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MACHIAVELLI'S CONCEPTUALIZATION OF HEGEMONY AND POWER IN RELATION WITH INTERNATIONAL LEGAL THOUGHT

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Abstract: *In this paper, the conceptualizations of the power and hegemony of Machiavelli are discussed based on the formation of international legal thought and international order. These conceptualizations are analyzed based on Machiavelli's pieces, the Prince and Discourses which were written by Machiavelli between 1512-1517. Machiavelli studied these concepts to search for unity and order as a solution to devastating conflicts. One of the most important characteristics of Machiavelli in his political understanding depends on his transcendence of the period he had lived. In his thinking and conceptualization, he used the observation method and followed up his experiences. Despite his usage of observation, methodology and experiences in the production and configuration of his basic concepts, he introduced and configured political concepts in differently from the existing circumstances of his period. In Machiavelli's conceptualization of power and hegemony, it is seen that the prevention of the eruption of conflict is the goal. In this paper, whether Machiavelli's*

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conceptualization of power and hegemony provides a framing of international legal thought as a basis for the formation of an acceptable international legal order is discussed.

Keywords: *Machiavelli, hegemony, power, order, law, international legal thought.*

MACHIAVELLI'NİN HEGEMONYA VE GÜÇ KAVRAMSALLAŞTIRMASININ ULUSLARARASI HUKUK İLE İLİŞKİSİ

Öz: *Bu çalışmada, Machiavelli'nin güç ve hegemonya kavramsallaştırmaları, uluslararası hukuk düşüncesinin ve uluslararası düzenin oluşumu temelinde tartışılmaktadır. Bu kavramsallaştırmalar, Machiavelli'nin 1512-1517 yılları arasında kaleme aldığı Prens ve Söylevler adlı eserleri temel alınarak analiz edilmektedir. Machiavelli bu kavramları, yıkıcı çatışmalara bir çözüm olarak birlik ve düzen aramak amacıyla incelemiştir. Machiavelli'nin siyaset anlayışındaki en önemli özelliklerinden birisi yaşadığı dönemi aşan önermeler ortaya koymasıdır. Machiavelli, düşünme ve kavramsallaştırma sürecinde, gözlem yöntemini kullanmış ve deneyimlerini takip etmiştir. Temel kavramlarını üretirken ve yapılandırırken gözlem metodolojisini ve deneyimlerini kullanmasına rağmen, siyasi kavramları döneminin mevcut koşullarından farklı bir şekilde ortaya koymuş ve yapılandırmıştır. Machiavelli'nin güç ve hegemonya kavramsallaştırmalarında, olası çatışmaların önlenmesinin amaç olduğu görülmektedir. Bu makalede, Machiavelli'nin güç ve hegemonya kavramsallaştırmalarının, kabul edilebilir bir uluslararası hukuk düzeninin oluşturulması için bir temel olarak uluslararası hukuk düşüncesine bir çerçeve sağlayıp sağlamadığı tartışılmaktadır.*

Anahtar Kelimeler: *Machiavelli, hegemonya, güç, düzen, hukuk, uluslararası hukuk düşüncesi.*

Introduction

Order is one of a crucial component for a society and its social cohesion. In the formation of order in a society, power and hegemony are complementary elements and interrelated concepts. They are conceptualized according to time and space. In other words, time and the conditions of the space with the characteristics of the entities are key concepts in the configuration of hegemony and power. Therefore, even though they have common meanings for various kinds of entities, practice of the power and hegemony may differ. Machiavelli introduced a different kind of conceptualization about power and hegemony during his period, which can be addressed as the basis for the international legal thought. As a result of his new dimensional perspective, he is also named as the establisher of power politics and diplomacy in international relations. He made his analysis according to his observations and moreover, his experiences had an important part in his conceptualizations. His method in his conceptualization is based on synthesizing of his observations and experiences.

In this paper, the conceptualizations of the power and hegemony of Machiavelli will be discussed based on the formation of the international legal thought and international order. Machiavelli studied these concepts under the aim of searching for unity and order as a solution to devastating conflicts. These conceptualizations will be analyzed based on Machiavelli's pieces, the *Prince* and *Discourses*. They were written by Machiavelli between 1512-1517, when he was forced to keep away from the politics.¹ Therefore, these two pieces are complementary with each other. In this paper, whether Machiavelli's conceptualization of power and hegemony provides a framing of international legal thought as a basis for the formation of an acceptable international legal order will be discussed. Under this purpose, first an overview of the period and Machiavelli's understanding will be emphasized. Then main points of Machiavelli, in his conceptualizations on power and hegemony will be underlined. After that section, the conceptualizations on power and hegemony will be analyzed and discussed by their relationship with international legal thought and international order.

