

## Book Reviews

Duncan Kelly, *The State of the Political: Conceptions of Politics and the State in the Thought of Max Weber, Carl Schmitt and Franz Neumann* (Oxford: The British Academy/Oxford University Press, 2003), pp. ix + 368. ISBN 0-19-726287-2. £45.00 (hbk).

*The State of the Political* by Duncan Kelly, published in 2003, is to be commended for its review of the theory of the state in Germany, a research tradition particularly vibrant around the turn of the twentieth century until the end of the Weimar Republic. This field of reflection, which is far from consensus-driven, constitutes a real source of both controversy and conflict. To give an overview, Duncan Kelly chose three legal experts—Max Weber (1864–1920), Carl Schmitt (1888–1985) and Franz Neumann (1900–1954)—who were not neglected by critics during the twentieth century and often contrasted with each other in an almost caricature-like manner. The other main reason why these authors sparked people's interest is that they were all 'public moralists' whose influence went far beyond legal or intellectual circles. After the Second World War, German historians endeavoured to differentiate between 'friends and enemies' within the progression of ideas, particularly by attributing simple labels to these authors, like 'conservative' (Schmitt), 'liberal' (Weber) and 'social-democrat' (Neumann). These easy and perhaps hasty distinctions may have neglected some subtle, yet important nuances. Without diminishing their differences, it is true that a closer look at the works of these doctrines allows the reader to isolate common ground and differences between these authors. One of the common battles all authors waged was against legal positivism, Hans Kelsen being the best twentieth-century example. This rejection of positivism is especially visible in the writings of Carl Schmitt and Franz Neumann, however, it is also present in other authors of the between-war period, whose names are mentioned in *The State of the Political*, for instance, Hermann Heller and Rudolf Smend.

Duncan Kelly takes a sensible approach by outlining common issues in the works of Max Weber, Carl Schmitt and Franz Neumann, thus establishing similarities across authors. All three repeatedly return to the subject of the figure of the political leader. In line with Wolfgang Mommsen's suggestion, Duncan Kelly underlines Max Weber's legacy in Carl Schmitt's definition of the role and attributes of the president of the Reich. Weber's thoughts on the president's function, clearly outlined in his article 'Der Reichspräsident' published in 1919, underlines the need for an Archimedean point, an institutional leverage point in Weimar, incarnated by the President of the Reich. Schmitt's concessions towards national-socialism, as well as towards antisemitism may shed doubt on this parallel, given that some critics prefer to distinguish clearly between these two great authors, one, the defender of liberalism and the other, its opponent. Another merit of Duncan Kelly's work is his objective analysis of the corpus of these authors' doctrines, whose work left its mark on

the twentieth century. In this way, Kelly successfully resists the temptation to allow the subject to be hijacked by the tragedy of the Weimar Republic.

Despite their opposing stances, in particular over the relationship between the State and society, these three authors do share the same vision of the State as the supreme and ultimate embodiment of politics and sovereignty. Duncan Kelly's choice of authors is very representative of early-century legal writers in Germany. Following the end of the Empire, the concept of the State, albeit weakened by the reality at the time, remained the nerve centre of politics. This may well be the explanation for such a strong tradition of research into the theory of the state in Germany. One of the main figures in this line of research was Georg Jellinek who became a reference for many other authors in that field. Max Weber was one of these authors and Hans Kelsen was another, even though the latter highlights the weaknesses of Jellinek's Two-Sided theory (*Zwei-Seitentheorie*).

