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Tacit Tyranny in Guicciardini and Machiavelli

This paper aims to examine Machiavelli from the perspective of a Guicciardini scholar. Since my time is limited, I will focus primarily on examining the nature of the Medicean power, leaving aside the topic of corruption (which would take me too far).

There is an ongoing debate among historians and political theorists on the nature of the Medicean regime. The importance of this debate is evident especially in the field of political and legal theory, considering the continuous attempts to expunge tyrannophobia from the constitutional landscape. How to best describe the nature of the Medici's regime poses various problems also for the reading and interpretation of Machiavelli's *The Prince*. Indeed, it has been argued that Machiavelli is completely indifferent to the legal title and the legal legitimacy of the prince. What he deals with is, basically, a de facto power. This de facto power in the context of a republic like Florence (at least until 1530) has never been fully explained. I will start from Guicciardini to clarify how Machiavelli's account of the civil prince could have been conceived by assuming his weakness if compared to a legally entitled prince – that is, a character entirely alien to the Florentine tradition at the time. Since Guicciardini was a Doctor of Law and a lawyer, his works are imbued with legal quotations. The most fascinating pages from this point of view are those he dedicated to Lorenzo de' Medici, as they are an extraordinary investigation of tyranny.

I would like to raise three questions. First: where does Lorenzo's portrait in the *Storie Fiorentine* come from? Second: what is that remains alive of that old portrait, thirty years later, in his *History of Italy*? Finally: why is this discourse so important, also for Machiavelli?

Much has been written about the way Guicciardini portrays Lorenzo and, overall, his ideas about this leading figure. It constitutes a sort of case study, even when compared with the different eulogies and portraits written by other Florentine writers. Felix Gilbert believed that the characterization of Lorenzo in the *Storie Fiorentine* was ambivalent and ambiguous. Guicciardini also discussed Lorenzo in his *Dialogue on the Government of Florence* and, even there, this «ambiguity» remains untouched. According to Gilbert, everything changes at the beginning of the *History of Italy*, with the famous representation of Lorenzo as the arbiter of Italy. At that time, Guicciardini was interested in discussing Lorenzo's role in Florentine foreign policy. However, it is important to emphasize that, regarding Lorenzo's internal policy, Guicciardini's characterization remains the same as in that old portrait depicted in the *Storie Fiorentine*.

We owe our respect to Felix Gilbert as well as to Alison Brown, who wrote the best commentary on the *Dialogue* and an elegant translation, but we must go ahead. In her introduction, Brown writes that Guicciardini, referring to Lorenzo, says that a government should be judged only by its effects. She argues that, according to Guicciardini, there's no difference between legitimate and illegitimate regimes: just like Machiavelli. According to her, Guicciardini is destroying «one of the time-honored definitions of tyranny as the worst of the six types of government, according to the scholastic typology» and replaces «this old typology with new simplified terms that can easily be understood 'by the man of the street'».

There are some misconceptions in this argument, but I would like to focus on the issue of the tyrant and demonstrate that the methodology of judging a tyrant by the effects of his actions is, in

fact, a legal procedure. It refers to a specific type of tyranny that Guicciardini always associates with Lorenzo.

Lorenzo's portrait in the *Storie Fiorentine* was written in 1508-1509, while Guicciardini was a practicing lawyer. During that year, he was involved in a legal trial. As a lawyer, he had to respond to and resolve the doubts of a judge about an issue concerning the *restitutio in integrum* (restoration to original condition, the readmission in the city as citizens) of the descendants of the Pazzi family, involved in the conspiracy against Lorenzo in 1478. They were readmitted in Florence after 1494, with the fall of the Medici regime and the rise of a republican government. Subsequently, a law came into force on January 25th, 1495, permitting the «reintegration» of the Pazzi family into Florence and declaring Lorenzo a tyrant. In the text of that law, the word «tyrant» did not appear. However, it is worth pointing out that Lorenzo was described as «a man who wanted to deprive the city of its freedom» in one of its passages. That sentence made things unclear. The Pazzi's descendants wanted to have their belongings back, which had been confiscated at the time of their banishment. They argued that the trial against their family had to be considered illegal and, in fact, every trial and every act under tyranny had to be treated as illegal. The judge was hesitant on this matter. Nowhere in the text of the law could he find the word «tyrant», which was used to describe Lorenzo.

To cut a long story short, the judge asked Guicciardini, a doctor of law and a lawyer, for legal advice (*consilium*). In the letter expressing his doubts, the judge listed all the legal authorities that dealt with similar cases. Among others, he quoted the treatises *De Tyranno* by Bartolus of Saxoferrato (the most outstanding legal scholar of his times) and a comment by Bartolus' scholar Baldus. We know for sure that Guicciardini helped the judge and offered his expertise on this occasion. However, Guicciardini did not consider the issue of Lorenzo's tyranny. At least, we have no document outlining his views on this specific point. Nevertheless, in his *Storie Fiorentine*, written at the same time as this legal trial, we can find some hints of his view on this subject.