¹ Arnhart, Larry. *Siyasi Düşünce Tarihi: Plato'dan Rawls'a*, (Ankara: Adres Yayınları, 2004), p.165

An Overview of the Period and Machiavelli's Understanding

Machiavelli wrote his pieces the *Prince and Discourses* after in a period, he had gained experience in political life and when he was arrested. In the *Prince*, a more individualistic perspective in his narration has turned into a collectivistic perspective in the *Discourses*. How to rule and how the ruler should be, are the main concerns of Machiavelli in his pieces. In the *Prince* Machiavelli defines the characteristics of a ruler who will hold the power to unite and to sustain peace for the state. Therefore, as the prince, the ruler should have virtue in the first instance, then in certain cases he should act according to circumstances as a fox or lion. The *Prince* was produced on the basis of “the whole intention of securing a man strong enough to establish the common good of the Italian people.”² His belief about one man can have the virtue to be the prince is problematic because of his contradictory position with the public and public's free freedom. Nevertheless, Machiavelli observes that the fragmented structure of Italy leads to devastating conflicts and despotism. Therefore, he conceptualizes a prince who has the strong skills to bring people together and prevent the eruption of conflicts. This thought derives from an idealization of a person who can bring the fragmented units together and establish the unity. For this success, according to him the prince should have the virtue, which will be the reason for the willingly obedience of the public. Virtue is the key asset at all levels of a republican society.³ The prudent organizer who uses his practical reason based on everyday conduct and action will govern for the common good. In the *Discourses*, common good is again a core concept. He indicates the importance of the establishment of the common good understanding to reach a coherent society that develops the ability to live together in peace. When these two pieces are analyzed together, it can be said that the ruler who has the virtue is the provider for republicanism, which is essential for sustaining the common good of a society in order to live in peace and preserve their existence.

Then based on loyalty, public authority can be sustained, which will result with the order. For him unity will be the key factor for the

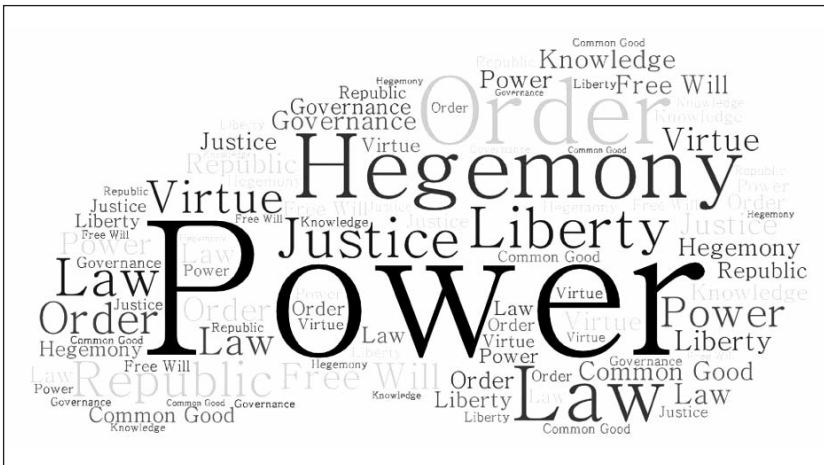
2 McCoy N.R., Charles. *The Place of Machiavelli in the History of Political Thought*, The American Political Science Review, Vol.37, No. 4, (American Political Science Association, 1943), p.630

3 Wood, Neal. *The Value of Asocial Sociability: Contributions of Machiavelli, Sidney and Montesquieu*, in Machiavelli and the Nature of Political Thought, ed. Martin Fleisher (New York: Atheneum, 1972), p.295

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prevention of the conflicts. From these points, it can be understood that his conceptualization of a prince depends on the ultimate purpose, which is the survival of the city-states that will result with the unity of Italy. Prince who has the ability to establish and execute the political institutional framework as a result of his virtue will work for sustaining the order in order to establish the common good. There is the idea of coercion over the public, but the use of this coercion derives from the consent of the public. When Machiavelli's vocabulary is analyzed, his main concepts are shaped based on politics, republic/republicanism, governance, liberty, common good, free will, law, hegemony, power, justice, virtue, knowledge, and order.

Graphic-1. Vocabulary of Machiavelli in the *Prince* and the *Discourses*⁴



His governance idea depends on sustaining peace and development based on justice. Justice is a vital concept for Machiavelli. He is against the position of the noble class being above the law. According to him, existence of the noble class in the political system is the reason why republicanism cannot exist. This existence also violates the concept of justice for him. As a result of having the chance of being superior to the others only because of being born into aristocracy is one of the most important reasons that has the high potential to result with conflict.

⁴ Graphic is prepared by the author.

Hence, based on his justice understanding, while he is formulating a ruler's characteristics, he also introduces the concept of the virtue which is about the acceptance of a ruler's authority by everyone. Based on this understanding he emphasizes that the prince should have the virtue to be the ruler. Ruler is the one who will prevent the occurrence of anarchism that is the most devastating threat against everybody's freedom.⁵ As a result of the virtuous characteristic of the prince, Machiavelli underlines that the ruler will aim the unity of his state and its development through preserving the free will of the individuals and common good. As Machiavelli defines the aspects of the ruler, he also describes the characteristics of the citizens, as well. He indicates that a citizen should not be corrupt, because corruption represents the ambition of the individual, which will violate the common good understanding, and which will lead to the conflict.

