

Moreover, Machiavelli abandoned his own antinomies after the literary effect of the moment was produced. His own verbal theories explode the capsulated negations by introducing new concepts which triangularize the logical relations. For instance, 'prudence,' 'force,' and 'fraud' are used by Machiavelli as in a triangular relationship to each other; no one is necessarily the opposite of one alone of the others. FN6 The same may be said for 'fear,' 'greed,' and 'hate,' FN7 and among Machiavelli's most fundamental concepts a triangular relationship exists as to '*virtu*,' '*fortuna*,' and '*necessita*.' Nor are the triangles equilateral; 'fear,' for example, is stronger than 'greed,' as Machiavelli writes in the *History of Florence* FN8 and in the *Discourses* he writes that force without fraud is not enough to enable a man of humble [page 214] fortune to come to a high rank but fraud without force would be enough. FN9

This linguistic method already has introduced some of Machiavelli's substantive discernments of human motivation. Let us now look in greater detail at the notion of rewards and punishments that Machiavelli, as the first political scientist, held so basic to his entire theory.

Politics, reduced to its lowest common denominator, is the science or art of getting somebody else to do what you want him to do. International politics, accordingly, is the study of inter-nation influence. Nations are composed of men, and men have a remarkably constant nature. Men, like animals, will react to rewards and punishments—persuasion, or the appeal to man's reason, is simply the

Machiavellian art of making clear what those rewards and punishments will be. But what, precisely, is a 'punishment' and what is a 'reward'? In the first place, and most crucially, they are not the opposites of each other. Machiavelli points out in the *Discourses* that new rewards do not erase old punishments of the same magnitude. FN10 Men of high rank (such as the Pope) remember old injuries more than new benefits, as Cesare Borgia learned to his great sorrow. FN11 Nor should rewards and punishment be handled in the same manner. Penalties should be given all at once, but benefits should be spread out gradually over time. FN12 Secondly, rewards and punishments complement each other; without the one, the other loses efficacy. The Romans learned the important lesson, according to Machiavelli, that if penalties are to be given for wicked deeds then a system of rewards for good deeds must be set up and maintained. FN13 On the other hand, a reward once given is final; it should confer no lasting immunity to punishment. If a man who had previously been rewarded commits an [page 215] evil deed, Machiavelli writes that he should be punished 'without regard to his good deeds.' FN14 Lastly, future deprivations have a greater influence on behaviour than anticipated rewards. It was through fear of the threatened loss of Florentine support, according to Machiavelli, that made the King of Naples keep his pact with Florence in 1480. FN15 Earlier, in 1429, a past benefit (being freed from prison) was not remembered by a certain Messer Jacopo as compared to a 'danger' that he and his fellow Florentines were in. FN16 It is a clear Machiavellian maxim that 'threats are more dangerous than deeds'; FN17 put differently, fear, 'as always happens,' is a 'stronger' emotion than greed or the hope of gain. FN18

That rewards and punishments are not opposite to one another is a theory recently emerging from behavioural psychology. In his brilliant study of *The Explanation of Behaviour*, Professor Taylor demonstrates a basic difference between avoidance behaviour (fear) and reinforcement conditioned behaviour (rewards). A rat in a maze may make a correct response to shock on the first trial, or a totally different but also correct response on the second trial:

For instance, a rat may escape from shock administered in the path of a maze by running quickly ahead. On the next trial, he will stop and refuse to enter the path. FN19

This is clearly not 'learned behaviour' as in the case of a series of rewards that condition, or teach, a rat to perform complex maneuvers. Moreover, it is very difficult to extinguish avoidance behaviour; the fear of the maze remains even though there is no longer any shock. FN20 This behaviour is to be contrasted with the comparative ease of extinguishing learned behaviour when the reward is taken away. In short, recent experimental psychology substantiates Machiavelli's insights into this aspect of human nature.

[page 216] On the international level, as has been suggested, we are moving out of the era of the efficacy of force and the threat of force. Nevertheless, nations will continue to attempt to influence other nations. We may infer from Machiavelli's analysis that rewards and punishments are not the opposites of one another—but rather can overlap the existence of four categories: punishment, non-punishment, reward, and non-reward. If we have a non-punishment international situation, maneuverability will be effected by the control of rewards and non-rewards. For a non-reward to have any effect upon a nation, there must be a flow of rewards as well (recall Machiavelli's statement that penalties will not work without benefits). It is very likely that international 'rewards' in this new era will be economic: the goal of the 'good life' in material terms is no less appealing to the politically awakened masses in the

world today than it was to Machiavelli's fellow Florentine citizens. We may therefore look for international political manipulation to be expressed primarily in terms of trade and aid.

