



## Machiavelli's State as a Punishment for the Violence of the Law in the Context of Human Animal Instinct

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### Abstract

*In order to amend the philosophical, political and legal understanding of that personality who managed to study and structure the monumental work of the state "The Prince" so nicely, it is necessary to understand what subject content there is on which the academic life was mined and grown and Machiavelli's philosophy. The latter being one of the brightest minds in the field of the study of the state and, to understand it, it is necessary to study the cultural and intellectual environment, the product of which was our Philosopher. Viewed in this context, it is necessary to understand the European city of Florence, the main city-state of the Renaissance, where Machiavelli was born. This should be accompanied by the study of the city-state of Firenze, in relation to other Italian states with which it had extensive and very intense relations. While, on the other hand, the nature and form of government of the state of Florence, accompanied by the reformers of the state constitution, who inherited it, but remained in their ideas and views until the time of the diocese of the Republic, cannot be left without attention. On the other hand, the study of the non-Italian states, which were in a state of competition with Florence, should be looked at carefully.*

**Keywords:** Machiavelli's State, Violence of the Law, Context of Human Animal Instinct

## 1. Introduction

### 1.1 Political society product of Humanism - Florence

Florence is the first modern state of Europe, which has known with its intelligence, to compete, in relation to other city states of Europe, even though it was at the time of the medieval political and economic system. Whereas, from an economic point of view, this state relied on the development of trade, crafts and, moreover, the banking economy. It is interesting the fact that Florence<sup>1</sup> bankers managed to influence the financial markets of other European countries through the granting of loans, moreover these were in colossal proportions for the time we are talking about. Florence gave colossal loans to England, France, why not the Popes<sup>2</sup>, once the financial loan took the form or form of credit. But, even though there were cases that this form of lending caused the loss of financial capital, the bankers of this country rose again and re-competed in the world of financial policy. This revival is accompanied by modern accounting, modern statistics, modern budgets, modern tax system, social services and modern insurance. The state of Florence, in its modernity, exercised political power under the influence of two social strata: the high bourgeoisie or "Popolo Grosso" and the petty bourgeoisie "Popolo Menudo"<sup>3</sup>. At the time, both of these layers or political and economic groups or lobbies

<sup>1</sup> - Mauricio Viroli, *Machiavelli's Advice for Citizens*, Tirana 2018, p. 63

<sup>2</sup> - Kaj Salusi Krispi, *Catiline's Conspiracy*, Tirana 2001, p. 138. Translated by Nermin Basha

<sup>3</sup> - *The Senate in the city of Rome had nothing but prejudices, the Bible but rubbish, Cicero but a false cedar.* (Work, cit. Julius Caesar, p. 203)

were in permanent disagreements, which are also accompanied by violent conflicts between them. Whereas, the nobility who owned lands, the peasants and the proletariat or called the proletariat of this state were excluded from public political activity. Moreover, in relation to the nobles, who are found destroyed, from the political point of view, there are no sources that can prove their revival. This tendency seems to be the product of a natural competition, which accompanied the political society of Florence throughout the last crisis of the medieval legal order. Meanwhile, the "Ciompi" or otherwise the proletariat, seems to be more energized and more patient towards the state of crises in the city, which are caused by the natural ambitions of the upper bourgeoisie or "Popolo Grosso". The proletariat (Ciompis) are constantly active and noisy, who with their movements, although not political, manage to decide the battles that take place between the upper and lower bourgeoisie. From numerous sources, which we already have at our disposal by using them, it seems that the proletarians were connected to the Medici family, which proves that the latter were very wise, but the Ciompi also treated them better, comparing them to the families other dynastic state in Florence. Whereas, from the point of view of form, the state of Florence was a republic accompanied by a complicated state apparatus of executive and legislative organizations and interorganizations. At the time we encounter a complicated system of indirect elections, and short-term functions and a system of control and counter-controls, which made possible the efficiency of the state. This political system, highly sophisticated in appearance and content, was intended not to be controlled by a single clan or dynasty or family. But even though we have such a controlled state, it was not possible to prevent the Medicis or the Soderini, who made it possible for the state machine to follow the path of their political, economic, financial, if not geopolitical, desires. The Medici with remarkable finesse and intelligence managed to eventually consolidate their control over the state of Florence and over Tuscany. This was the reason that finally the Italian peninsula as a whole had managed to enjoy political stability<sup>4</sup> and, moreover, several decades of peace. At the time that Italy - wrote the Florentine historian Shipiono Amirato, did not feel the oppression that they suffered, but from many years until modern days, it was in the greatest happiness that has ever existed. Moreover, this point of view has been<sup>5</sup> defended by other researchers and scholars, who have dealt with the political world of medieval and modern Italy. But what is impressive about this state apparatus is the fact that the Podestats or judges and condottiere or commanders of mercenary troops were foreigners. At a time when the citizens of Florence were excluded by law from this type of service, at a time when constant efforts are being made to reform this system of government. To argue the reforming tendency, it is enough to mention Girolamo Savonarola, who was a monk and managed to make some efforts to adjust or correct the constitution. This constitution gave the citizens of Florence an important role in controlling the government, but he paid for this legal initiative with his life. But, while Pope Alexander VI excommunicated him, on the other hand, the Lordship of Florence hanged him in 1498. However, the Pope was not allowed to put him in his hands to burn him through the absurd right of the autodaphs, which expressed the Catholic papal judgment, at the stake as a heretic. While, on the other hand, the constitution improved by Girolamos with expanded freedom and a Gran Consiglio or democratic council, which means general democratic meeting. This state institution managed to have a longer lifespan than the heretical reformer himself, which over time was under the papacy. This constitution existed and functioned as the state constitution, until the time of the destruction of the Republic of Florence. Soderini's reform consisted in electing the Gonfalonier of the Republic of Florence for life, it was an imitation of the constitution of the Republic of Vendik, with the aim of giving the government more stability. The gonfalonieri was the head of the Seigniory, or the chief executive institution that attended to the affairs of government, in whose hands rested a large degree the control of the city-state. While, from a cultural point of view, Florence was the capital<sup>6</sup> of the Renaissance and the main center of Humanism. This is the time when Italy and Central Europe was emerging from the medieval state order and entering a modern legal order. Precisely, from the Medici family came Leon Batista Alberti, who is the most complete personality of Italian Humanism, who defended his doctoral studies in Bologna and managed to produce many works in Italian architecture such as the Rucelai Palace in Florence, the Temple of Malatesta in Rimini, the church of St. Andrew in Mantua. Naturally, when we talk about humanists in our imagination, the scholastic concept of an army of scholars, researchers, who brought to life and enriched the classical era is created. Among the epoch-making merits that Italian humanism managed to bring is related to the study of Greek philosophy, the latter after the fall of Constantinople had begun to come to Italy and give lectures in its schools and academies accompanied by the

