The State and Early Modernity

MARK NETZLOFF

The centrality of the early modern period to broader histories of sovereignty and state formation is a theme running through the work of some of the most influential political theorists of the past century, from Weber, Schmitt, Arendt, and Kantorowicz to Habermas, Foucault, Derrida, Negri, Balibar, and Agamben, among others. The recurring emphasis on the *formation* of the modern state in the period reflects the extent to which histories of the state often rely on narrative frameworks of origin, emergence, and transition. This not only reflects our inevitably modern temporal consciousness, ever prone to charting time like a forward movement through space, but also—more cynically—the habit of early modernists to locate these most crucial historical moments conveniently in the period that we study.

But too often ignored are the multiple, divergent theoretical frames through which the modern state can be conceptualized. As Kathleen Davis points out in her provocative study *Periodization and Sovereignty,* in an argument that builds on the work of Dipesh Chakrabarty and other postcolonial scholars, the resurgent critical interest in the history of sovereignty risks reinscribing narratives of colonial modernity, as colonialism and slavery become the implicit templates and insidious preconditions for the advent of the modern. Although a fuller discussion lies outside the purview of this brief essay, I would also add that a related critical oversight stems from the extent to which histories of sovereignty and state formation are generally analyzed solely in reference to the territorial state. As a result, we assume that the history of the state is confined to the nation, thereby eliding the historical impact of extraterritorial contexts, from the complex position of diplomacy, and the elusive status of international law, to the varied forms of agency, travel, and service that pervaded the early modern period and intersected with emerging forms of global commerce.[1]

As Davis cogently argues, the dominance of new and innovative theorizations of sovereignty was established in the early modern period through a marginalization of rival narratives of political history: absolutist political theories were able to consign customary legal practices or competing political affiliations to the past, as residues of a feudal age superseded by the administrative modernity of the absolutist state.[2] Ironically, the power moves of early modern absolutism threaten to become naturalized in accounts of early modern political theory that focus solely on monistic models of sovereignty. "Sovereignty," in other words, all too often loses the quotation marks surrounding it, and instead becomes the default mode for our analysis. As a result, we lose sight of the historical, cultural, and political conditions that led to the formation of this theoretical construct, and thereby implicitly situate a partial, contested object at the center of our analyses.

As a way to offset the central role conferred on sovereignty in contemporary work, it is productive to historicize the concept itself and return to the specific contexts in which it was formulated and initially gained currency. A particularly important text in this process is Jean Bodin's monumental work *Les six livres de la République* (*Six Books of the Commonwealth*; 1576). Bodin's innovativeness stems from the ways that he transforms the idea of sovereignty through his emphasis on its intrinsic marks of unity, indivisibility, and indestructibility. Prior to Bodin's formulation, the concept of sovereignty had a far more specific point of reference: it was a term used primarily for describing higher ranking authorities rather than a more abstract principle denoting absolute or exclusive power.[3] Sovereignty was therefore a relational term, not a designation of essence. Moreover, it was a characteristic associated with office and function, one that applied not only to individuals but also more generally to associations or organizational bodies. Sovereignty was therefore a contested space: a contingent, provisional designation conferred as a means for negotiating overlapping, potentially competing obligations to a variety of political bodies and relations, from those of kinship, alliance, and service, to corporate, civic, and professional affiliations, as well as the transnational loyalties and enmities of confessional identities. But subsequent discussions of the history of sovereignty have overlooked the contexts in which it was initially formulated. As a result, this theoretical construction is bestowed with an essential, transhistorical form, perhaps granting early modern absolutism a belated, symbolic victory, as it gains more of an intellectual currency now than it possessed in its own time.

In recent years, discussions of sovereignty have often presented a selective and limited view of early modern political thought. One of the contributing factors to this process is the wide—and generally uncritical—reception in early modern studies of the work of the contemporary Italian political philosopher Giorgio Agamben. In *Homo Sacer*, which remains his best-known work, Agamben significantly cites only two figures from the early modern period: Bodin, whom he describes as "the most perceptive modern theorist of sovereignty" (101), and Hobbes, whose view of an originary, ahistorical state of nature in many ways resembles Agamben's own analysis.[4] Although I am singling out Agamben, his exclusive attention to Bodin and Hobbes is something one finds in other recent work in cultural and political theory as well. Even Derrida—in a dialogue with Habermas on the effects of 9/11 on contemporary philosophy—qualifies his endorsement of a tradition of shared or limited sovereignty by still subscribing to the notion that, "[a]s Bodin, Hobbes, and others have pointed out, sovereignty has to be and must remain indivisible" (qtd. in Borradori 131).

By having Bodin and Hobbes stand in for early modernity, Agamben levels the dynamic political landscape of the early modern period. This effect is additionally accomplished through a narrow analysis of the texts of Bodin and Hobbes themselves, a reading that reduces the often overlooked complexity of their arguments. One hopes that the resurgent interest in these figures will encourage practices of reading their texts against the grain of their canonical uses. There is also a pressing need to insistently historicize figures like Bodin and Hobbes, and to approach their theorizations of sovereignty always in reference to concrete historical contexts, in their cases, the French wars of religion and the English Revolution, respectively. To quote the early twentieth-century pluralist and Marxist theorist Harold Laski, "[w]e must ceaselessly remember that the monistic theory of the state was born in an age of crisis and that each period of its revivification has synchronized with some momentous event which has signaled a change in the distribution of political power (233)." This "monistic" form of sovereignty, a product of historical crisis, gains its power precisely through its capacities for abstraction, its ability to circulate without reference to the specific contexts enabling its construction. It is additionally productive, I would suggest, to reflect on the reasons underlying the resuscitation of this particular version of sovereignty in contemporary scholarship. What are the conditions, in other words, that have made Bodin and Hobbes seem especially pertinent to us at this moment? And why does this influence seem to entail the neglect of other theorists from the period, including figures emerging from the

very same contexts, such as François Hotman and Huguenot resistance theorists or Winstanley and other radicals of the English Revolution?