I believe, as I shall argue, that the most evident traces can be found in his portrait of Lorenzo.

It would be redundant to spend too much time examining the different kinds of tyranny defined by Bartolus in his *De Tyranno* and how lawyers used them in trials. Just to give an overview, in his *De Tyranno* (composed between 1355-1357), Bartolus traced and further articulated a paramount distinction.

There are two kinds of tyrants. The first one is the manifest tyrant (this seems to be the only variant always used by the historians, and the one Alison Brown refers to). The second is the concealed and tacit tyrant (historians often tend to disregard this specific kind).

In turn, there are two types of manifest tyrants: 1) manifest *ex defectu tituli*, who rules in the city without a lawful title; and 2) manifest *ex parte exercitii*, by virtue of his conduct. The tyrant *ex parte exercitii* has a lawful title but performs tyrannical acts, aiming not for the common good but exclusively for his own advantage. These acts – the *decem signa* ('ten signs') taken from Book 5 of Aristotle's *Politics* and quoted by such scholars as Giles of Rome – include the annihilation of the preeminent men of the city and the elimination of the wisest. In other words, a tyrant is someone who prevents others from being trained, forbids private associations, and prohibits public meetings.

At the same time, there is a second general sort of tyranny that Bartolus, and the legal tradition that followed, called 'concealed' or 'tacit' tyranny. That is when a man in disguise rules over a

city unlawfully. The category of tacit tyranny can, in turn, be split into two additional sub-categories: *propter titulum* and *propter defectum tituli*. The tacit tyrant *propter titulum* is he who has a mandate with a jurisdiction granted for a determined period that he arbitrarily and unlawfully extends. The tacit tyrant *propter defectum tituli*, instead, is someone who does not possess any title, or has only an honorary title without any jurisdiction; however, he gains so much power over time that he feels free to rule the city as he wishes. The city's officials obey him as their lord (he who «in tantam venit potentiam, quod officia civitatis ordinat prout vult et officiales ei obediunt ut domino»). If he acts tyrannically or causes others to act so (that is, if the effects of his behavior are tantamount to one of the *decem signa*), he becomes a real tyrant. According to the legal tradition, it is particularly hard to find evidence and witnesses to prove that a tacit kind of tyranny is in place. By default, this tyrant acts without witnesses. He wants to be obeyed *ad nutum*, «a cenni» (which is the typical expression we often find in Guicciardini and even in Savonarola to denote this tacit tyranny).

Bartolus asked: 'Are acts performed under a tyranny of this sort valid? How can we prove that he was a real tyrant?'. These were the same questions as those the judge asked Guicciardini in 1508, referencing exactly this treatise of Bartolus.

Bartolus wrote: «It should be understood that, just as one is seldom found who is completely healthy, indeed free from all bodily defects, so it is a rare thing to find a government that is completely devoted to the public good without some of the qualities of tyranny. It would be more divine than human if rulers had no regard for their own advantage and cared solely for the common welfare. We call it a good government and not a tyranny, that in which the common and public welfare prevails over the ruler's personal welfare; the one in which personal welfare is cared for more, we call a tyrannical government». That ought to be especially borne in mind when we consider proving whether someone is a tyrant, a tacit tyrant.

According to Bartolus, a man who came to so much power that his officials and magistrates obey him as their lord would be judged to be a tyrant or not through a legal procedure consisting of an analysis of his vices and virtues, and of the acts and effects of his government. Therefore, judging by the effects, by the results, did not mean to destroy the traditional ideas on tyranny, as Alison Brown instead suggests.

The ambivalent characterization of the portrait of Lorenzo in Guicciardini's *Storie Fiorentine*, pointed out by Felix Gilbert, should be understood as an investigation, as an attempt to prove the tacit tyranny of Lorenzo. Concluding his investigation, Guicciardini in fact wrote: «he (Lorenzo) has so much authority that the city, one might say, was not free in his time; and yet it abounded in all the glories and happiness there can possibly be in a city that is free in name, but in fact, tyrannized by one of its citizens.»

At the same time, Guicciardini knew that his tyranny was hard to prove because the republican institutions and the appearances of free and civil government at that time had remained formally intact, even if completely devoid of their meaning. Guicciardini's investigation ends as follows: 'In fact,' he wrote, 'we must conclude that under him the city was not free, even though' - here comes his political judgment - 'Florence could not have had a better tyrant or a more pleasant one.' Nevertheless, even the most pleasant tyrant remains a tyrant.