<sup>4</sup> - *Sovereignty of Law and Commerce (L.A)*

<sup>5</sup> - *Napoleon III, Storia di Cesare, Editrice Aequa-Roma – 1937, p. 108. Taken from the original and published in Tirana in 2019, p. 108*  
"While on the other hand, all the parties that were forced to make a deal with those who enjoyed popular support"

<sup>6</sup> - *G. Sasso: Niccolò Machiavelli. Storia del suo pensiero politico, Il Mulino, Bolonjè 1980.*

philosophical knowledge created by Byzantine philosophy<sup>7</sup>. This philosophy was integrated into Western European culture, making possible its re-dimensioning, from the point of view of spirit and content. Seen in this philosophical context, imagine reading in the original the thinkers of Greek classicism, especially the rediscovery of Plato. The latter in its entirety represented a separate school. This was accompanied by the discovery of Lucret's work "On the nature of things"<sup>8</sup>. Poxho Bracolini brought out these masterpieces, which constituted separate philosophical and legal schools, full of emotion "from the cellars of a monastery in Switzerland". But, humanization is conceived through the research method, which should be independent, the researcher should not lead it is removed by political, religious, passionate idols or external considerations. But what seems to be more interesting for the one who sought to study the texts was related to his responsibility, at the time he undertook to give up on a text, it was a pity for him if he had the courage to give up. on a text or damage its authenticity. On this reasoning, it seems that it is exactly Philology, which was conceived as the foundation and key of all knowledge. In this context, the critical edition was a prerequisite for reading any text. The classic example of this method was Lorenzo Vala, who managed to prove the falsity of the famous Gift of Constantine. This is a medieval document that the Church used regularly to justify the justice of its aspirations for secular power. Vila's analysis is entirely based on elements of a philological textual nature, this means that to copy and understand a text, it means to place it in its time, to assign it its own place in the literary corpus where it was part. The dimension of philology generated in this way the dimension of historicism. Seen in this context, the historicist was not talking about putting Plato against Aristotle, but being able to understand both Plato and Aristotle "Man through the other". This humanistic method reached the world understanding of the truth, ie "Aletheia" wrote Leon Battista Alberti in his work *Philodexeos* is the daughter of Kronos. This means that you cannot separate yourself from time, which has produced the phenomenon of while Mateo Palmieri accompanied this point of view through the idea that the truth emerges over time. From this combination of the method of philology with the category of historicism, the "Criticism of Evidence," which works on material and physical realities<sup>9</sup>, but, in its method, will always remain a fine art, became possible. This method succeeded in producing sober and tolerant thinking. Pikamje, which managed to find its expression in Erasmus of Rotterdam, professor of theology and tolerance, but, on the other hand, this philosopher was formed through the teachings of Humanism as well as Our Machiavelli. Without breaking away from the contextuality of our study, it seems that the reference of the well-known researcher Zhyzepe Parga is of interest, who in his study, as rational as it is methodological, moreover, with philosophical nuances, attracts the attention of the researcher and methodist, to determine what they have deformed and removed from the legacy of legends and "popular narratives between Italian and Byzantine life, and to what extent it is related to and reflects the forms of neo-Latin narrative and historiographical freedom". In the meantime, the Florentine bourgeoisie is distinguished by a practical spirit, which wanted to enjoy the life of the city, abandoning the vulgar and theological tendencies with the desire to enjoy the hedonistic sense of life. It refers to beautiful things, which it sought in the world of culture of antiquity, moving away from the ascetic life of the monk, it turns to the arts and sciences and the spiritual world of man. The city of Florence seems to be the center of the great movements of humanism, a designation whose meaning over time narrowed and was equated with the pursuits of classical culture. It should be noted that Boccaccio is from a bourgeois family in Florence, and it is in this city that we find the first society of humanists, the so-called Platonic Academy, founded by Cuosimo Del' Medici, which aimed to develop classical studies. He researched the language of the citizen people through which he got to know the cultured Italian society, therefore in civic Florence we find the first Italian writers such as Dante, Petrarch and Bocaço, who used the cultured language of the citizen in their masterpieces. While, to concretize this, it is necessary to refer to the humanist idea of Bocaço, who said at the beginning of the *Decameron* "Blessed is he who feels pain to grieve. But, in the meantime, it is precisely the bourgeoisie or the townspeople, who expands the market throughout Italy and is therefore a good patriot of Italy. Thus in Florence we find the first Italian patriots, the prophets and forerunners of modern Italian nationalism. Lorenzo II Magnifico is not only a patron of the arts and literature, but together with the Kingdom of Naples and the Duchy of Milan, he organized connections with clear nationalist nuances, in order to expel the barbarian foreigners from Italy. Lorenzo, rejected the help of Louis XI of France<sup>10</sup>, against the king of Naples and concretized it with his point of view, which in the reflective philosophical and political view echoed in the soul of the Italian society "I cannot put my interest above the security of Italy. Lorecco's death