The point to be remembered, however, is that unless a nation sets up a pattern of expectation of conferred rewards, the 'threat' of halting those rewards will be meaningless. The United States, for example, has given countries in Latin America considerable help in the form of foreign aid, and as a result has enjoyed the full political support of the Latin American bloc in the United Nations. However, the United States has recently cut back sharply on its foreign aid program, and as a result we may expect the countries of Latin America to challenge the United States in the United Nations and to cause trouble to American interests (fishing, mining, oil, and so forth) within Latin America. Since the United States is cutting its foreign aid appropriations because of domestic political pressures as translated by Congress and a Republican president, it is clear that there is no hope for an increase in aid to Latin America if the latter were to change its divergent course and begin doing what American capitalists would like. Thus the United States, having set up at considerable expense a reward stream in the form of foreign aid to Latin America, is probably going to lose its influence there because, as a democratic and slow-moving government, it lacks the ability to reverse its course and restore the stream of aid. The Soviet Union, by contrast, threatened to reduce its aid to Czechoslovakia but did not actually cut off [page 217] that aid, and as a result Czechoslovakian policies more favourable to the Soviet Union were accepted by the people of Czechoslovakia. A more serious threat to the eastern bloc than Czechoslovakia's political reforms of 1968 has been the recent policy of Rumania of constructing steel, rubber, and glass factories within the essentially agricultural economy of Rumania. Although these plants are economically inefficient for Rumania—the country would make more money sticking to agriculture—eventually they will remove a powerful inducement to Soviet co-operation, for Rumania will not be dependent upon the Soviet Union for steel and capital goods.

THE LEGAL FACTOR

Apart from *The Art of War*, Machiavelli placed much less emphasis on power and force than his subsequent interpreters have imagined. He was, after all, a diplomat, not a general. Military force to him was largely 'given'—if you had it, or were willing to pay for it, you could make use of it; if you did not have as much of it as you thought you needed, then recourse must be had to diplomacy. Machiavelli's *Legations* contain advice for better armies, for citizen armies, for more attention to military matters; as in *The Art of War*, Machiavelli here was addressing himself to Florentines. But his *work* was directed at non-Florentines; the skills of diplomacy, which he practised and later analyzed, were premised upon securing advantage to Florence *nonmilitarily*. Machiavelli would have had little worth as a diplomat for Florence or as a writer for subsequent generations if the major part of his message was an exhortation to increase military strength and the use of force. It can be as futile to tell a statesman to get a larger army as it is for an investment adviser to tell a prospective client to get more money before he invests; the prince as well as the client are interested in the best utilization of the resources they presently have. Machiavelli well knew this, and thus his writings explore at length tactics short of the use of force.

One such tactic, perhaps far more important in the nuclear age where the boundaries between permissible international acts and those which might contain escalatory consequences have to be more

[page 218] sharply drawn than in Machiavelli's day, is the resort to the claim of legality. Machiavelli did not have too much to say about the concept of law, but what he did say is extremely suggestive and important. What he said about law was, after all, said in the very 'realistic' and law-disparaging context of his times.

Before dealing directly with Machiavelli's notion of law, let us consider briefly what that term has meant to most writers since his time. The emergent nation-state in the writings of Hobbes and the theory of the legislative sovereign in Bodin combined to lay the groundwork for a positivist concept of law that achieved its apotheosis in the lectures of John Austin. Austin claimed that law was the command by the sovereign within a state, a command that carried with it a threat of punishment if the addressee did not obey. In a basic sense this is a might-makes-right (or at least 'legal right') theory; the sovereign lawmaker within a state fashions, at his pleasure, laws that carry with them the threat of punishment at the hands of the state. The positivist theory has had great appeal in England and in the United States, as well as in the Soviet Union, and its current most articulate proponent, Professor Hart, claims that we need to trace laws to a sovereign or quasi-sovereign within a state (he uses a process called 'rules of recognition') in order to identify them as laws. He also, incidentally, draws a sharp line between law and morality as if to underline the fact that if might makes legal right it does not make moral right.

With positivism in the ascendancy, the outlook for 'international law' was bleak. Austin quite consistently refused to regard 'international law' as law; he called it 'positive morality.' In the absence of a supreme international sovereign which could punish nations for disobeying its commands, there could be no international law 'properly so-called.' Positivists since Austin have made some feeble attempts to restore the title of international law, the most important one probably that of Professor Hart. FN21 But since positivism is so firmly grounded in a command-backed-by-sanction theory, it is unlikely that international law would have much respect among positivists (save, perhaps, for the concession made by Soviet jurists and others to treaties-laws binding upon nations because of their actual consent [page 219]—though this concession does not explain why a nation cannot subsequently change its mind).

