



Written by [Joe Wolverton, II, J.D.](#) on July 23, 2024

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Machiavelli on Political Persecution

Most Americans are unfamiliar with Niccolò Machiavelli's true legacy. While they might have heard of him, they often misunderstand his philosophies, associating him only with ruthlessness and a pursuit of power for its own sake. Machiavelli was a profound thinker whose insights into governance and political strategy were well-regarded by many, including America's Founding Fathers. They considered him a reliable source of political wisdom, often referencing his works for guidance.



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This article aims to highlight Machiavelli's commentary in *Discourses on Livy* on a highly relevant and controversial topic: the indictment and prosecution of political leaders.

In 2023, the legal landscape dramatically shifted for former President Donald Trump with four criminal indictments: two at the state level (New York and Georgia) and two at the federal level. These charges collectively encompass 91 felony counts, many of which seem to be novel crimes, apparently constructed specifically to prosecute Trump.

As the legal proceedings progressed, Trump was found guilty of 34 felony counts in New York. The charges against him in that state were a mix of arcane statutes and misdemeanors, with some statutes of limitations already expired. It's unlikely that these charges would have been heard in court if the defendant were not Donald Trump and if the district attorney had not been significantly funded by George Soros.

These indictments extend far beyond the courtroom, sparking nationwide debates on the intersection of politics and the justice system. The trials will continue, and the use of the American justice system to target and attempt to silence a former president will reverberate through the halls of power in Washington, D.C., and beyond.

But what does the lawfare assault on Donald Trump have to do with Niccolò Machiavelli? Quite a bit, as it turns out. Machiavelli's analysis of politicians facing indictments is surprisingly relevant to our own time.

In *Discourses on Livy*, one of the key themes Machiavelli addresses is the indictment and prosecution of political leaders. He offers several historical insights on this subject. What follows is a summary of those insights and how they seem to apply to the prosecution of Donald Trump and to similar politicization of the judiciary against future political figures, and why the process must be strictly controlled by the Constitution lest we will lose our Republic and our liberty.

To begin, it is noteworthy that for Machiavelli, a critical component of the process of indictment of public figures is that it be "without respect to persons" and should be part of the "normal outlet" for holding such persons accountable for their official acts.

In the United States, the "normal outlet" for holding the president accountable for his official acts is



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impeachment. If a president performs his duties in a way that is unconstitutional or in any way rises to the “high crimes and misdemeanors” standard, then he should be impeached. That is the normal outlet in the United States, and it has been used, albeit sparingly, to hold presidents accountable for their questionable decisions and actions.

Using the judiciary, however, as a political weapon to attack a former president for acts he committed while president is, in Machiavelli’s words, “abnormal,” and in Rome it “brought disaster upon the republic as a whole” and ultimately destroyed it. We can’t say we weren’t warned.

Machiavelli emphasizes the importance of the rule of law in republics. He warns that any recourse to a prosecutorial process outside of the “proper outlet by way of the laws,” or any targeting of a particular person because of who he is rather than what he’s done, will “weaken and destabilize” the republic and its judicial institutions.

Furthermore, it will “agitate” people on both sides of the issue: those who feel the accused is being unfairly persecuted, and those who want the accused to be severely punished because of their hatred for him personally. It is in this atmosphere that political polarization thrives and divides the people into groups that can be manipulated according to the desires of the Deep State.

Everyone, it seems, has been divided into one of two camps: MAGA on one hand, and those who loathe both Trump and his supporters on the other. Those opposed to Trump have proven they will misuse the judicial system if the Constitution provides no outlet equal to the demands of their hatred.

Machiavelli warns, though, that if a “legal outlet” is not pursued in the prosecution of a person against whom a part of the people is angry, and his opponents turn to “abnormal means,” the indictment of the person would “unquestionably have a worse effect” than the normal political process would ever have had.

Should, Machiavelli goes on to write, people begin to be imprisoned (or executed) as the outcome of these “abnormal means,” then “evils will ensue which will arouse fear” and ultimately lead to defensive actions by the parties, and these partisan acts will “bring about the downfall of the republic.” Machiavelli very pointedly explains that the “opening was provided for these evils” by people “vested with public authority” using that power as if it were their “private authority.”

When “public authority” is used as if it were “private authority,” then the end of liberty and the Constitution that protects it is near. Could a disinterested observer not see that public officials appeared to use their “public authority” in pursuit of their personal agendas during the so-called hush-money trial in New York City? And would anyone deny that the personalization and politicization of the judiciary has “aroused fear” in many Americans that the system is being manipulated and abused in a way so egregious that it could result in violence — violence that could destroy our Republic?

Machiavelli speaks of the “audacity and animosity” of those who resort to unconstitutional methods of punishing political rivals. He points out how these partisans will not recognize the rule of law, and that they will “use all other means of suppressing him [the target of the persecution] and will eventually take up arms” if necessary to eliminate him and those who support him. We can’t say we weren’t warned.

This “audacity and animosity” could foreseeably culminate in constant assaults on the lives, liberty, and property of anyone and everyone who opposes the Deep State and its many agents and advocates.



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Kangaroo court: If the law were not weaponized to stop the presumed standard-bearer of the opposing political party, it is inconceivable that Trump would have been found guilty of 34 felony counts in New York. (AP Images)



In his *Discourses on Livy*, Machiavelli goes on to point out that if the enemies of the formerly politically powerful person were content to rely on constitutional methods of holding him accountable for those acts they believe warrant some sort of punishment, then not only would they have brought an end to his power and the threat they claim he posed to the country, but they would have accomplished this “without harm to anyone but himself.”

But, Machiavelli says, since they achieved their purpose “by unconstitutional methods,” “harm resulted not only to him, but to many other noble citizens.”

Ultimately, Machiavelli writes, the politicization of the judiciary is used “as an outlet for the malignant humors of a party of men, the appetite of which occasioned the trouble.” These powerful and malignant men, Machiavelli explains, are “so fraught with envy that they cannot remain tranquil while [their enemy] enjoys such glory.”

These envious people will, Machiavelli writes, create “false stories of corruption, venality, and greed” to “sow discord that will have the considerable effect of raising numerous tumults in the cities.” These tumults, Machiavelli warns, will “please them” — the Deep State — and will offer them the excuses they need to justify their unjust persecution of a man they loathe and whose popularity they envy.

Envy. Envy, as the situation is set forth by Machiavelli, is the engine that drives the destruction of the republic. A clique of very powerful men is envious of the popularity of another powerful man, and rather than relying on the Constitutional means of impeachment to remove him from power, they turn to “abnormal means” as a way of accomplishing by rule of men what they could not accomplish by rule of law.



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