<sup>7</sup> - *Catiline's Conspiracy*, p. 139 "Senate - The word senate comes from senex, which means old with great age, old man. In the Albanian language, the word senat means old age"

<sup>8</sup> - *Giuliano Procacci, History of Italians, Tirana 2000, p. 157*

<sup>9</sup> - *Machiavelli, act. cit., chapter XXIV. (Machiavelli in this political analysis shows how the prince can enjoy a double glory, that of founding the new state and that of strengthening and adorning it with good laws, with good armies, with good allies and examples good).*

<sup>10</sup> - *Niccolo Machiavelli Francesco Guaicciardini, Lecture on the first ten of Titlivi, Tirana 2000, p. 515-533*

is recorded there from the year 1492, a time which also constitutes the beginning of foreign invasions, which became concrete with the invasion of Charles VIII of France. These invasions reached their peak with the plundering and destruction of the culture of the city-state of Rome, by the imperial armies of the time, which also<sup>11</sup> marks the death of our philosopher, Machiavelli. Florence passed from agriculture to trade and industry, from manors and baronial domains to markets and cities, from the decline of the nobility to the strengthening of the bourgeoisie. While, from a legal point of view, it passed from the right of a theocratic state to a modern secular republic and monarchy. This transition or fundamental change in the way of government was connected with the Renaissance, in its essence and basis, in its character and tendencies, it was typical of the bourgeois or civic way of thinking. Meanwhile, on the other hand, the invasions suffered by Italy, by foreign armies, encouraged, aspired, devised political views on the right of the political nation, which led to the unification of Italy. This spirit was treated, by all the writings of high minds, which marks at once the exit of Italy, from the theological and theocratic middle ages, to a modern political society, from the neo-logical right, to a secular and modern right, because it was achieved Roman law was also successfully reproduced, which, in its rationality, will be conceived as the mathematics of modern systematized law.

## 1.2 *The air of the city makes you free*

We started the study of Machiavelli's political<sup>12</sup> and legal thought through the city of Florence, in order to understand its shaping, from a social and philosophical point of view. Observed in this context, Machiavellianism makes it possible to understand the crisis of the traditional medieval legal culture. The Middle Ages has as its basic unit the commercial organization in the city, it is imagined as a time of restriction and artificial restriction, in relation to the values of the political society, by the limited use of people and currency. But, on the other hand, there is an extension of a trade and money communication, but still, a monopolized and controlled local trade system could not last longer. So, seeing the content of the Prince in this context, all monarchist governments had adapted a policy of exploiting territorial resources, encouraging trade, developing intellectual power with a national spirit. These movements with a national spirit and sense viewed from the institutional point of view naturally reflected deep social and political changes, moreover the changes were reflected, essentially, in the more humane nature of the state. In Europe, a considerable layer of people appeared who simultaneously had concrete ideas and initiatives, who conceptualized and philosophized metaphorically about the spiritual world of the city "The air of the city makes you free". This class, which was identified through its free spirit, to create oppositionism, within the political constitution of the medieval city was both the natural enemy of the old feudal nobility, moreover the political enemy of city-state divisions and restrictions autarkic and of the unrest that this nature of production and statehood encouraged. While, in the view of its interests as a class, in the image of its political goals, they had begun to take the side of strong governance and, as a logical consequence, it had begun to be "the king's natural ally". But, in the meantime, it reflects the tendency to lose a part of the early culture of Greco-Roman antiquity. This tendency was accompanied by the weakening of teaching and the fading of civic culture, the embedding in the city-states of a population with a culture that had remained uncultivated, i.e. "decline into barbarism". On the other hand, distrust towards church sermons had begun and Christian society tended to trust more earthly, practical knowledge, experiments, alchemist ideas, which led to a certain mental, philosophical and legal crisis. . This was showing that the law had to be adapted to the rhythm of time and man, who had an even clearer vision, which Machiavelli would call public law. 12. 3 Statehood between the right to life and the state. Machiavelli is the philosopher of that social and political crisis, which Italy was not affected by because of the special role of the theocratic policy of the papacy. The element of innovation presented by the creation of a policy independent of morality is added, in Machiavelli, to a second one, also based on the basic Greek definition of the three governing types of the one, the few, the majority and the preference for the one mixed. The fundamental transitions are the characteristics of who directs power and the relationship between virtue and fate in the Prince and the institutionalized relationships between social groups. Machiavelli asks the Prince the question: is it better to love the Prince or to fear him. The answer would have to be both, but since it's hard to get them together, he's much safer if they're afraid of him than when they love him. For men, in general, it may be said that they are ungrateful, fickle, cunning and sly, averse to danger, greedy of gain. What is theoretically stated, if it will be commendable for a prince to keep his word and live with honesty and not with political tricks, moreover, it can be seen, in the experience of princely times, they have done great works, that they have given little importance keeping their word of faith and knowing