The verbal theory of positivism, downgrading international law, coincided nicely with the era of force in international politics where law, particularly in the twentieth century, has appeared to many observers to be a delusion insofar as restraining nations is concerned. FN22 However, as the utility of force drops off sharply, it will more and more appear that nations, most of the time at any rate, FN23 are obeying international law. FN24 This custom of obeying law will in turn reinforce further obedience and make it difficult, or at least costly, for a nation to depart from the law. But what kind of 'law' is it that they will obey? It is certainly not 'law' as defined by the positivists, but after all if the positivist definition does not accord with reality then that hardly matters. Let us see what Machiavelli would have called it.

Machiavelli's concept of 'law' is realistically stripped of all medieval notions of something apart from, and higher than, man. In the medieval view, 'law' somehow 'exists,' and magistrates or princes 'find' or 'discover' it when they 'apply' it to cases they are called upon to judge. To Machiavelli, laws are man-made, sometimes out of whole cloth when a state is founded. FN25 Although it is prudent for a founding prince to continue many of the old laws that the people were accustomed to, FN26 he clearly has the power to change all of them. Moreover, a prince has the power to violate the laws; Machiavelli

furnishes many examples of this. FN27 But there we come upon a crucial point. While the prince may depart from, or violate, laws that even he has made in the first place, there is no suggestion in Machiavelli [page 220] that the prince's action thereby changes the law. There is no sense that whatever the prince does *is* law; quite the contrary, the prince may depart from the law and may get away with it in terms of being too powerful for anyone to enforce the law against him, but nevertheless the prince has still disobeyed the law. Machiavelli gives the example of Savonarola who got a law passed and then did not observe it; his conduct 'took influence away from him and brought him much censure.' FN28

What we have in Machiavelli, in short, is a theory of constitutional law. A constitution is a list of laws some of which restrain the people and some the government and some both. When a citizen disobeys a constitutional law, he is of course liable to punishment by the state. But what if the government disobeys a constitutional law? What if it does something it has no constitutional right to do? If the government does this, it is never punished in the same sense that a citizen may be punished. For instance, if the American Congress passes a law abridging freedom of speech, no one would ever suggest that the individual congressman who passed the law would be liable to imprisonment, nor even that the individual policemen who enforced the law would be subject to punishment. What would result is either that another branch of the government (such as the Supreme Court in the American system) would declare the law to be of no force or effect, or all parts of the government would get together and declare a 'state of national emergency' justifying the departure from the constitution. If the latter alternative is resorted to too often, or if resorted to at a time when there is no factual basis for it, the republic would weaken, people might rise up against the government, and the effective power of the government might be compromised. Thus it would appear that if a government wanted to retain its full power over the people, it would be well advised not to depart from the constitutional law except in the rare case of a true national crisis where no other alternative will keep the state together. This is precisely the advice given by Machiavelli: 'I do not think there is a thing that sets a worse example in a republic than to make a law and not keep it, and so much the more when it is not kept by him who has made it.' FN29 [page 221] Yet in a 'serious emergency,' Machiavelli advises a republic to take refuge 'under a dictator or some such authority to avoid ruin. FN30 Except for such serious emergencies, it is better for a republic never to break her own laws to gain short-run advantages. For the example of extralegal action 'has a bad effect, because it establishes a custom of breaking laws for good purposes; later, with this example, they are broken for bad purposes.' FN31

Thus Machiavelli's concept of constitutional law is eminently realistic and indeed preferable to the various 'positivist' theories of law that came after his time. Under the positivist theory which holds that laws are sovereign commands backed by the power of the state to enforce them, constitutional law is not really 'law.' For the latter is never enforced against the government which promulgated it in the first place. But this surely is a restricted view of 'law'; it suggests that people draw a distinction between the laws they are supposed to obey and the laws that governments are supposed to obey. Yet such a distinction, Machiavelli tells us, is not drawn; to the contrary, princes set a direct example to their subjects by keeping laws.

