Introducing New Orders and Modes: Lessons from Machiavelli

CATHERINE LU*

> [N]othing brings so much honor to a man rising newly as the new laws and the new orders found by him.
>
> Machiavelli, *The Prince*[1]

Simon Chesterman has provided us with a rich discussion of the problems and prospects of United Nations post-conflict reconstruction efforts in a variety of contemporary cases involving violent conflict or widespread political, social and economic dysfunction or collapse. In reading his advice to UN state-builders, I was reminded of another civil servant of the early sixteenth century, a Florentine who gained fame or, more accurately, infamy with the posthumous publication of *The Prince*. My comments will draw on Machiavelli's insights about introducing "new orders and modes"[2] in contexts of post-conflict reconstruction, prompting the question of whether United Nations officials and bureaucrats involved in such endeavours might benefit from having, besides the usual compilation of United Nations reports, protocols and manuals, a copy of Machiavelli's infamous tract on their desks.

The Prince deals explicitly with the founding of new political orders, and Machiavelli notes that "nothing is more difficult to handle, more doubtful of success, nor more dangerous to manage, than to put oneself at the head of introducing new orders."[3] Contemporary cases confirm the normality of failed political foundings; as Chesterman notes, "around half of all countries that emerge from war lapse back into it within five years."[4] Once one appreciates the extraordinary difficulties that attend post-conflict reconstruction processes, and acknowledges that the outcomes of UN peacebuilding efforts through the 1990s have hardly been encouraging, one might be forgiven for asking why the United Nations must assume any role at all in the post-conflict reconstruction of states. Could the UN, for example, defend a policy of nonintervention or abandonment?

This resolution to the problems of post-conflict reconstruction is morally indefensible and practically misguided for several reasons. Morally speaking, it

---

* Assistant Professor of Political Science at McGill University, author of *Just and Unjust Interventions in World Politics: Public and Private* (UK: Palgrave Macmillan, 2006).

1 Niccolò Machiavelli, *The Prince*, 2nd ed. trans. by Harvey C. Mansfield (Chicago: University of Chicago Press, 1998) at 103-104. All subsequent references to Machiavelli are taken from this text.

2 *Ibid.* at 23

3 *Ibid.* at 23

4 Simon Chesterman, "From State Failure to State-Building: Problems and Prospects for a United Nations Peacebuilding Commission," (2006) 2:1 J. Int'l L. & Int'l Rels. (current volume), at 155. All subsequent quotations by Chesterman refer to the article in the current volume.

would be difficult for the United Nations to follow a policy of nonintervention or abandonment without undermining the legitimacy of the society of states itself. This is because state failure, collapse or dysfunction do not just happen overnight; they do not develop in an international social, political or economic vacuum, but typically involve a wide-ranging set of international factors and conditions, such as the historical legacies of colonialism and Cold War politics, or the impact of the global economic structure. The legitimacy of an international order of sovereign states is dependent on how that order deals with state failures and dysfunctions that are not isolated expressions of national deviance, but typically conditions generated or mediated by the development of that international order itself.[5] Furthermore, a policy of leaving failed states or post-conflict societies to fend for themselves would negate the very idea of international society or community, which it must surely be a duty of the United Nations to protect and promote.

Practically speaking, disengagement is not really possible; under contemporary world conditions, the interconnection between international and domestic political structures means that whatever the UN does or does not do will have some impact on any given state's reconstruction efforts. Nonintervention thus ought not to be confused with neutrality with respect to outcomes. This means that the answer to the inadequacies of international agents, institutions and mechanisms for post-conflict reconstruction cannot be that these international efforts can be abandoned, but that they must be *transformed*. The United Nations therefore cannot avoid doing the hard work of developing an account of the appropriate normative framework principles for post-conflict reconstruction, of devising the appropriate international institutions, and of cultivating the right kinds of international and domestic state-builders, to assist societies emerging from state failure, collapse or dysfunction.