<sup>11</sup> - *What scandal did the Agrarian Law bring to Rome..., p. 139-142 "Constitutional opposition"*

<sup>12</sup> - *Machiavelli, act. cit., chapter XXIV. (Machiavelli in this political analysis shows how the prince can enjoy a double glory, that of founding the new state and that of strengthening and adorning it with good laws, with good armies, with good allies and examples good).*

how to cleverly sway people's opinion; and they have defeated those who relied on faithfulness. The ruler according to Chapter 15, who wants to preserve his power must be prepared to act immorally when this becomes necessary. At the time, on the other hand, the Prince is asked to be careful not to earn the name of the evil man, because this would damage the power instead of securing it<sup>13</sup>. Many theories express the opinion that things are sometimes governed by fate and God, and men in their wisdom cannot fix them, nor can there be any change in them. Fate shows its power where the ability to resist it does not appear; and then he directs his momentum where he knows no ambushes<sup>14</sup> have been laid and measures taken to stop him. So it is the philosophy of judgment on human nature that precedes that of Hobbes, Machiavelli thus derives the qualities of the man of political power or the statism man, who is "prone to statesmanship"<sup>15</sup>. At the time he connected the wisdom of holding power with the permanent readiness of the prince, to be ready to act in an amoral, "treacherous, cruel and merciless" manner, but, at the time when this becomes necessary. But the willingness of the Prince would not be productive if it is not accompanied by an understanding of the key to citizenship. This switch is necessary to be closely related to the recognition of the force of the circumstances, in accepting what the need dictated and in harmonizing the attitudes of each one according to the time. But time is in a continuous change, therefore the man of the state is destined to be faced with fate, which appears as good but also bad, from the other side. In these conditions, the Moral is clear, if someone wants to always have good luck, he must be wise enough to adjust his time. Then if the Prince would direct his own nature in this way, and would adapt his own methods and habits to the age, then it would be more than true that the wise man would be the ruler of the stars and fates. So, it seems that Machiavelli strongly reflects on fate, which cannot control what nature has given us "each one a special inspiration and talent", which controls all of us. But as time and circumstances change, in this report the ruler, who cannot change his methods, is destined to "fall". But, on the other hand, fate would not help a person if he did not learn to change his character, to adapt to the time and circumstances. Moreover, starting from the ancients, who wanted to protect the state first of all, they prepared their body and soul, so that they would not be afraid of the dangers of battles. To make this phenomenon concrete, Machiavelli brings the examples of some of the statesmen among whom he qualifies Caesar, Alexander, who "were the first among the warriors". These statesmen went to war armed on foot, but they were clear in their spirit that even if they "lost the state", they would like to "lose their lives at the same time". The philosophical relationship between these two conceptualities is organically linked to the spirit of these statesmen, who lived and died virtuously<sup>16</sup>. Whereas, if in these statesmen, the excessive ambition to rule would stand out, there was never any tendency for majesty or anything else that makes a person delicate, therefore not combative. And, mathematically, Machiavelli reasons that those statesmen who would ignore these thoughts, as a result, if he were a prince, he would ignore his principality, if he were a citizen, he would ignore his city. Meanwhile, the Machiavellian attention is also felt towards the citizen, whom he conceives as the "intelligent citizen", moreover, he has the public good at heart, he demands that their voice be heard through the organization of the state. This citizen is able to open the roads, for those who seek favors, in the service of the public issue and, on the other hand, to close them for those who seek favors privately. In this context, the Machiavellian alternative is presented that, "who promises the moon", has a desire for private control of the public, even though this person appears to be good. Machiavelli was of the opinion that his compatriots had great intellectual, artistic<sup>17</sup> and entrepreneurial energies, but he was once aware that they lacked the necessary temperament to "live freely". He had observed the political trend that Caesar had stifled the life of the republic in Rome, until his days, the Italians knew only a "fragile freedom" and had suffered foreign oppression, as well as "various forms of tyranny", more or less hidden. Crucially, Machiavelli's deductions have endured admirably, because even in modern days man and politics have the same passions as those who lived in Machiavelli's time. Buildings, some are controlled by ambition, others by the desire for gain, or by fear, or by pride, or by various combinations of these passions. While, studying the emperors of Rome, it seems that they were very heartless and predatory and, in order to please the soldiers, they exercised every kind of injustice that can be done on the people, for these qualities they had a sad end. While, from the comparison of their qualities, he had come to the conclusion that Severus was the only one, who was so virtuous that he was strongly connected with the soldiers, even though the people were oppressed by him. The latter managed to completely rule, since the nature of the fox was mixed in his character, but on the other hand, he also knew how to act like a lion. So, the

<sup>13</sup> - Machiavelli, chapter XXIV, *Why the princes of Italy lost their states*, p. 119.

<sup>14</sup> - Niccolo Machiavelli Francesco Guaicciardini, *Lecture on the first ten of Titlivi*, Tirana 2000, p. 515-533

<sup>15</sup> - Machiavelli, p. 56, 78, 90. Conceptuality "Real time" that should be evaluated (L.A)

<sup>16</sup> - Machiavelli, act. cit., chapter XXIV. (Machiavelli in this political analysis shows how the prince can enjoy a double glory, that of founding the new state and that of strengthening and adorning it with good laws, with good armies, with good allies and examples good).