Based on sustaining the common good and a coherent political life for the society, Machiavelli states that republicanism is the best option. Republic is the mechanism, which sustains a free way of life and promote the common good according to Machiavelli. He frames republic as the guarantor of the law, which will shape the society based on justice, equality, and freedom. Hence, according to Machiavelli, by this way a society can hold the common ground based on their interests. Common ground for every individual's average interest can be sustained because in the first instance everybody will aim the avoidance of internal divisions. It can be observed that Machiavelli's republican idea derives from the historical developments of his period. One of the most seen aspects of his understanding of republicanism depends on the 12th century. His conceptualization of the republican idea derives from the 12th century because this was the period when the evolution of the republican thought had been started. One of the most important contributors for the uprising of this understanding derives from the developing of the urban life. During this period, system had not been established based on lordship and the hereditary rule, which nourished the republican kind of understanding. According to this republican way of ruling, there were rulers who hold the supreme power over the citizens, but their duty period was restricted with a certain period, which emphasized that their power was limited. Furthermore, the public servants were elected by the commune. With the beginning of the 15th

5 Skinner, Quentin. "Machiavelli's Discorsi and the Pre-Humanist Origins of Republican Ideas", in Gisela Bock, Quentin Skinner and Maurizio Viroli (eds.), Machiavelli and Republicanism, (UK: Cambridge University Press, 1990), p.135

century, in Florence self-governing republicanism and a constitutional character were established.⁶ However, during this period despite the existence of republicanism, there was also the influential effect of the Medici family in the political life.

In the 15th century, one of the most crucial turmoil in Florence erupted with the attempt for the transformation of Florence into a Christian Republic.⁷ After the prevention of this attempt, Machiavelli had the chance to have a diplomatic duty in the state affairs, which also created the chance for him to observe the rulers of the period.⁸ As a result of his political occupation, in his conceptualization of the political life theoretically, it can be seen that his methodology based on observation and extracting from his experiences. Historical developments of the period emphasized that Machiavelli's diplomatic efforts were mainly shaped based on the preservation of the sovereignty of Florence from the French and Italian intervention. With the Spanish invasion of Italy, Florence Republic had collapsed, and the Medici family returned to the political arena, which resulted with Machiavelli's removal from his duty.

Another crucial characteristic of the period was the subjectification of the individual. Individual was perceived as the subject of the system. Therefore, especially during the 15th and 16th centuries, it seen that in political thinking, individual was at the core in the conceptualization of the ideas and events. Individual as the subject of the system was conceptualized based on the logic of freedom. These developments were the influential key points in Machiavelli's conceptions of power and hegemony. In his understanding of power and hegemony, it can be observed that individual is positioned at the center and in this thinking, freedom and the free will of the individual are established as the key points in the configuration of power and hegemony. However, this individual perspective is for underlining the ability to create a state based on the common good through having the ability to live as a community. Hence, in order to understand how Machiavelli frames common good and stability in a community and in a state through

6 Skinner, Quentin. "Machiavelli's Discorsi and the Pre-Humanist Origins of Republican Ideas", in Gisela Bock, Quentin Skinner and Maurizio Viroli (eds.), *Machiavelli and Republicanism*, (UK: Cambridge University Press, 1990), pp. 121-122, 128-129

7 Arnhart, Larry. *Siyasi Düşünce Tarihi: Plato'dan Rawls'a*, (Ankara: Adres Yayınları, 2004), p.166

8 Ibid, p.166

preventing conflicts, his conceptualizations of power and hegemony should be focused on.

Machiavelli's Conceptualizations on Power and Hegemony

Machiavelli's conception of power and hegemony derives from the concern of how the Italian territorial unity can be restored.⁹ The other point in his conceptualization depends on the questioning of the circumstances in which the enemies are the main actors in the configuration of the policies. The ultimate aim of Machiavelli is the prevention of the anarchy; hence his conceptualization of power and hegemony is configured according to this purpose. Under these considerations, his words; "After a strong prince, a weak prince may maintain himself: but after one weak prince no kingdom can stand a second"¹⁰ emphasize in what extent Machiavelli conceptualizes the ruler and his scope in the use of power and hegemony.

Another crucial point in his conceptualization of power and hegemony depends on the rejection of the divine rule's hegemony over the individual and also prevention of the use of religion as a power mechanism towards citizens. He states that;

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...in the aid of religion as essential to the maintenance of civil society, and gave it such a form, that for many ages God was nowhere so much feared as in that republic. The effect of this was to render easy any enterprise in which the senate or great men of Rome thought fit to engage. And whosoever pays heed to an infinity of actions performed, sometimes by the Roman people collectively, often by single citizens, will see, that esteeming the power of God beyond that of man, they dreaded far more to violate their oath than to transgress the laws.¹¹

In this rejection, the importance of the knowledge in the use of power and hegemony comes into surface as well. Machiavelli states that knowledge creates the possibility for the ruler to transcend his time. As a result of the knowledge, the prince will not be bound with the practice

9 Foucault, Michel. *Governmentality*, in *The Foucault Effect: Studies in Governmentality*, ed. Graham Burchell, Colin Gordon, and Peter Miller, (Chicago: Chicago University Press, 1991a), p.88

10 Machiavelli, Niccolo. *Discourses on the First Decade of Titus Livius*, (EBook, #10827), p.36

11 *Ibid*, p.26

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and opinion of the present.¹² By this way, knowledge is the key for the ruler to rule and hold power and hegemony. In addition, this knowledge should also contain the nature of the people. Machiavelli underlines that a prince should know the nature of the people as well as he should be aware of his nature. Therefore, it can be observed that Machiavelli establishes a direct relation between power and knowledge; knowledge is the tool to reach and preserve the power and the ruler who has the knowledge will be strong and has the ability to hold the power.