Machiavelli supports active engagement as expressive of an ideal of human autonomy, arguing that while it may seem that human affairs are wholly slave to chance, in order "that our free will not be eliminated, I judge that it might be true that fortune is arbiter of half of our actions, but also that she leaves the other half, or close to it, for us to govern."[6] He likens fortune to

> one of these violent rivers which, when they become enraged, flood the plains, ruin the trees and the buildings, lift earth from this part, drop in another … And although they are like this, it is not as if men, when times are quiet, could not provide for them with dikes and dams so that when they rise later, either they go by a canal or their impetus is neither so wanton nor so damaging. It happens similarly with fortune, which demonstrates her power where virtue has not been put in order to resist her and therefore

---

5 For more on this theme, see my forthcoming book: Cathering Lu, *Just and Unjust Interventions in World Politics: Public and Private* (UK: Palgrave Macmillan, 2006).

6 *Supra* note 1 at 98.

> turns her impetus where she knows that dams and dikes have not been made to contain her.[7]

In a Machiavellian spirit, we would acknowledge that while there can be no guarantee for successful outcomes, the United Nations, with the aid of its member states and global civil society organizations, must nevertheless assume responsibility for helping to build the dikes and dams—or background principles, conditions and contexts—that would alleviate the worst effects of state failure or dysfunction, and positively facilitate the development of "responsive, robust, and resilient" domestic agents and structures of governance in the reconstruction phase.[8]

In his advice to those engaged in the risky business of building new orders and modes, Chesterman echoes Machiavelli in emphasizing the "importance of local context—history, culture, individual actors."[9] Knowledge of the local culture, history and dynamics of power[10] and "understanding, sensitivity and respect for local traditions and political aspirations"[11] are crucial for effective transitional administration. This emphasis on context leads both Chesterman and Machiavelli to warn against the idea that one can devise sure-fire strategies of state-building that would fit all cases. Indeed, one would be disappointed if one looked to *The Prince* for lessons in the form of step-by-step guidelines for producing successful political outcomes. Although the work is full of generalized prescriptions and draws on rich historical examples, the astute reader notices that *The Prince* cannot be read to offer a point-by-point manual for state-building, since much of the advice turns out to be inconsistent.[12] There is no recipe that can guarantee political success—indeed, according to Machiavelli, no political actor should "ever believe that it can always adopt safe courses; on the contrary, it should think it has to take them all as doubtful."[13] Similarly, Chesterman warns that his discussion of strategy "should not be misunderstood as suggesting that there is some template for governance that can be applied across cases."[14] A reliance on familiar templates or signifiers of legitimate and accountable government, such as elections and criminal prosecutions, without an appreciation of the local context and background conditions, leads too often to hollow achievements. Thus Chesterman notes that "staging elections in conflict

---

7 *Ibid.* at 98-99.

8 *Supra* note 4 at 175.

9 *Supra* note 1 at 2.

10 *Ibid.* at 7.

11 *Ibid.* at 12.

12 See also Angelo M. Codevilla, "Words and Power," in Machiavelli, *The Prince*, trans. by Codevilla (New Haven: Yale University Press, 1997), at xxvii.

13 *Supra* note 1 at 91.

14 *Supra* note 4 at 168.

zones has become something of an art form, though more than half a dozen elections in Bosnia have yet to produce a workable government."[15]

A contextualist approach to problems of state-building naturally also draws attention to the gaps between professed ideals and experienced realities. In this vein, Chesterman argues that instead of "grand theories", the UN needs "workable strategies and tactics,"[16] and "that a realistic assessment of power is necessary to formulate effective policies rather than effective rhetoric."[17] This focus on effectiveness of course reminds us again of Machiavelli's demand for "effectual truth", and his criticism that "many have imagined republics and principalities that have never been seen or known to exist in truth; for it is so far from how one lives to how one should live that he who lets go of what is done for what should be done learns his ruin rather than his preservation."[18] Chesterman similarly counsels against setting unrealistic and locally unsustainable goals: "Often it will not be possible—even if it were desirable—to transform a country over the course of eighteen months into, say, Canada. Instead, perhaps the most that can be hoped for is to create the conditions in which a vulnerable population can start a conversation about what kind of country they want theirs to be."[19]