Given the abiding influence of Machiavelli on subsequent eras of Italian thinkers, his absence in the work of Agamben is a striking omission. In conclusion, I briefly want to touch on the very different ways that Machiavelli himself confronts the theoretical problem of origins in his analysis of the beginnings of political systems. As Louis Althusser suggests in *Machiavelli and Us*, the Prince is offered as a way to sidestep the impossibility of absolute origins, providing a figure for imagining the creation of political order out of nothing.[5] The seemingly self-originating figure of the Prince appropriately stands in for the aspirational premises of early modernity, an emphasis on both disjuncture from the past and historical prescience that underlies our dominant approach to the early modern as the "Early-now," to use Margreta de Grazia's memorable phrasing.[6] But Machiavelli is less concerned with origins than he is with the future, and the potential duration and durability of any form of the state. Regardless of how a state begins, the more pressing concern is how it is maintained, and, for Machiavelli, it is preserved not through an essential, immovable, and absolute model of sovereignty, one that necessarily coheres to the solitary, unitary figure of the Prince. On the contrary, the state endures because of its foundation, with sovereign authority transferred from the Prince to the people in the form of laws. This statist form, however, is one defined by its mutability and protean character, subject not only to fortune and historical finitude but also to a constant, innovative reconstitution through the concrete influence of competing classes.[7]

Machiavelli's model productively offsets some of the dominant assumptions of recent work on sovereignty, and gestures toward the heuristic advantages of locating critical frameworks outside of a monistic model of sovereignty to describe the dynamism of early modern politics—in *practice* as well as theory. In distinction from Agamben, the force of law is not the always already constituted powers of exclusion, primeval violence, and abandonment, but rather, to draw on the insights of Bradin Cormack, something that intersects with the administrative and jurisdictional operations we associate with the modern state. I would also emphasize that this state is not a pre-given entity, a mode of modernity always already in place; it is neither isolated to the bureaucratic functions of normative judgment and administrative operations nor monopolized by sovereign bodies. As we see with Machiavelli, the early modern state provides an agonistic space in which innovative theoretical reflections are

inextricably bound up with practices of political agency, and with historical preconditions—but also possibilities of transformation—that still shape our historical present. The state, the commonwealth, the *res publica*—literally, the public *thing*—then, as now, is worth fighting over.[8]

NOTES

This essay derives from a talk given at the "States of Early Modernity" symposium that I organized at the Newberry Library in October 2011. I would like to thank my fellow speakers—Crystal Bartolovich, Victoria Kahn, and Ania Loomba—as well as those who participated in the event for their feedback.

1. My comments draw on my own current work, which deals with forms of "extraterritorial sovereignties" in the writings of English state agents in early modern Europe.
2. See Davis, *passim*.
3. See Osiander 431.
4. For Agamben's comments on Hobbes, see especially 106–09 and 125.
5. See Althusser 57.
6. See De Grazia 463.
7. See Machiavelli, *Prince*, chapter 9, and *Discourses*, book I, chapter 2. For analysis, see Negri 28, 37.
8. Relevant to my discussion are Mouffe's model of "agonistic pluralism" and Latour's call for an "object-oriented democracy."

WORKS CITED

Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life*. Trans. Daniel Heller-Roazen. 1995. Stanford: Stanford UP, 1998.

Althusser, Louis. *Machiavelli and Us*. Trans. Gregory Elliott. London: Verso, 1999.

Bodin, Jean. *Six Books of the Commonwealth*. Ed. M.J. Tooley. Oxford: Blackwell, 1955.

Borradori, Giovanni, ed. *Philosophy in a Time of Terror: Dialogues with Jürgen Habermas and Jacques Derrida*. Chicago: U of Chicago P, 2003.

Cormack, Bradin. *A Power to Do Justice: Jurisdiction, English Literature, and the Rise of Common Law, 1509–1625*. Chicago: U of Chicago P, 2007.

Davis, Kathleen. *Periodization and Sovereignty: How Ideas of Feudalism and Secularization Govern the Politics of Time*. Philadelphia: U of Pennsylvania P, 2008.

De Grazia, Margreta. "The Modern Divide: From Either Side." *Journal of Medieval and Early Modern Studies* 37.3 (2007): 453–67.

Laski, Harold. "The Pluralistic State." *The Foundations of Sovereignty and Other Essays*. New York: Harcourt, 1921. 232–49.

Latour, Bruno, and Peter Weibel, eds. *Making Things Public: Atmospheres of Democracy*. Cambridge: MIT P, 2005.

Machiavelli, Niccolo. *The Prince*. Ed. Quentin Skinner and Russell Price. Cambridge: Cambridge UP, 1988.

———. *Discourses on Livy*. Ed. Julia Conaway Bondanella and Peter Bondanella. Oxford: Oxford UP, 1997.

Mouffe, Chantal. *The Democratic Paradox*. London: Verso, 2005.

Negri, Antonio. *Insurgencies: Constituent Power and the Modern State*. Minneapolis: U of Minnesota P, 1999.

Osiander, Andreas. *Before the State: Systemic Political Change in the West from the Greeks to the French Revolution*. Oxford: Oxford UP, 2007.