The other vital point in Machiavelli's conception of power and hegemony is related with his concept of 'military citizenship'. He aims to prevent the perception of the army image as an obligatory mechanism. He conceptualizes a civil military. As an internalized identity concept, military should not be perceived as a power mechanism over the individuals. There should be the consent of the citizens to be the part of the army, and this will prevent the hegemonic overview of the army as a mechanism that is used over the individuals. He indicates that internalization of military is not the sole duty of the public. The prince should carry this duty as well, through providing an environment in which the public can voluntarily internalize the military duty. Machiavelli elaborates this understanding as;

A new prince has never been known to disarm his subjects, on the contrary, when he has found them disarmed, he has always armed them, for by arming them these arms become your own, those that you suspected become faithful and those that were faithful remain so, and from being merely subjects become your partisans. ... therefore, a new prince in a new principality always has his subjects armed.¹³

Machiavelli has an individualistic point of view, and his individual conception is established based on citizenship. The conflicts between the city-states led him to produce an understanding, in which the military duty should not depend on money, but it should function according to the loyalty of the citizens. According to him, citizens should take the responsibility of their freedom and therefore military occupation should be done voluntarily. This understanding derives from his emphasis about the establishment of the states. According to him, states can be established by the free individuals or by the colonizers. For

12 Fontana, Benedetto. *Hegemony and Power: On the Relation Between Gramsci and Machiavelli*, (London: University of Minnesota Press), p.97

13 Ibid, p.138

Machiavelli, free individuals should establish their own states. He sets up a direct relationship between the individual freedom and the existence of the state. Therefore, as the establishment of a state by the free will of an individual, protection of the existence of the state should not be perceived as a mandatory duty, according to Machiavelli.

Based on these key points, it can be understood that Machiavelli's idea about the public to be the prince emphasizes not the hegemony of the ruler over the public but the hegemony of the public over themselves. This also underlines the individualistic perspective of Machiavelli. He conceptualizes power on the basis of will, organization and institution. However, this individualistic perspective depends on collectivity. While Machiavelli emphasizes that each individual's consent in the exercise of power and hegemony are important, on the other hand he indicates that in practice instead of individuality, collectivity should be sustained. He underlines that people are weak individually, but they are strong collectively and being strong has an utmost importance for the preservation of the existence of a state for Machiavelli.

Ruler has the power, but this power is for serving the public. Ruler's power based on sustaining the common good instead of the individual good. "Government is no longer to be in the private interest of the rulers but in the general interest of the governed."¹⁴ Common good represents the state affairs "where all the subjects without exception obey the laws, accomplish the tasks expected to them ... and respect the established order."¹⁵ Under the rule of the prince, which is regulated through republicanism, every political act must be open to verification by the public¹⁶ that indicates the limits of the ruler on the basis of his ability to use the power. The ultimate aim of the state is the protection of the man; therefore, power and hegemony are the concepts that are used for reaching this purpose. Machiavelli defines power as; "power which keeps men united and of good courage, which is of itself the chief condition of success."¹⁷

14 Maihofer, Werner. "The Ethos of the Republic and the Reality of Politics" in in Gisela Bock, Quentin Skinner and Maurizio Viroli (eds.), Machiavelli and Republicanism, (UK: Cambridge University Press, 1990), p.287

15 Foucault, Michel. *Governmentality*, in The Foucault Effect: Studies in Governmentality, ed. Graham Burchell, Colin Gordon, and Peter Miller, (Chicago: Chicago University Press, 1991a), pp.94-95

16 Maihofer, Werner. "The Ethos of the Republic and the Reality of Politics" in in Gisela Bock, Quentin Skinner and Maurizio Viroli (eds.), Machiavelli and Republicanism, (UK: Cambridge University Press, 1990), p.291

17 Machiavelli, Niccolo. *Discourses on the First Decade of Titus Livius*, (EBook, #10827), p.169

In Machiavelli's power understanding, power is the tool of the prince who has the virtue in order to limit the ambitions of the men.¹⁸ Otherwise man has the impulse to follow his own interests through neglecting the common good. Power conceptualization of Machiavelli can be also understood on the basis of his ambition understanding, which is according to him is inherent in the men. He emphasizes that; "Men climb from one step of ambition to another, seeking at first to escape injury and then to injure others."¹⁹ According to Machiavelli, people are unstable and unreliable. Hence, from that point of view ambition cannot be restricted by reason and it can be limited only by power and hegemony.²⁰ Therefore, there is need for a ruler who has the virtue. Machiavelli makes a differentiation between the public and the prince based on the concept of the virtue. He states in the *Discourses* that;

The difference (in the conduct between the princes and the people) is not due to any difference in their nature (for that is the same, and if there be any difference for good, it is on the side of the people); but to the greater or less respect they have for the laws under which they respectively live. ... The excesses of the people are directed against those whom they suspect of interfering with the public good; whilst those of princes are against apprehended interference with their individual interests.²¹

He grants the hegemony to the popular rule instead of the princes. On the other hand, he underlines the importance of a strong state, which can be reached through preserving the interest and sentiment of the subjects to the master.²² Hence, the hegemony of a state and power of a prince should be sustained over the people. According to Machiavelli, this will refrain a state to become the slave of the foreigners. This kind of hegemony and power is associated for the common good and interest of the society in overall sense. Machiavelli also points out that power

18 Fleisher, Martin. "A Passion for Politics: The Vital Core of the World of Machiavelli" in Machiavelli and the Nature of Political Thought, Martin Fleisher ed. (New York: Atheneum, 1972), pp.125-126