One of the necessary background conditions emphasized by both Chesterman and Machiavelli is security. Although the ideal state may be characterized by its adherence to democratic procedures, human rights, the rule of law, and the provision of social services, no meaningful political development towards this ideal is possible in the absence of security. Chesterman argues that the UN needs to develop "a rapidly deployable civilian police capacity," warning that the problem of lack of troop commitment, or policing commitment, makes all other efforts much more doubtful of reaching their mark. Similarly, Machiavelli argued that "all the armed prophets conquered and the unarmed ones were ruined."[20] The point here is not that overwhelming force can dictate political success, but that nothing can be achieved without it.

Machiavelli's emphasis on the importance of power and his critique of moral idealism account for popular portrayals of him as a cynical realist who dismissed the practical relevance of all moral constraints and glorified the nearly unbridled pursuit of power. The civil servant, who was himself tortured after a regime change, most infamously discussed "cruelties badly used or well used,"[21] and declared that "it is necessary to a prince, if he wants to maintain himself, to learn to

---

15 *Ibid.* at 165.

16 *Ibid.* at 167.

17 *Ibid.* at 175.

18 *Supra* note 1 at 61.

19 *Supra* note 4 at 174.

20 *Supra* note 1 at 24.

21 *Ibid.* at 37.

be able not to be good, and to use this and not use it according to necessity."[22] Furthermore he seems to show no respect for the rule of law in arguing that a "prudent lord … cannot observe faith, nor should he, when such observance turns against him, and the causes that made him promise have been eliminated."[23] Interestingly, Chesterman finds this Machiavellian advice being followed in some contemporary cases: "the international missions in Bosnia and Kosovo subscribed to the vast majority of human rights treaties and then discovered *raisons d'état* that required these to be abrogated."[24] Does Machiavellian realism necessarily lead to the forfeiture of all moral ideals and principles?

I think this conclusion is unsupportable if one reads Machiavelli as a moral contextualist, rather than a moral cynic. His arguments in *The Prince* pertain to political action in the highly nonideal circumstances that define moments of political founding. Theorizing in a nonideal context must pay attention to effectiveness and the consequences of policies. It is striking that John Rawls, the most distinguished liberal political philosopher of the twentieth century, draws similar conclusions in his account of the role of nonideal theory. According to Rawls, although ideal theory articulates our ultimate aims and goals and thereby provides a reference point for nonideal theory, the latter "asks how this long-term goal might be achieved, or worked toward, usually in gradual steps. It looks to policies and courses of action that are morally permissible and politically possible as well as likely to be effective."[25] Echoing Machiavelli, Rawls argues that the challenge of establishing just or decent domestic political institutions "calls for political wisdom, and success depends in part on luck," and that it is "essentially a matter of political judgment and depends upon a political assessment of the likely consequences of various policies."[26]

The importance of political judgement draws our attention to the agents of political change. Chesterman observes that in contexts of post-conflict reconstruction, "the remedy will depend upon variables that are political rather than institutional."[27] In the nonideal circumstances of post-conflict reconstruction, that are mainly defined by weak, defective or inoperable institutions, the virtues and defects of individuals assume greater political significance. Rawls thus describes the "ideal of the statesman": "the statesman is an ideal, like that of the truthful or virtuous individual." Statespersons "manifest strength, wisdom, and courage," and "guide their people in turbulent and dangerous times."[28] The ideal of the

---

22 *Ibid.* at 61.

23 *Ibid.* at 69.

24 *Supra* note 4 at 165.

25 John Rawls, *The Law of Peoples* (Cambridge, Mass.: Harvard University Press, 1999), at 89.

26 *Ibid.* at 93.

27 *Supra* note 4 at 157.