<sup>17</sup> - What scandal did the Agrarian Law bring to Rome..., p. 139-142 "Constitutional opposition"

combination of these qualities made Sever in front of the soldiers and the people, admirable. The descent of Severus on Rome had caused fear in the institution of law, the forced senate, from the state of terror and fear, elected him emperor<sup>18</sup>. While, after this movement, the desire to become emperor arose in Severus, but there were two obstacles: one in Asia, where Nigri, the commander of the army, had declared himself emperor, the other in the west, where Albin, the which he also aimed at the power of the emperor. Severus considered it difficult, in order to declare both of them enemies, he decided to attack Nigri and deceive Albin. It is interesting that he wrote a letter to the latter, in which he manipulated his opinion, that "being elected emperor by the Senate, he wanted to share the power of the emperor with him, to whom he sent the title of Caesar and by decision of he made him a colleague in the senate". Albin, who was seduced by the pleasure of the offer, managed to take it as true. This movement created the right time for Severus to act through deception towards the Senate, to which he complained that Albin had not been grateful for the benefits he had received from him. Meanwhile<sup>19</sup>, "he had tried to kill him stealthily, so he was forced to go and punish his ingratitude". But, on the other hand, without wasting time he marched towards France where Albin was located, from whom he took not only power, but also his life. By rationally researching both the military and political movements of Severus, his character will be revealed from a very wild lion and a very cunning fox. This interplay between two animal natures is intelligently combined with his personality, the expression of a statesman as he should be and not as he should be. Moreover, acting in a lightning-fast manner towards the opponent, to take his time, reflects the superiority of the power of time in relation to the human mind. Severus managed to be respected at one time and feared by everyone, but he was not hated by the army. So, one should not be surprised how he made it possible to maintain such a rule, which is interspersed with great fame, which always protected him from the hatred that could be created among the peoples. This must be sought in the predatory nature of the Roman army, which made possible the conquest and administration of the peoples.

## 2. The Right of the Dictator and the Rigidity of the Laws

The finding as a model and structuring of the institution of the dictator, from Roman politics seems to have attracted the attention of many researchers, who, in their own way, have managed to give their opinions and views, but accompanied by their criticisms. According to them, the solution of the dictator has made possible the creation of the model of tyranny, which has greatly damaged the Roman constitution. In accordance with this point of view, theorists bring to our attention the history of the case of Caesar, who managed to legislate his tyranny, under the title of dictator, then subjugated the city. According to Machiavelli, this point of view is wrong and unargued, because it was not the title of the dictator that managed to subjugate Rome, but the decision made by the citizens to prolong the life of the absolute power. This proves that the law on the dictator was violated, which was produced in an institutional way, enabling his election through private methods. But, even if it were not the name of the dictator, another would have been found, because it is not the name that defines the power, but the power that easily gives it the name. The history of the Roman state affirms as a necessity the existence of the dictator, who was established politically, but with legal attributes. This political initiative had public benefits, because the state managed to consolidate its constitution and, to establish order and peace, it was possible for Rome to ensure order and tranquility. But, on the other hand, the public damage was not caused by the power established in ordinary ways, but by the power established in extraordinary ways. To understand the extraordinary in a city like Rome, it is new that, for a citizen to achieve extraordinary power, he must reflect a multitude of qualities, which resonate in the public life of the city<sup>20</sup>. Among these qualities, it seems that, Machiavelli put the condition of wealth, to become a dictator, he had to there are many people in support of his public life. This political phenomenon could only happen in a non-corrupt state and where the law ruled. But even if they did not have such qualities, those who would behave dangerously would risk the benefit of the free vote "the free votes would not coincide with them". In these conditions, the Dictator was placed in public office, for a certain period of time and not for an indefinite time, moreover, his functions were to solve the problems for which he was put in office, defined through the law. At the time, his power extended to making decisions by himself, to provide solutions and, to avoid danger, in an urgent situation without the need for extended consultations. This constitutes one of the legal conditions, because the law had given this institutional attribute, as well as punishing people, but without giving them the opportunity to apply, from their side. While, on the other hand, the dictator categorically prohibited the actions, which contradicted the public interests of the state. How could it be against stripping the senate of the attributes of power or stripping the people of the power of free vote, or succeeding in

<sup>18</sup> - Rome could establish a state that would eradicate enmity between the people and the Senate, p. 49-53 "Civil War"

<sup>19</sup> -Machiavelli, chapter XXIV, Why the princes of Italy lost their states, p. 119.

<sup>20</sup> - Machiavelli, chapter XXIV, Why the princes of Italy lost their states, p. 119.