19 Machiavelli, Niccolo. *Discourses on the First Decade of Titus Livius*, (EBook, #10827), p.59

20 Fleisher, Martin. "A Passion for Politics: The Vital Core of the World of Machiavelli" in Machiavelli and the Nature of Political Thought, Martin Fleisher ed. (New York: Atheneum, 1972), p.128

21 Fontana, Benedetto. *Hegemony and Power: On the Relation Between Gramsci and Machiavelli*, (London: University of Minnesota Press), p.128

22 Chabod, Federico. "An Introduction to the Prince" in Machiavelli and the Renaissance, trans. David Moore, Harper Torchbooks TB 1193 (New York: Harper and Row, 1965), p.505

provides the order. This order, which is established and preserved based on common sense for the sake of the common good, is the origin for the commonality of the public. This commonality creates a particular character for each society. Machiavelli defines this phenomenon as; “That men born in the same province retain through all times nearly the same character.”²³ This same character is also the basis for the commonality of a group of people. Furthermore, this character also represents the historical ground of a community, which is the basic reason for staying together for the individuals and to preserve this commonality.

Moreover, in Machiavelli’s hegemony conceptualization, it can be observed the traces of educational relationship. He emphasizes that; “Every relationship of hegemony is necessarily an educational relationship.”²⁴ Hegemony as a dynamic phenomenon contains educational relationship, which transforms the individual on the basis of being a citizen. Power of the hegemony and its continuity depend on the conceptualization that “hegemony is the proliferation and universalization of the interactive and reciprocal relation.”²⁵ This educational relationship is also nourished from the common history, which is the substitute of the same character of a community.

There is a line between the power of the prince and any other form of power based on a continuity. Gramsci defines this line as upwards continuity. According to Gramsci; “Upwards continuity means that a person who wishes to govern the state well must first learn how to govern himself, his goods and his patrimony, after which he will be successful in governing the state.”²⁶ According to Machiavelli’s understanding, the prince is the one who will assure this upward continuity. This power conceptualization can be interpreted as an art of government as Gramsci formulates. Based on Machiavelli’s conceptualization of the power, it is seen that power is interpreted as an organic issue. It has a continuity, and it has an effectual extent. Gramsci elaborates this as; “What is visible in Machiavelli’s state is not the character of power, but rather its effectual extent. With this difference

23 Machiavelli, Niccolo. *Discourses on the First Decade of Titus Livius*, (EBook, #10827), p.179

24 Fontana, Benedetto. *Hegemony and Power: On the Relation Between Gramsci and Machiavelli*, (London: University of Minnesota Press), p.107

25 Ibid, p.130

26 Foucault, Michel. *Governmentality*, in *The Foucault Effect: Studies in Governmentality*, ed. Graham Burchell, Colin Gordon, and Peter Miller, (Chicago: Chicago University Press, 1991a), p.91

we are on the way toward defining the state by its territory and people.”²⁷

From this point, the difference between power and force in Machiavelli's conceptualizations can be observed, as well. Power contains consent and coercion together. However, coercion does not represent or internalize the use of force over the public. Power is a mechanism that is divergent from the concept of force in the sense that power is the provider for the political order through absorbing the free will of the individuals. Hence, Machiavelli's conceptualization of the power does not contain force. In other words, force is not a tool for attaining power. There is no need for force in the establishment of the power because power is constituted on the basis of the free will of the individuals instead of force relations. Another explanatory variable for understanding the difference between power and force also depends on the understanding of the difference. According to Machiavelli, power is the tool for sustaining and preserving the order. Therefore, the system should protect the differences of the individuals, which underlines power as a concept that is the provider of the differences. On the other hand, force acts based on the domination over the differences. In this sense domination works in a codified fashion.

Another dimension between power and force is shaped based on the subject. In power, subject is at the center. Nevertheless, in force because of its containment of the violence, there can occur the loss of the subject. Violence is a threat to the subject by its ability to replace the subject based on its various ways of representations over people. In power, there is the recognition of the individual, on the contrary in violence subject is perceived as an object, which can be annihilated when it is seen necessary. In power relations, there is not risking life, however when there is violence, then there is the inevitable case of risking life. Furthermore, force creates and nourishes the asymmetry, while power aims the establishment of the common good on the basis of providing an arena where each individual can represent himself under the same conditions. Even though, it can be argued that with the ability of the prince to hold the power, there occurs an asymmetry, for Machiavelli this does not represent an asymmetry. Prince holds the power for sustaining a common ground for preserving the common

27 Mansfield C., Harvey. *On the Impersonality of the Modern State: A Comment on Machiavelli's Use of Stato*, The American Political Science Review, Vol.77, No.4, (American Political Science Association, 1983), p.854

good, which contains symmetry in itself. In other words, symmetry is established under the auspices of the asymmetry between the prince and the public.

Extent of power is another issue that Machiavelli underlines. As a restricted tool of the prince, power is used by him to coerce in certain and necessary conditions. The prince has the right to coerce the citizen using power. This coercion ability of the prince does not represent the sole hegemony of the ruler. This coercion is used by the ruler for the sake of the public, that's why the use of power is not individualistic and cannot be configured as favor for the ruler's own interests. The aim of the ruler is to sustain peace and order with providing development for his state. Therefore, for achieving this aim, which is good for everyone, in this sense the ruler can use power over the public in favor of the public. This use of power does not represent the despotic domination of the ruler. Since, according to Machiavelli the ruler has the virtue, which will detain him to use his power capability over the public in an arbitrary sense. Nonetheless, the ruler's capability to hold the power and hegemony over the public does not mean the sole hegemony of the ruler over the others. Because the ruler is limited by the free will of each individual and the law. According to Machiavelli, power of the ruler is essential for keeping the people under control from their potential instincts for hurting each other. In other words, ruler is the one who uses his power for exercising the law.