But once we depart from the strict positivist view, a curious thing happens. Laws begin to take on a life of their own. Of course, this is simply a metaphorical statement, and yet, given the limitations of our

language, it may be the most precise way of putting it. To the positivists, laws are simply commands issued by men; they derive their force from the fact that they communicate a contingent threat to the citizen (a threat that if he does not obey the command he will be punished). Governments are made up of men; they make laws; the laws do not restrain them. On the contrary, Machiavelli would impliedly subscribe to the possibility of a government of laws not of men. To him, laws may be man-made but they begin to take on a permanency that limits the action of everyone including their creator. In his *History of Florence*, Machiavelli writes a major oration for the Signore 'of most standing' which obviously embodies Machiavelli's own views. The cure for the factions which were dividing and ruining Florence in 1372, the Signore says, is a thorough change of laws: 'annul the laws that breed factions, and adopt those suitable for a [page 222] truly free and law-abiding government.' FN32 Laws clearly can be a restraint upon the government: note the emphasis upon a 'law-abiding government.' In the *Discourses*, Machiavelli says that 'governments by princes have lasted long, republican governments have lasted long, and both of them have needed to be regulated by the laws.' FN33 But why should a prince obey the laws? Machiavelli's profound answer is that by doing so the prince *increases* his own power: the mass of the people, 'for whom it is enough to live secure, are easily satisfied by the making of ordinances and laws which provide for the general security and at the same time for the prince's own power.' FN34 In the security and contentment of his subjects lies the greatest power of the prince, for when a prince does this and when the people see that under no circumstances will he break those laws, in a short time they feel secure and contented. An example is the kingdom of France, which lives safely for no other reason than that those kings are restrained by countless laws in which is included the security of all her people. FN35

In brief, a prince in obeying the laws is not obeying someone's 'command' or even his own prior command, but rather is setting an example that increases respect for laws and thus for his own legal position of authority. This is why governments obey their own constitutions, and why the concept of 'laws' is generally applicable to situations involving deeply felt needs of stability and security and not simply the positivist situation of a citizen threatened by the force of the state to do what the state has commanded. Constitutional laws take on a life of their own because they coincide with a prince's desire for power as well as the citizen's desire for security. A prince would be 'crazy' (the choice of word indicating Machiavelli's deep conviction on this point) to do what he wants irrespective of the laws. FN36

[page 223] International law is very much like constitutional law. Again, with the law directed at a government, it is pointless to talk in terms of the punishment of individuals or the commands of sovereigns. Rather, international law is the expression of mutually felt needs of international security, and its observance by states increases their own power internally. Machiavelli cites the example of the violation by Rome of the law of nations respecting the conduct of ambassadors. FN37 The French, against whom the violation of international law was perpetrated, were 'fired with scorn and rage' and 'marched against Rome and took it, except the Capitol.' This defeat (disruption of internal power and security) came upon the Romans, Machiavelli writes, 'merely as a result of their failure' to observe the "law of nations." FN38 International law, like constitutional law, draws lines between permissible and impermissible conduct; it makes less difference what these lines in fact are (Machiavelli talks a lot about 'good laws' but does not spell them out) than that there be lines. For the existence of lines communicates to the governments involved the kinds of conduct that will be tolerated by others. Wars are rendered

less likely if there are many international laws and they are communicated to all states. Of course wars can be started deliberately (by transgressing important international lines), but there is less room for wars starting inadvertently as a result of failure to understand what types of conduct would be considered warlike by other governments.

If law is something more than a command backed by a threat of punishment, what precisely is it? Machiavelli consciously uses the term 'justice' as synonymous with 'good and holy laws,' as well as synonymous with the idea of constitutional law in *A Provision for Infantry*. FN39 The chief basis of a republic, he writes, consists of 'justice and arms'. FN40 In *The Prince* he writes that 'the principal foundations of all states, the new as well as the old and the mixed, are good laws and good armies. FN41 In a sense, force and law seem to be paired opposites. But cutting into this antinomy is the notion of goodness; [page 224] good laws (justice) and force work hand in hand in preserving a republic. The relation between laws and goodness finds expression in the *Discourses*: 'just as good morals, if they are to be maintained, I have need of the laws, so the laws, if they are to be observed, have need of good morals'. FN42 Further, in speaking of the religion introduced into Rome by Numa as among the chief reasons for Roman prosperity, Machiavelli explains that 'religion caused good laws; good laws make good fortune; and from good fortune came the happy results of the city's endeavours'. FN43 By deliberately linking the concept of law with the idea of goodness—in sharp contrast to the positivist insistence on the separation of law and morals—Machiavelli suggests a normative element in law. Law is something that *ought* to be obeyed, because it is right, just, and good to do so. In this sense, law transcends its maker; it acquires an independent existence; it can serve as the foundation of something as tangible as a state. The force of arms used internationally or internally in securing obedience to good laws becomes an element that strengthens the idea of the rule of law. Machiavelli has no illusions that princes will understand this logic and will obey laws themselves and use their armies to enforce obedience by others: 'a wicked prince nobody can speak to, and the only remedy is steel.' FN44 But his theory is no less compelling even if in his time it was not widely adopted. For it may be becoming most relevant to an area which Machiavelli could not have contemplated: world politics in the last half of the twentieth century. Today we are witnessing a profusion of laws on the international scene—multilateral conventions on numerous topics, vastly proliferating bilateral treaties, codification conventions under the auspices of the United Nations, and close attention to the development of customary law by the smaller states in the world. At the same time, as has been argued, the utility of force has decreased sharply. We are thus in great need of a theory of law that will explain the sense of obligation that accompanies international law. The positivist theory is no longer adequate, if it ever was. Machiavelli's writings may very well provide a starting point for the theoretical explanation of the phenomenon that is called 'international law.'