Gilbert wrote extensively on Guicciardini's latest portrait of Lorenzo in the *History of Italy*, where he seems to have a positive and flattering opinion of the Medicean leader – that is, as he

who provided Italy with peace and political stability in a European context. Nevertheless, referring to Lorenzo's internal policy, Guicciardini described him as «a citizen so eminent above the private rank in the city that he governed the things of that republic according to his own will». The different drafts of this passage show the word 'advice'. Obviously, Guicciardini did not mean that Lorenzo was a wise man: 'advice' means 'order.' Rather, he was trying to translate almost literally the phrase used by Bartolus to define the tacit tyrant, as we have discussed before. In other words, Guicciardini included in his *Storie Fiorentine*, then in his *Dialogue on the Government of Florence* (where he wrote that Lorenzo should be judged by the effects of his actions), and, thirty years later, in his *History of Italy* the results of an investigation he had begun as a legal consultant. That is how a lawyer, a Doctor of Law, and the most important historian of Italy, was trained, and that is the way he thought about tyranny.

Let me now turn to the third and final question that I mentioned at the beginning of this presentation: why are Guicciardini's ideas on tyranny important for later authors, including Machiavelli?

In the debate over the nature of the Medici's regime, the diverging opinions of Nicolai Rubinstein and Philip Jones still resonate prominently. In a recent book on the Medici, we find a definition of both Cosimo and Lorenzo as 'primus inter pares'; their regime is described as a 'cryptosignoria' or a 'rhetorical republic.' None of such phrases, however, has managed to answer the question once and for all. These phrases made extensive use of Guicciardini's pages and ideas, drawing here and there on some fragments of his writings, and thus often risking decontextualizing his views.

At least until 1530, the legitimate title was the real problem for the Medici, as the recent book *The Medici. Citizens and Masters*, coedited by Robert Black and John Law, compellingly shows. The unique Machiavellian approach towards the principality may also have played an important role in generating some misunderstandings. Rising from the status of a private citizen to that of a prince is the key theme of the first part of Machiavelli's most famous work, *The Prince* - a book, as we know, written for a member of the Medici family.

Nevertheless, from a strictly legal perspective, even Machiavelli, when using the word 'prince,' was perfectly aware that he was talking about an illegitimate power. The term 'civil' in Chapter IX of *The Prince* refers specifically, and exclusively, to the origin of the principality, certainly not to a supposed legitimacy of such a regime. What he wrote was not much different from the Savonarolian or Guicciardinian expression, «becoming a tyrant from being a private citizen». Since Machiavelli did not consider the problem of the legal title of the new prince (not even in chapter IX, dedicated to the civil principality), we usually take for granted his lack of interest in the topic. While a jurist like Guicciardini articulates a specific legal definition of tyranny, Machiavelli seems more interested in understanding how the shift from a private status to a public position occurs. Consider, for instance, the way Machiavelli uses the oxymoron 'prince of the republic' when writing about Cosimo in a famous chapter of *Discorsi*. What I would like to suggest is that chapters IX and XVIII of *The Prince* can be fully grasped only by considering the concealed kind of tyranny under the rubric of which Guicciardini listed Lorenzo's government.

There is a passage in Chapter VI where Machiavelli seems to remind the new prince of the weaknesses of his status if compared with that of a legally entitled prince. He is nothing more than a private citizen who gained so much authority that he can rule the city according to his own

will. However, he can exercise this kind of power – Machiavelli pinpoints – only because of his followers' support. What if – Machiavelli asks – the followers of the new prince stop believing in him? Does he have any 'method' for holding firm those who had believed while also making unbelievers believe? If you do not hold any legitimate title, there is no way to make your followers believe by force. When in Chapter VI Machiavelli contrasts armed and unarmed prophets respectively exemplified by Moses and Savonarola, he is not referring to weapons, but to the coat of arms (*le arme, les armes*) – that is, those signs that prove the legitimacy and authority of the powerholder. In Florence, the Pope, a legally entitled leader, condemned Savonarola as a false prophet, a prophet without a sign, a self-professed prophet who was unable to prove he was sent by God – in Machiavelli's words, an 'unarmed' prophet, a prophet without his coat of arms. Savonarola compared himself to Moses, but Machiavelli stressed that there was a profound difference between the two: Moses could show the signs to prove that he was sent by God (he was entitled, he was armed, he could make his followers believe by force) and was a mere executor of things that had been ordered by God. That is not the case with Savonarola. He failed in his new political and constitutional orders as soon as the multitude began not to believe him, and he had no way for holding firm those who had believed, or for making unbelievers believe. He had no title: he was nothing more than a citizen who gained so much authority in a republic that he could rule according to his own will. That was not enough.

To conclude, according to Guicciardini, the Medicean regime was nothing more than a tacit tyranny, so hard to be proved in a trial. In that specific context, a tacit tyrant was nothing more than a civil prince obeyed by the magistrates, evoked by Machiavelli. From a legal perspective, the weakness of this kind of prince was self-evident: he didn't have any other option but to win to maintain and save the state, since his power was founded simply on the consent of his followers, so unstable, especially in adverse times.