Based on Machiavelli's separation of the public and the private life, the ruler is restrained by the obligation, which depends on refraining from the intervention to the private life of the individuals. Hence, the ruler does not have an unlimited power and hegemony over the rest of the others. His virtue is the differentiating aspect of him from the others to have the chance and the ability to use power over the others as a control mechanism. The ruler can be named as the order provider. As a result of the virtue of the prince, Machiavelli underlines that the prince will not attempt to use his power capability over the public.

In Machiavelli's conceptualization of power and hegemony, as the essential mechanism, republican idea has an important place in the understanding of the scope of the power and hegemony. Machiavelli's being favor of republicanism also derives from the idea that it is established based on preserving the differences of the citizens in order to sustain the order through the common will of the individuals, which will contribute to the longstanding of the state. The survival and the

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development level of a state is the utmost concern for Machiavelli. According to him, this can be achieved through providing a suitable environment and a system based on the common good. Hence, power is the essential tool for reaching a republican governing style and its continuity with its preservation.

As it can be observed, Machiavelli's power understanding shapes his hegemony conceptualization. Hegemony conception of Machiavelli is dynamic and open to change. Power is gained first in public and retained to the ruler by the hands of the public. State is the mechanism in which it contains coercion, consent, and leadership. Therefore, hegemony is the collection of the consents. Hegemony is social unity; it is the collection of the heterogenic aims under a sole purpose. Collectivity is the key factor for the hegemony. In hegemony, various structures are gathered. However, this unity contains contrary elements to itself, as well. Hegemony is the processization of differentiation and change. Based on these points, hegemony is the arena to produce the national popular will and collective will. Therefore, hegemony can be sustained by the collective groups. Based on this phenomenon, hegemony contains intellectual and moral leadership.²⁸ Furthermore, the traces of Machiavelli's position against absolutism can be seen in his emphasis on the direct participation of every citizen in politics. According to him, politics is the tool, which leads to the vertical mobility. From this point of view, Machiavelli is against the hegemony of a certain class over the others. He is against the hereditary principle, and he points out that 'free freedom' should be sustained, which will give the chance to every individual to have a high position in the social-political system according to his talents not according to his family's power.

When the *Prince* and the *Discourses* are scrutinized, it can be observed that power and hegemony are one of the core concepts in Machiavelli's political understanding, which are discussed to reach stability and achieve order in a society. One of the basic aspects of Machiavelli's political understanding in the conceptualization of power and hegemony depends on his separation of ethics from politics. He rejects the ethics of Christianity and divine power because according to him, ethics that are derived from religion ends with despotism and absolutism. Another reason for this rejection of Machiavelli depends

28 Fontana, Benedetto. *Hegemony and Power: On the Relation Between Gramsci and Machiavelli*, (London: University of Minnesota Press), p.140

on his emphasis about who should hold the power. According to him, power should be in the hands of the men. If the divine rule is at the core, then there will be a control over men, and this will lead to absolutism. Therefore, his conceptualization's main subjects are the individual, society, and the state, which implies his rejection of divine rule and its possible hegemony over men. This main point is a crucial signifier for Machiavelli's emphasis on law in sustaining an order. In the next section, Machiavelli's conceptualization on power and hegemony will be discussed in relation with international legal thought.

Power and Hegemony Conceptualization in Relation with International Legal Thought

By the focus on power and hegemony to prevent possible conflicts, Machiavelli introduces a system conceptualization under an order that contains balance of power which represents the seeds of international legal thought. Machiavelli frames international legal thought through expressing it by aiming an international order that is sanctioned by law. He underlines the importance of the survival and the development of a state, which can flourish in the international arena by an order. Machiavelli's idea about sustaining the international order represents the conceptualization of international legal thought. In the analysis of Machiavelli's conceptualization of power and hegemony in relation with international legal thought, his main concepts that prepare the basic of international legal thought's existence should be identified. Therefore, the main subjects in the conceptualizations of Machiavelli's political understanding should be represented, which are individual, military citizenship, law, balance of power, check-balance system, and republican system.

Machiavelli gives his main importance to the individual and therefore in his conceptualization of the individual, position of the individual in the public is another concern for him. Based on this, he establishes a balance between the ruler and the public. In a way, he treats public as the prince and the ruler who will be attained from the public is a need for the institutional framework. This idea is parallel with his emphasis about the 'free freedom' of the individual. In this kind of order, republic will be the main ruling mechanism according to Machiavelli. Moreover, his republican idea is not static, motion is an essential characteristic for the republican order. In this kind of order, individual is at the center. As a result of this centric conception of the individual, republic gains a

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dynamic characteristic. Machiavelli's understanding indicates his power conceptualization's bilateral dimension between the individual and the system. System formation based on the distribution of power by determining and separating the hegemonic areas of the subjects signifies Machiavelli's conceptualization of early international legal thought.