changing the old constitution with a new one. So, the law conceived and justified the short time of the dictator's stay in power, accompanied by his limited role, concretized as Rousseau draws attention: The dictator only had the time to take measures against the need that had made his solution possible. This means that the dictator did not have time to think about devising and implementing projects other than those that limited time dictated. These legal qualifications of the dictator, in Rome, were accompanied by an uncorrupted people, in these conditions it was impossible for the dictator to leave the time and right that the law of the Roman senate had defined. This legal system, which personifies the political face of the dictator, is organically linked to the crisis that produced its creation, in these conditions the state is immediately either ruined or saved. But, the moment it becomes possible to pass the need, which has pressed this political creature, "the dictator becomes tyrannical or worthless" But, in the study of Roman public law, the case of the institution of the Roman dictator is of a slightly special interest to be studied, moreover, to enter into the order of those causes that led to the greatness of the Roman state as an empire. So, the question is added whether difficult situations are passed through states, which are organized like Rome or states, which are organized in the usual way. What qualified the constitution of the state of Rome, is related to the fact that it made the passage of crises through quick decisions, as was also the case of the dictator. Without such an organization, it is difficult for the state to overcome extraordinary situations<sup>21</sup>, because in a state, ordinary institutions work at a slow pace, because no citizen decides on his own without first consulting others, and until this happens, a lot of time passes<sup>22</sup>, as a result, the solutions that come out of them can be dangerous when it comes to unexpected issues. To understand the state-forming model, Machiavelli refers to the Venetian state, which has an excellent organization and left the processing of public policy in the hands of a minority of citizens, who had the right<sup>23</sup> that, in cases when the state found itself in urgent political moments, without extensive consultation, that is, without wasting time through "their wandering approval" they took the right decisions, at the right time "and relevant" Whereas, in a state that lacked such an organization, it seemed necessary to violate the old institutions, or to disappear altogether. However, this does not mean that a state is definitely free from the use of extraordinary means, and this has two reasons: first, for a certain political period, these extraordinary means could bring public benefits, but, while, once a precedent is created, which as an example damages the state institutions themselves; thirdly, the temporary violation of the rules creates opportunities to arouse the ambitions of powerful public figures, who can justify extraordinary means, in the service of taking power through violent means. In these conditions, in times of crisis, which are the law, for the functioning of a state based on the constitution of institutions, it is possible for personalities in the city to be given the opportunity to exercise a possible practical authority, but not with institutional means. Machiavelli, explains that, in a state, which does not have laws, which, in their content, foresee everything or foresee everything, for the solution of every problem that develops during its operation, these states cannot find their salvation and the resolution of the crisis through the Dictator. As a result, these states that practice the dictator, will permanently have serious problems, which will accompany the constitution of the state, at any time of its operation, moreover the existence of the dictator, will seriously damage the state, in all its structures. The rational and Machiavellian analysis looks at the Roman state as a true model, which made it perfectly possible to solve crises through the role of the dictator. But, from elsewhere it is observed, from the examples of political history, that when the role of the city-state dictator was applied, Rome had an uncorrupted people. This was associated with the ways of solution, which had been realized with Roman wisdom. But, on the other hand, it can be observed that the use of the dictator had also resulted in a certain insult to the personality of the Roman consuls, who, from the point of view of the state and social hierarchy, stood at the head of the city, they were its first. But, in the meantime, they had to stay, from the hierarchical point of view, under the shadow of the dictator, that is, they were under the power of the dictator as well as the people of the simple class, of the political community where they lived. Adding to this trend was the turmoil and social chaos of the city-state. But, based on what the Roman ideologues and jurisconsults thought, who dealt with the elaboration of the law and institutions, they thought that "the choice of this figure should be made by the consuls themselves". But where did they start from<sup>24</sup> to come to this conclusion, both legal and institutional? This, in the form of a Machiavellian deduction, expresses the notion he has about the man, who, thinking about his selfish<sup>25</sup>, careerist, Icanan manner, judged that Rome needed this absolute power".

<sup>21</sup> - *Eunomia, conceives the constitutionality of the Sovereign reign of the Law. (LA)*

<sup>22</sup> - *Reforms of Lycurgus, Eunomia, p. 35 "State of Sparta"*

<sup>23</sup> - *The institution, which discussed all the issues that were presented to the People's Assembly, which constituted the latter's final decisions. Jerusia gave you the right to reject the decisions of the People's Assembly, when they conflicted with the high interests of the state, but even in the judicial field, there was a degree of judicial system for the processes against the kings.*

<sup>24</sup> - *Machiavelli, Lecture on the first ten of Titus Livius, ISP, DRITA, Tirana 2000*

<sup>25</sup> - *How much does luck affect a person's work and how much can be faced with it, p. 118.*