Footnotes

*See introduction, pp. 26-8 (ed.).

FN1 Letter to Soderini, no. 116; in Allan Gilbert, *Machiavelli: The Chief Works and Others* (Durham, NC 1965 [hereinafter cited as Gilbert], II, 895,896-7

FN2 *Discourses*, III, 43, Gilbert, 1,521

FN3 *The Prince*, 25, Gilbert, I, 58

FN4 Cf. Alfred Korzybski, *Science and Sanity*, 4th ed. (Lakeville, Conn. 1958), 7-15.

FN5 See D'Amato, 'Psychological Constructs in Foreign Policy Prediction,' 11 *Journal of Conflict Resolution* 294 (1967).

FN6 *Words on Appropriating Money*, Gilbert, III, 1439. The same point is implicit in Machiavelli's discussion of the lion and the fox. *The Prince*, 18, Gilbert, I, 65

FN7 *The Prince*, 7, Gilbert, I, 34; id. 17, Gilbert, I, 62; *Discourses*, 111, 21; Gilbert, I, 477

FN8 Bk.V, Gilbert, III, 1250

FN9 Bk.II, 13, Gilbert, I, 357

FN10 Id. III, 4, Gilbert, I, 426: 'Every ruler can be reminded that never have new benefits erased old injuries; and so much the less in so far as the new benefit is less than the injury.' The words 'so much the less' imply that present benefits do not erase equivalent past injuries.

FN11 *The Prince*, 7, Gilbert, I, 34. See also Letter to Vettori, no.128, Gilbert, II, 903, 908.

FN12 *The Prince*, 8, Gilbert, I, 38; *Discourses*, I, 45, Gilbert, I, 289

FN13 Id., I, 24, Gilbert, I, 251

FN14 Ibid.

FN15 *History of Florence*, VIII, 22, Gilbert, III, 1413

FN16 Id., IV, 18, Gilbert, III, 1208

FN17 *Discourses*, III, 6, Gilbert, I, 429

FN18 *History of Florence*, V, 13, Gilbert, III, 1250

FN19 Charles Taylor, *The Explanation of Behaviour* (London 1965), 254

FN20 Id., 257

FN21 See Anthony D'Amato, 'The Neo-Positivist Concept of International Law,' 59 *American Journal of International Law* 321 (1965).

FN22 For a recent sharply analytical statement of this basic position see Stanley Hoffman, 'International Law and the Control of Force,' in Karl W. Deutsch and Stanley Hoffman, eds., *The Relevance of International Law* (Cambridge, Mass. 1968), 21-46.

FN23 See Louis Henkin, *How Nations Behave* (New York 1968).

FN24 This is not surprising; states after all are the creators as well as the subjects of international law. See Anthony D'Amato, 'International Law—Content and Function: A Review,' 11 *Journal of Conflict Resolution* 504 (1967).

FN25 See *Discourses*, I, 3, Gilbert, I, 201

FN26 Id., I, 9, Gilbert, I, 218

FN27 Id., I, 45, Gilbert, I, 288; id., I, 58, Gilbert, I, 315-17

FN28 Id., I, 45, Gilbert, I, 289

FN29 Id., I, 45, Gilbert, I, 288

FN30 Id., I, 34, Gilbert, I, 269

FN31 Id., I, 34, Gilbert, I, 268

FN32 *History of Florence*, III, 5, Gilbert, III, 1148

FN33 *Discourses*, I, 58, Gilbert, I, 317

FN34 Id., I, 16, Gilbert, I, 237

FN35 Ibid.

FN36 Id., I, 58, Gilbert, I, 317

FN37 Id., II, 28, Gilbert, I, 405

FN38 Ibid.

FN39 *A Provision for Infantry*, prelude, Gilbert, I, 3.

FN40 Ibid.

FN41 *The Prince*, 12, Gilbert, I, 47

FN42 *Discourses*, I, 18, Gilbert, I, 241

FN43 Id., I, 11, Gilbert, I, 225

FN44 Id., I, 58, Gilbert, I, 317