Centrality of the individual in the system is also represented by the concept of 'military citizenship' by Machiavelli. Machiavelli underlines that military understanding should be self-regulated and internalized by an individual based on being a citizen of a state. This understanding can be also interpreted as in the identity construction of an individual, state and military should be internalized by the individual. By this way, through the constitutive parts of the identity, every individual will internalize the security of his state, which will be the insurance for the continuity of the state and the freedom of each individual.

Graphic-2. State-Individual Level Security Relationship



Classified structures of the city-states were the facts of the Machiavelli's period, which contributed to the configuration of the hegemony concept of Machiavelli. His method in the conceptualization of hegemony and power based on synthesizing. Based on this conceptualization, he emphasizes that law is an instrument to men, while force is an instrument to animals. He is favor of the balance between powers. His emphasis on balance is important because this idea derives from the devastating effects of the conflicts between the city-states. Therefore, according to Machiavelli with the balance of power, eruption of conflicts can be limited. Machiavelli's emphasis on the function of law for the insurance of the order in a society and preventing conflicts between city-states are crucial signifiers for the basis of international legal thought.

In addition to these conceptualizations, Machiavelli makes a distinction between public and private areas. All these are also about his configuration about a check-balance system. This check-balance systemization depends on 'bonta-virtu' relationship. However, with the mechanism of the republic which will be the result, question about whom should attain the general freedom arises. Is this the general freedom of the republic or the individual? Can republic always preserve the individual freedom? Is there the possibility for the violation of the individual freedom for the sake of the existence of the republic, because of the measurements which are taken for this purpose? These questions can be answered by Machiavelli's positioning of an individual in the political system. Machiavelli gives utmost importance to the free will of the individual. He emphasizes that; "Men always are born free and desire to live free."²⁹ He indicates that free will is necessary for avoiding "not being a puppet in the hands of other men."³⁰ However this individualistic perspective is configured based on social level. He indicates that not the well-being of the individual, but the well-being of the community makes the state great.³¹ Security of the well-being of the society can be sustained only through a republican system, which is established based on individual free will and freedom. Machiavelli's emphasis on the common good to attain individual free will and freedom can be generalized to the international level, since only under an international order between states, the freedom and free will of the individuals can be sustained.

Machiavelli frames international political and legal thought under the conceptualization of an order which is sanctioned by hegemony, which is defined by him as the collection of the consents. Hence, in the hegemony conceptualization of Machiavelli, collectivity is the key factor. He conceptualizes hegemony as a social unity in which there is the collection of diverse aims for a sole purpose. In international arena, to prevent the eruption of conflicts and preserve the unity of each state can be named as a sole purpose for each entity in order to survive in the international system. In this way, the basis of Machiavelli's international legal thought depends on sustaining international law that will provide political unity which can foster stability. In sustaining

29 Mattingly, Garrett. *Machiavelli's Prince: Political Science or Political Satire?*, The American Scholar, No.27, (1958), p.547

30 Colish L., Marcia. *The Idea of Liberty in Machiavelli*, Journal of the History of Ideas, Vol.32, No.3 (University of Pennsylvania Press, 1971), p.327

31 Mattingly, Garrett. *Machiavelli's Prince: Political Science or Political Satire?*, The American Scholar, No.27, (1958), p.548

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international order, in this way, it can be addressed that Machiavelli attaches power to international law. So, international law is framed by Machiavelli as the best mean to overcome international struggle through its checks and balances. At the micro level, unit of analysis of Machiavelli is the state in an international system in which by the consent of all states to prevent conflict, there is need for international law. Additionally, Machiavelli's understanding of the common good to reach a coherent society to develop the ability to live together in peace is also valid for his configuration of the international order that is sanctioned by international law.

Graphic-3. Machiavelli's International System Configuration³²



Conclusion

One of the most important characteristics of Machiavelli in his political understanding depends on his transcendence of the period he had lived. In his thinking and conceptualization, he used the observation method and followed up his experiences. Despite his usage of observation methodology and experiences in the production and configuration of his basic concepts, he introduced and configured political concepts in a different way from the existing circumstances of his period. Machiavelli establishes the autonomy of the politics. Political life is at the core and an individual's being is shaped according to his citizenship. In Machiavelli's conceptualization of the power and hegemony, it is

³² Graphic is prepared by the author.

seen that prevention of the eruption of conflict is the goal. This is crucial because order is essential for the survival of a society. Power and hegemony are used by the ruler based on common and good sense. In this understanding, two opposing concepts, which are coercion and consent function together.

Therefore, according to Machiavelli, power can be used over the public in the sake of each individual by the prince who has the virtue, which means that the ruler has the capability to rule the others for sustaining the order and peace. The prince is the protector of the common good on the basis of preserving the freedom of the individual. As the most efficient mechanism for the continuity of this process is republicanism according to Machiavelli. He formulates republicanism as the sole mechanism for the attainment of the order through preserving the individual rights and free will of each person.