28 *Supra* note 25 at 97.

statesperson, according to Rawls, includes "moral elements."[29] Such a leader must look to safeguarding the permanent legitimate interests of a well-ordered people, and be guided by the overall aim of bringing about "a world in which all peoples accept and follow the (ideal of the) Law of Peoples."[30] Even on Rawls' account, however, cruelty, in the form of direct bombings of civilians in times of war, may be well-used, if it is necessary to defeat a greater evil.[31] It is in this spirit that one should interpret Machiavelli's advice on cruelty; acutely aware of the dangers of all political action in turbulent times, he observes, "in the order of things it is found that one never seeks to avoid one inconvenience without running into another; but prudence consists in knowing how to recognize the qualities of inconveniences, and in picking the less bad as good."[32]

To recognize accurately the "qualities of inconveniences," the astute political leader must also be able to gather accurate information about the local context. Machiavelli observes that a wise prince must avoid flatterers, and "should be a very broad questioner, and then, in regard to the things he asked about, a patient listener to the truth; indeed, he should become upset when he learns that anyone has any hesitation to speak it to him."[33] In a similar vein, Chesterman argues that the UN Peacebuilding Commission must be "able to speak truth to power: unless the commission (or the proposed Peacebuilding Support Office) is able to advise the Security Council against dysfunctional mandates or unrealistic strategies it will not fulfil its lofty aspirations."[34]

By now it should be apparent that sensitivity to context must translate into a degree of versatility in the ideal state-builder. Machiavelli observes that political founders typically come to ruin because they do not change their "mode of proceeding."[35] The Machiavellian prince must "know well how to use the beast and the man," and how to use different beasts, such as the lion and the fox.[36] In effect, the skilful political leader must have a versatile nature, and be able to adapt to changing contexts, but according to Machiavelli, few leaders may

> be found so prudent as to know how to accommodate himself to this [variability], whether because he cannot deviate from what nature inclines him to or also because, when one has always

---

29 *Ibid.* at 98.

30 *Ibid.* at 89.

31 Rawls is highly critical of the bombing of Dresden in February 1945, and the fire-bombing of Japanese cities and atomic bombings of Hiroshima and Nagasaki (*supra* note 25 at 99-101).

32 *Supra* note 1 at 91.

33 *Ibid.* at 95.

34 *Supra* note 4 at 172.

35 *Supra* note 1 at 100.

36 *Ibid.* at 69.

> flourished by walking on one path, he cannot be persuaded to depart from it. And so the cautious man, when it is time to come to impetuosity, does not know how to do it, hence comes to ruin: for if he would change his nature with the times and with affairs, his fortune would not change.[37]

Thus "when fortune varies and men remain obstinate in their modes, men are happy while they are in accord, and as they come into discord, unhappy."[38]

It is an open question whether the modern bureaucratic culture in which United Nations officials are embedded—with its standard operating procedures and institutional constraints—is capable of producing the great statespersons that Rawls, Machiavelli and Chesterman all recognize are needed for successful political action in turbulent times of transition.[39] Rawls argues that the "failure of statesmanship rests in part on and is compounded by the failure of the public political culture."[40] Although he is more concerned with failures that involve the neglect of moral constraints in times of war, his arguments about the importance of contextual political judgment in nonideal conditions could also support a critique of the insensitivity to context produced by the excessive rigidity of procedures and norms that characterizes modern bureaucratic institutions.

Machiavelli makes clear that political foundings constitute the most difficult and thereby the greatest of political achievements: "When these things have been founded well and have greatness in them, they make [the founder] revered and admirable."[41] The Machiavellian prince is driven not only by instincts of survival, but also by the desire to achieve such glory. Perhaps the United Nations, in taking on the tasks of post-conflict state-building, seeks some of that glory. In contemporary world conditions, as Chesterman has observed, successful state-building requires the joint coordinated efforts of international and domestic actors, not to mention global civil society actors; thus, the pursuit of such glory cannot be a zero-sum game. Of course, Chesterman is right that states "cannot be made to work from the

---

37 *Ibid.* at 100.

38 *Ibid.* at 101.

39 I thank Rory Stewart for bringing out this point.

40 *Supra* note 25 at 102.

41 *Supra* note 1 at 104.

outside,"[42] and that international actors are never sufficient for establishing legitimate and sustainable domestic institutions. Still, it may seem that even to play its supportive role effectively, the United Nations will need its share of Machiavellian princes.

---

42 *Supra* note 4 at 175.