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*H-France Review* Vol. 12 (July 2012), No. 93

David William Bates, *States of War: Enlightenment Origins of the Political*. New York: Columbia University Press, 2011. xvii +280 pp. \$20.90 U.S. (pb). ISBN-13: 978-0-231-15805-3.

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One of the purposes of this deeply thought-provoking book is to offer a refutation of Carl Schmitt's view of the Enlightenment. David Bates proves beyond a shadow of a doubt that the ideas of the Enlightenment--and particularly those of Jean-Jacques Rousseau--are infinitely more profound, relevant and valuable to us today than Schmitt's. But Bates' book is also more than that, since it offers a path-breaking and compelling re-reading of several key thinkers of the early modern liberal tradition.

Scholars of the Enlightenment might wonder why a book defending the Enlightenment against Schmitt is even needed. Even before he became a member and ideologue of the Nazi Party in 1933, Schmitt was one of Germany's fiercest critics of parliamentary democracy and liberalism. His simplistic and self-serving denigration of the Enlightenment should therefore not come as a surprise to us. Schmitt accused the *philosophes* of devaloring "the political", of denigrating "sovereignty" and of ignoring the "friend/enemy" distinction--and thus reducing to the state to a mere reflection of the institutions of "society." To him, the eighteenth-century was just a "vulgarization on a grand scale" of ominous anti-statist trends already in place in European history and Rousseau, a "vulgarization of Pufendorf." [1] It is easy to agree with David Bates when he writes that Schmitt's view of the Enlightenment is "demonstrably incorrect" (p. 7).

As Bates reminds us, however, many contemporary theorists have been attracted by Schmitt's views and perspectives. Since 9/11, there has been a veritable explosion of interest in Schmitt's work, and especially in his account of the relationship between legality and emergencies and his defense of what he termed "the autonomy of the political." In the various debates and discussions, Schmitt's notion that the Enlightenment somehow devalored the political and reduced the autonomy of the state seems to have become widely accepted.

Bates' book intends to be both an historical and theoretical intervention. It aims to set the record straight about the Enlightenment and also to offer some insights and suggestions to contemporary theorists. The central point is this: we do not need Schmitt. The Enlightenment and, in particular, Jean-Jacques Rousseau, provide us with much better intellectual resources to think through our current predicament than the man Hannah Arendt correctly identified as a "convinced Nazi." [2]

The turn to Schmitt, writes Bates, is symptomatic of a crisis. The crisis is caused by our lack of understanding of the proper relationship between politics and law or, more specifically, between legal and political visions of the state. Since the attacks on 9/11, heated debates have taken place about the extent to which we should allow political authorities to violate the law in times of emergency or war. On the one hand, we believe that legal principles should limit and constrain political authority. On the other, we believe that political authority should defend the integrity

and survival of the political community. It seems, in other words, that there are two separate and even contradictory rationales at work within the modern state, one that is purely political, justified by the existential imperative of mere survival, and the other that is legal or constitutional, justified by the ideals of the priority of the law and the rights of citizens. The theoretical impasse we are at results from our inability to balance or reconcile the two. Can we expect the state to protect our safety and our rights simultaneously?

This is where the Enlightenment comes in. Against Schmitt, Bates argues that Enlightenment thinkers were not at all concerned with devalorizing or even taming the political. He recognizes, of course, that the “discovery of society” was an important development in Enlightenment thought, and that the period articulated new and sophisticated notions of constitutional safeguards for individual rights.[3] But this does not mean that the Enlightenment conceptually demoted political authority, the state or sovereignty. On the contrary, the Enlightenment involved a complex and profound theorization of the political as such. In fact—and this is one of the several original claims of Bates’ book—the Enlightenment theorists *could not* have devalued the political because no such notion existed before them. What they did, instead, was to invent the very notion Schmitt accused them of denigrating. They, and not Schmitt, discovered the “autonomy of the political” and it is their view of it, rather than Schmitt’s, that is worth contemplating today.