Moreover, those consuls, Machiavelli points out, would do it better through their desire and will than insulted through the will of the senate. Under these conditions, the pain caused by the dictator would seem to be being treated and "this way it would hurt less than in another case". Machiavelli came to this conclusion starting from man, who according to him, when a man creates injuries himself, or with his solution, as a result, he feels the pain much less than those that are caused from outside the person. his. The subtle and rational Machiavellian view accompanied the study of the dictator as a political and institutional phenomenon until the moment of the dictator's decline, that is, from the end of the political life of the Roman Republic. Precisely, at this moment in time, the Dictator had begun to be chosen, by the consuls themselves, attributing to them a certain autonomy "The Consul should take the measures, so that the Roman Republic does not suffer any damage". This point of view seems to resonate even through the scrupulous studies of Rousseau, who, analyzing man, thinks that, God took man out of his state of nature immediately after creation, they are unequal among themselves, since he wanted them to be so. But this does not prevent the raising of conjectures, drawn from the very nature of man and of the creatures that surround him, on what the human race could have become if it had been left to itself. However, the issue we are rationalizing would be incomplete if we do not investigate the Machiavellian political thought, in the case when it comes to the damage of the state and the deformation of its nature. This, in the political context of the Roman state, expresses its constitutional quality and power, but, on the other hand, it is also so subtle that, at the time when the Roman citizens chose the "ten citizens", who would deal with making laws in Rome, the who over time turned into tyrants, brazenly stifling her freedom. So, it seems that this legal mechanism is necessary, to judge, in relation to the ways of granting power as well as in relation to the attributes given by the law, in accordance with the time span of the exercise, of this interesting and very specific type of power<sup>26</sup> Machiavelli reasons in relation to two tendencies, which can be derived from this process: first, when this power is exercised for a long period "if we consider the period of more than a year". This duration of the right to exercise the office by the decemvirs was dangerous and produces not only positive consequences, but there was also the possibility of negative consequences, which depend on the person who exercises the power<sup>27</sup>. Whereas, to concretize the tendency of both tendencies, we are referring to the history of the old Greeks, who have sufficient experience to understand the rule of the good tyrant, in the interest of the people who had supported him through free will. For this reason, the case of tyranny at the time of Cipsel, who, due to his popular nature, did not need to have a personal guard draws our study attention. Only when the hoplites became aware of their political weight and began to claim participation in the government of the city, or when the rich began to think that a collective power was more pleasant or suitable than the monarchical way of government. At this time, the tyrannical government began to be replaced by more stable constitutions, which could be oligarchic or democratic. But with the passage of time, moreover with its extension, Periandri, towards the end of his life, was forced to maintain his power by exercising the means of "violence, political persecutions and introducing a spirit of fear<sup>28</sup>". This way of exercising governance was a consequence of extending the time of exercising power even though the city had flourished. But, on the other side of this paradoxical phenomenon, treatment becomes possible only through the law, which also defines the nature of the dictator. Meanwhile, it is precisely the rigidity of the laws, which prevents the emperors, to be able to adapt to the events, in some cases, they can make the rulers or emperors dangerous and therefore cause "the collapse of the state during the crisis of his". But an even more perfect deduction seems to be valid if we compare the authority of the dictator with that of the decemvirate, it seems that the latter is even greater. The explanation of this tendency, which led to the disintegration of the institutions, is expressed through the fact that, in the case of the election and functioning of the dictator, all Roman institutions stood, including the institutions of "tribunes, consuls, senate with all the attributes, which the dictator you can never exclude them from their institutional and legal role. This is explained by the fact that he did not have the legal possibility to abolish the entire senate, moreover, he found it extremely difficult to change the constitution, which from a political point of view constituted the constitution of the state in Rome. So, under these conditions, the consuls, the senate and the tribunes turned into the dictator's guardians, who did not allow him to leave, due to the nature and time of the law. Whereas, in the example of the election of the Decemvirate or the title, the legal ground was created for the opposite to happen. The Decemvirate received absolute power to make laws, moreover they found themselves alone, without control from anyone, ie from the institutions of the Roman state constitution. The famous children had succeeded in abolishing the consuls and tribunes, moreover without the possibility of the right of appeal to the people. But, in order to understand why this legal phenomenon happened, it is necessary to understand why it managed to flourish in Rome with the dictators and, on the contrary, it happened with Dencevirat, which, from the legal pickup, was

<sup>26</sup> - Machiavelli, chapter XXIV, *Why the princes of Italy lost their states*, p. 119.

<sup>27</sup> - Machiavelli, *Lecture on the first ten of Titus Livius*, ISP, DRITA, Tirana 2000

<sup>28</sup> - Machiavelli: *Discorsi sopra la prima Deca di Tito Livio*, book I, chapter II.



alienated into a dictatorship. In our view, this legal reaction seems to have its secret, which lies in the "blindness of the people", which, for its part, failed to determine the time of extension of the exercise of this decemviral power. While, on the other hand, it is understood that the causes of falling into tyranny are the same as any state that has managed to create its own tyranny. But, above all, the phenomenon of the decemvirate as a legal structure is based on the extreme desire of the people, to be free and, but, the nobility also had the same desire to command<sup>29</sup>. Meanwhile, the other reason is related to the fact that, at the time when the conflicting parties are unable to make a compromise, for the drafting of laws that protect the freedom of the state, at this time each of the political clans goes on the attack to protect its interests. The last reason is related to the political will of the Roman people, who reached the agreement on the creation of the institution of decemvirate with absolute power with the aim that through it, each party would fulfill the wishes it had: first, the plebeians had as a political goal, to extinguish the name of the patrician consuls<sup>30</sup>; secondly, while the patrician consuls, to politically eliminate the plebeians. At the time, the unforgivable mistake is when the people have a goal in their mentality and political spirit with the idea of giving someone the power and through him to fight those he hates<sup>31</sup>. This tendency of the people, in the philosophical, legal and political evaluation of Machiavelli, it should be understood that the power received in the form of a gift, will turn into tyranny, at the time when the people will soon understand that, it is only a servant, but the most interesting thing is that there will be no one to complain to. While, on the other hand, it is necessary to understand how those well-organized states have acted, which have allowed power for a long time, as did the Spartan citizens through the diarchic kingdom and the Venetians with the doge. What attracts our philosophical and legal attention, for both examples of governance, the respective states had not managed to destroy the "controlling institutions". This is proven through the Spartan diarchy, which could not produce laws without subjecting them to a public discussion. This state structure is organically connected with what we call eunomy, which in its rationality expresses the sovereign rule of law. It is expressed through the power he had given to the kings, who even though they were hereditary, were also limited. While the judicial power and its exercise, from the diarchs came to be weakened especially in relation to the ephors, who were obliged by law every year that, in confrontation, the diarchs had to swear on behalf of the state. Every year the kings and ephors solemnly swore to each other. The kings swore that they would reign according to the law, while the ephors swore on behalf of the state. The institution, which discussed all issues that were presented to the People's Assembly, which constituted the latter's final decisions. Jerusija gave you the right to reject the decisions of the People's Assembly, when they conflicted with the high interests of the state, but also in the judicial field, the jerontes were a level of the judicial system, for the processes against the kings. So, referring to Eunomist Sparta, we are trying to interpret the way the state constitution works in a state with a self-regulating nature and, at the same time, we are trying to explain the enthusiasm of the philosophers, who have dealt with the interpretation of the constitutional spirit of the state. This is a legal phenomenon rationally conceived through Rehtra, which has in its content the spirit of order, rule, law. This means that all family and social life, moreover political life was subject to the law. Whereas, Rehtra conceptualizes the harmonization between the political and legal order, in Sparta, which are thought to be built first of all in the constitution of the soul, in the Spartan public instinct.