Under the conceptualizations of Machiavelli for a political life in which the individual is at the center with the use of power and hegemony by the established system, some questions can be formulated about the function of the system and the position of the individual in that system. How can be a relation established between hegemony and virtue? Is virtue the sufficient condition for an individual to establish hegemony over others? Can virtue determine the boundaries of hegemony? Is it rational to give dictatorship type power to an individual in order to establish a republican government? Does Machiavelli's conception of power involve inevitably dictatorship characteristics? Will not this kind of power and hegemony result with coercion over population and in a way domination over the population through the use of power? Then will not this violate the sovereignty and liberty of the individual? Does the citizenship turn into an obligatory duty over the individual? Does the individual solely become a passive part of the system through turning the population into masses? Can be this process named as the replacement of a society with a disciplinary population? Does not occur collective subjectivity, which leads to the refusal of individuality? With the inclusion of coercion with consent, then does not occur a transformation through passivity of the subject result in the neutralization of the subject in the system? Use of coercion under the consent of the public can seem as an integration, however, as a result of the passivity of the subject, does not occur a transformation of the subject to the object? Moreover, does not this situation lead to the disappearance of the differences? Then whose common good will be preserved by the established system?

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For answering these questions, how the definition of the power in the political life is made is a crucial explanatory variable. Foucault defines power as acting upon the other's actions. Therefore, this contains suggestion. In Machiavelli's understanding, power is the tool while Foucault interprets power as a relationship. That's why power as an exercise, it is performative and performance changes according to practices. This performative relationship that carries various characteristics also represents the freedom. However, this freedom is restricted by the given power. Hence, power is also contextual, and it cannot exist without performance. Power is established inevitably over each individual. This case also emphasizes how an individual is exposed to the power. Power is a relationship, and it acts such a contract between individuals. Power is a total structure of action. Power acts on the actions of the subjects, which determines the scope of the use of power. As a result of the power relations, facts are constructed. Based on this relational structure power is also configured as a guiding conduct.

Based on power relations there occurs a circulation between the individuals. This circulation existence based on power also emphasizes the limited freedom of the individuals. This restriction in freedom is an aspect of being the part of a society. On the other hand, freedom must exist in order to exercise power and define the areas of hegemony. An individual can get involved into power relation only with the free one. However, this does not mean that power and freedom are not mutually exclusive. Power relations also represent the governing of the individuals' themselves. As power is an act on the actions of the others, therefore it contains the various types of governing of each individual particularly. In a way, the individual form of power is totalizing the power and as a result, power makes interpretation and codification possible. All these questionings and arguments of Machiavelli over the position of the individual in a political system with the aim of establishing an order that will guard each individual's freedom and free will by the law maintain the basis of international legal thought. Since, for an individual to live in a secure system also depends on the order in the international system. For further studies, the power relationship of the international organizations in the international system can be discussed by Machiavelli's propositions about international order. Based on the existence of international organizations besides states in the formulation of the international order, their existence in the international system can be discussed by Machiavelli's conceptualizations of power and hegemony in relation to international

legal thought. Do international organizations are sufficient to protect the international order? For example, the position and the efficiency of the United Nations (UN) during the 1990s with the disintegration of the Federal Republic of Yugoslavia can be discussed by the propositions of Machiavelli about states and international order through international legal thought.

Bibliography

- Arnhart, Larry. *Siyasi Düşünce Tarihi: Plato'dan Rawls'a*, (Ankara: Adres Yayınları, 2004).
- Chabod, Federico. "An Introduction to the Prince" in Machiavelli and the Renaissance, trans. David Moore, Harper Torchbooks TB 1193 (New York: Harper and Row, 1965).
- Colish L., Marcia. *The Idea of Liberty in Machiavelli*, Journal of the History of Ideas, Vol.32, No.3 (University of Pennsylvania Press, 1971).
- Fleisher, Martin. "A Passion for Politics: The Vital Core of the World of Machiavelli" in Machiavelli and the Nature of Political Thought, Martin Fleisher ed. (New York: Atheneum, 1972).
- Fontana, Benedetto. *Hegemony and Power: On the Relation Between Gramsci and Machiavelli*, (London: University of Minnesota Press).
- Foucault, Michel. "Governmentality", in The Foucault Effect: Studies in Governmentality, ed. Graham Burchell, Colin Gordon, and Peter Miller, (Chicago: Chicago University Press, 1991a).
- Machiavelli, Niccolo. *Discourses on the First Decade of Titus Livius*, (EBook, #10827).
- Maihofer, Werner. "The Ethos of the Republic and the Reality of Politics" in in Gisela Bock, Quentin Skinner and Maurizio Viroli (eds.), Machiavelli and Republicanism, (UK: Cambridge University Press, 1990).
- Mansfield C., Harvey. *On the Impersonality of the Modern State: A Comment on Machiavelli's Use of Stato*, The American Political Science Review, Vol.77, No.4, (American Political Science Association, 1983).
- Mattingly, Garrett. *Machiavelli's Prince: Political Science or Political Satire?*, The American Scholar, No.27, (The American Scholar Association, 1958).

McCoy N.R., Charles. *The Place of Machiavelli in the History of Political Thought*, The American Political Science Review, Vol.37, No.4, (American Political Science Association, 1943).

Skinner, Quentin. “*Machiavelli’s Discorsi and the Pre-Humanist Origins of Republican Ideas*”, in Gisela Bock, Quentin Skinner and Maurizio Viroli (eds.), *Machiavelli and Republicanism*, (UK: Cambridge University Press, 1990).

Wood, Neal. *The Value of Asocial Sociability: Contributions of Machiavelli, Sidney and Montesquieu*, in *Machiavelli and the Nature of Political Thought*, ed. Martin Fleisher (New York: Atheneum, 1972).