Bates also shows that Enlightenment thinkers were more than a little bit concerned with existential threats to a state’s survival, in other words, with the existence of enemies, both foreign and domestic. Their very interest in the social sphere made them intensely aware of the social conflicts and pressures that threatened the freedoms of individuals, and thus of the need for an effective and just state. Enlightenment thinkers were not just critics of sovereignty; they were theorizers of sovereignty. According to Bates, they were the first to develop a genuine concept of the political as a “thoroughly independent logic of existence,” by which he means a logic not reducible to the protection of existing social relations (p. 12).

Chapter one, “The Autonomous State and the Origin of the Political,” lays the foundation for Bates’ main argument. It shows that the rise of the modern state in the early modern period did not immediately produce a new concept of the political. For hundreds of years, from the middle ages to the seventeenth century, the embryonic state functioned essentially to defend *existing rights and customs*. Only during the seventeenth century did the concept of the political as an independent category even become “imaginable” (p. 51).

In chapter two, “States of Reasoning: Modern Natural Law Theory” we learn that the crucial conceptual move in this regard was made by the German natural law theorist, Samuel Pufendorf. According to Bates, neither Grotius nor Hobbes, for all their innovativeness, generated a genuine concept of the political. It was Pufendorf who made the critical breakthrough when he understood society to have its own, and independent, logic of operation, not reducible to the protection of rational self-interest. For society to work, Pufendorf realized that its members must see beyond their self-interest. As Bates (paraphrasing Pufendorf) writes, individuals entering society must “enter into a whole new zone of being” (p. 84). With his new view of society and what he called “sociality,” Pufendorf opened up an original way of conceiving politics as well. Thus, in the final chapter of his famous *On the Duty of Man and Citizen*, he suggested that the real task of political power was to train individuals to become citizens. In other words, he suggested that genuine political authority could not be legitimated by individual decisions predicated on a logic of self-preservation; new, properly *political*, principles were needed. In thinking this way, Pufendorf arrived at what Bates calls a “very preliminary concept of the political” (p. 89).

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Chapter three, entitled “Locke’s Natural History of the Political,” offers a fascinating re-reading of Locke that shows the extent to which he also theorized the political.

While reigning interpretations of Locke tend to associate him with the development of the constitutional state and, more specifically, with the idea of separation of powers, Bates argues that Locke also developed one of the first conceptions of political power governed by its own separate logic. A close reading of the *Second Treatise of Government*, with special attention to Locke’s description of the transition from the natural to the civil state, reveals his keen awareness of the rifts and dissensions caused by commercial and economic life. Economic developments (advanced capitalism, extensive commerce and urbanism) drive individuals apart, which is precisely what makes *political* leadership necessary. The state is erected to help resolve the perennial discord, conflict and even violence generated in the state of nature (actually, in the *second* state of nature, since there are in fact two states of nature in Locke’s narrative). The challenge faced by Locke in the *Second Treatise*, writes Bates, is that of finding a way for individuals to “reconnect socially despite their new differences” (p. 117.) Locke recognized that a “space of genuine unity” (p. 119) must be found without which the truly political cannot exist.

As Bates also shows, Locke was more than a little bit aware of the role that violence and existential threats play in the formation of states—and he understood the need for a discretionary authority with emergency powers. Exceptional moments could arise that required the executive to act outside the law or in even contradiction of the law. The important point here, however, is that, in Locke’s thinking, moments when the use of emergency, discretionary power became necessary were occasions for the reaffirmation of the state’s fundamental values and principles—and not opportunities to contradict them. Executive privilege, according to Locke, operated outside legality, but remained in strict accordance with the “true spirit of the law” and was always directed toward “the publick good” (p. 123). It was anything but the kind of decisionist force beyond the law that is found in Schmitt.