### 3. Virtue, Law and Freedom as Expressions of State Forms

In-depth philosophical and juridical reflections of the Prince are complemented by others in the Lectures on the first Tithe of Titus Livy. There we find reflected the idea of the dynamics of public institutions and classes, which are preceded, after the description of the political cycle, by the "praise of the role of individuals and chance". The thinkers, who have given<sup>32</sup> their opinions about the work of Machiavelli, and specifically about the government of the republic, think that one of three orders is found in them, called Principalities, Optimates and Popular. While, other scholars have thought that there are six forms of government, which find their expression in the intersection of one of the forms of the state: those that are good and those that are bad, there are three others that derive from these three. Principality can easily become tyrannical. Optimates easily become states of a handful of people. Popular may turn into anarchic government. Looked at, in this report of governments, Machiavelli reasons starting from experience "because experience shows that cities have not progressed in possessions and wealth except when they have achieved this previously in freedom. In such a way that, if a leader of the republic organizes in a city one of those three orders, he organizes it for a short time, since no remedy can

<sup>29</sup> - Machiavelli: *Discorsi sopra la prima Deca di Tito Livio*, book I, chapter II.

<sup>30</sup> - Machiavelli, *Chapter XV*, Tirana 1962, p. 74).

<sup>31</sup> - Machiavelli: *Discorsi sopra la prima Deca di Tito Livio*, book I, chapter II

<sup>32</sup> - Machiavelli, *Lecture on the first ten of Titus Livius*, ISP, DRITA, Tirana 2000

be found to make it not lead to its opposite. So, a reflection on the concept of the crisis of government as a legislator, should be taken into account by the leader, who constitutes the fate of a republic, it is precisely he who made possible the recovery and the exit from the crisis. Seen in this context, virtue is not found in the citizen masses, but in the statesman, who must have born the virtue of leadership. As a result, Machiavelli is faced with the dilemma of what the Prince should do politically, so that political virtue does not fade or die together with the Prince<sup>33</sup>. But, on the other hand, as the Roman people gained their freedom and returned to work, they made new laws that corresponded to the greatness of civic and virtuous Rome. Theoretically, it has been argued that little by little Rome was finding its peace. But, on the other hand, it seems that the opposite was happening, because every day new inequalities and disturbances and disagreements were being created. Titus Livius informs us about the reason for these riots, which are related to the arrogance of the people and the arrogance of the patricians, at the time when the other side was found and humiliated. But, while the plebeians stayed within their legal boundaries, it was the young patricians who started insulting them, moreover in these cases even the tribunes could not resolve the situation, because they themselves were under the pressure of violence. While, on the other hand, although the patricians saw that the youth was very wild, when it came to power, they wanted it more than the plebeians. In these conflicting conditions that created the political and social life of Rome, it seems to be connected with the great desire for freedom, which made it possible for each party to oppress the other. The way these events take place<sup>34</sup> is such that while people try to calm down, they start harassing others and the insults they make themselves, they put on someone else, "as if it was necessary to insult them or feel insulted".

According to Titus Livius, this was the reason for the depravity of the political and social life of the state. The way people move from one ambition to another is like that Salusian saying, put into the mouth of Caesar "All bad examples have their origin in good starting points". As described above, citizens who have ambitions, in the first place, seek not to be offended, not only by private individuals, but also by magistrates. In order to achieve this, they begin to make friendships, which they start in seemingly different ways, either with the help of money, or by protecting citizens from people in power. Since this method seems honest, it lies to everyone, and therefore it is impossible to have a solution, until the man who has the ambition for power, with persistence and without difficulty succeeds in making the people fear him, while the magistrates respect. Precisely when he has achieved his goal without encountering any obstacles in his selfishness, he reaches a point where, as stated above, it becomes very dangerous to oppose him. The danger lies in the fact that you have to deal with a problem that has become so widespread in the city that the issue is simplified to the point where it must either be extinguished, accompanied by the risk of destruction, or left to its own devices, bringing slavery, until death or some other incident brings liberation. When it comes to this situation that citizens or judges are afraid to accuse him or his friends, it won't be long before they themselves will start to act in his way. Philosophical and historical research leads us to the reflections of "Law and Leadership", in this study Machiavelli admits the difficulty that citizens can reflect too many "natural virtues". But, on the other hand, he seems to hope in civil society, which has the means to let Good Fortune find a leader whose actions, like that of a "Founding Father", will display an inherent quality of virtue. to a high degree. In this context, Machiavelli reasons that, if such cases of virtue appeared every ten years in the dialectic of Rome's history, the result would be indisputable "the city would never be corrupted". It was precisely this virtue, which saw the renewal of the city not through war or the exercise of violence, but that Virtue "would be able to renew the Laws". In these contexts, the result, according to Machiavelli, would be the miracle of a Republic, which would permanently regenerate a body politic capable of avoiding death. Machiavellian deductions seem very dubious also, due to the fact that Virtue reflects generative possibilities up to the possibility of denying the laws of nature as against death, meanwhile nature itself generates iron laws. So, it seems that we are dealing with a kind of absolute assessment of Machiavelli's view of the "Founding Father" when it comes to the relationship<sup>35</sup> with the extinction of corruption, in the social and political body of the city.

<sup>33</sup> - History of institutions, p. 35 "The reform of Lycurgus is the legendary reformer expressed through Eunomis, in the 7th century BC, Lycurgus is the drafter of a constitution called "rehra"

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