In chapter four, entitled “Systems of Sovereignty in Montesquieu,” Bates turns to another Enlightenment thinker known mainly for his contributions to liberal constitutionalism, demonstrating that also he subscribed to a notion of the political independent of constitutional and legal norms. In Bates’ reading, Montesquieu’s aim was never to diminish or tame sovereignty in favor of the law. By focusing on Montesquieu’s descriptions of the origins of civil society and his assessments of the constitutional arrangements of Rome and England, Bates shows that, to Montesquieu, sovereignty was, in fact, the very essence of the political and absolutely essential to the foundation and continued existence of any political regime. Moreover, Montesquieu’s definition of political community was, like Locke’s, closely tied to a theorization of violence and war. In a nutshell, the political to Montesquieu was that which preserved the unity of society in the face of war. Far from wishing to diminish its purview, Montesquieu wished to shore it up, and it is with this purpose in mind that he viewed the Roman and English regimes. Bates reminds us that Montesquieu never argued for a reformation of the political order in France along the lines of England or Rome. He thought rather that English and Roman constitutional principles might be used as “prosthetic instruments to help prop up degenerating political forms” (p. 168).

Bates’ final chapter, “Rousseau’s Cybernetic Political Body,” relates the ultimate transformation to the concept of the political in the writings of Rousseau. According to Bates, Rousseau’s innovativeness with regard to the concept of the political lies in his severance of its ties to any contingent, historical community. For both Locke and Montesquieu, the political remained tied to a historically-situated social formation. Rousseau fully isolated, for the very first time in

history, a completely autonomous notion of the political divorced from any actually existing ties of community. This was a profoundly radical move. Insightfully calling attention to the chemical and neurophysiological references that appear at critical moments in Rousseau's thought (and, in particular, to allusions to the "*sensorium commune*" in the early version of the *Social Contract* [p. 190]), Bates further argues that Rousseau reconceptualized the political body or sovereignty itself—seeing it not as an actual thing, person, or group of people, or as any particular form of government, but as a network of communication, an "artificial nervous system" (p. 191) designed to maintain a balance between a people's political "soul" and its social and material reality (p. 177.) Bates calls this Rousseau's cybernetic form of order, suggesting that he modeled it on the capacities of the human nervous system as they were understood in the eighteenth century.

Rousseau also rethought the question of war and its relationship to civil society. Existential crises, he contended, developed when the balance in the political body was somehow thrown off and thus necessitated the intervention of an external figure, such as a dictator, to restore that balance. The point here is that the external figure, in Rousseau's thought, introduces nothing new or permanent—and after his intervention, the constitutional order must be restored. As Bates explains, moments of existential crises, to Rousseau, were emphatically not opportunities to found the state anew. A dictator was legitimate only to the extent that he *saved* the political body.

It is hard to do justice to the sophistication and subtlety of Bates' arguments, and to the many penetrating insights sprinkled throughout his book. It is a challenging, but highly rewarding read. Bates uncovers an insufficiently acknowledged vein of thinking within the Enlightenment and suggests that it could be useful to us today: There is no contradiction between the realm of law and that of pure political power—the spheres are not opposed; rather they work together in any legitimate and secure regime. Existential crises are times to rethink and reaffirm our foundational values, not to throw them out.

## NOTES

[1] Carl Schmitt, "The Age of Neutralizations and Depoliticizations' [1929]" in George Schwab, transl., *The Concept of the Political* (Chicago, Ill.: Chicago University Press, Kindle edition, n.d.).

[2] Hannah Arendt, *The Origins of Totalitarianism* (Orlando, Fla.: Harcourt, 1976), p. 339.

[3] On this, see Keith Michael Baker, "Enlightenment and the Institution of Society: Notes for a Conceptual History," in Willem Melching and Wyger Velema, eds., *Main Trends in Cultural History* (Amsterdam: Rodopi, 1994), pp. 95-120.

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ISSN 1553-9172