In *The State of the Political* Duncan Kelly makes several unexpected links, among them Schmitt's influence on Neumann's understanding of the Weimar Constitution. Following Schmitt's example, Neumann insists on this constitution's lack of decision-making capacity, or rather its tendency towards hollow compromises, ultimately postponing decision-making (*dilatorische Formelkom-promisse*). Nevertheless, this similarity cannot conceal the fundamentally different viewpoints of the two authors. Schmitt was obsessively focused on the source of stability for the State and for public order. He deemed it was the executive's responsibility to account for the latter. Neumann, on the other hand, raised an unfamiliar issue for Schmitt on the relationship between capitalistic order, freedoms and rights. Schmitt further distinguishes himself from the other two authors through his outright rejection of the parliamentary system, which, in his view, is the source of political fragmentation. The relationship between legislative and executive, which all three authors view differently, might well have merited more attention in this work.

In conclusion, Duncan Kelly's work must be commended for having successfully recreated the historic context and the discourse that engendered the work of Max Weber, Carl Schmitt and Franz Neumann. Far from drawing prejudices or hasty classifications, his constant efforts to establish parallels between these authors and subsequently to contrast them in a more qualified manner enlightens the debate surrounding the German theory of the state. Duncan Kelly does not limit himself to establishing similarities between the three authors, but also attaches great importance to unveiling partial or conflictual links between certain legal experts at the turn of the century, such as Gierke (1841–1921), Jellinek (1851–1911), Laband (1871–1918) and the State doctrine of the inter-war period. In this way Duncan Kelly reacquaints us with works that have become long forgotten by critics, who are also a source of interest for the author. One of the book's characteristics also lies in the author's cautious approach, which is evident, for example, in his refusal to take a clear standpoint on whether 1933 represents a turning point for change in Schmitt's works, or not. Finally, *The State of the Political* with its original standpoint and astute selection of authors is a wise reminder of a German debate whose richness is still evident today.

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Jane Bennett, *The Enchantments of Modern Life: Attachments, Crossings, and Ethics* (Princeton, NJ: Princeton University Press, 2001), pp. viii + 213. ISBN 0-691-08812-8. £13.95.

The idea of modern life as critically disenchanting, or literally de-magified (*Entzauberung*) is, of course, a canonically Weberian trope, and the possible choices open to any who wish to maintain a sense of personality in this bureaucratized world are amongst those laid out by Weber in his political writings especially. But would Weber's arguments countenance any form of 're-enchantment'? That is a difficult question to answer, as Weber is forever chastising those with either utopian or backward looking worldviews, as being incapable of dealing with the here and now. But if applied to an ethical vision of human interaction in the world, is it really possible to engage meaningfully with others, with new experiences, or to develop new projects and challenges without some form of enchantment.

For Bennett, disenchantment narratives whether of the type outlined by Weber – the subject of some detailed discussion in chapter 4 along with Blumenberg and others – or more generally, miss out the always ethical and always possibly enchanted spheres of life, where enchantment turns out to be concerned with the sense of wonder and unexpectedness of a wide variety of states and feelings. Furthermore, for Bennett, there is an ontological basis to enchantment that makes it fundamental to our very existence; we simply cannot act as ethical creatures without such a foundation. To illustrate this, Bennett outlines in broad brush the importance of Epicurean philosophy and the idea of the 'swerving' atom that occasionally can deviate from its original course, to outline a materialism that remains nonetheless non-teleological. It was this, she asserts, that attracted Marx to Epicurus and led to the ranking of Epicurus above Democritus in the young Marx's dissertation. But Marx infused his Epicurean atomism with the Hegelian vision of such movement as stations on the way to individual self-realization and development. Epicurean arguments themselves sought *ataraxy*, or tranquillity through rational inquiry, therapy in effect from the general fear of death. On Bennett's reading this is, though, not 'an indifferent passivity', as Blumenberg suggests, but instead 'it entails the active affirmation of a world that swerves; it calls for us to work diligently to cultivate a cheerful, chagrined, or stoic (as the particulars require) acceptance of a world unsusceptible to human mastery' (p. 73).

One of the political subtexts of her study is the use of environmental projects in the notion of re-enchantment, with a defence of a particular vision of nature, derived largely from Thoreau, that can be defended with such a revitalized and enchanted ontology of ethical life so that it recognizes uncertainty and the necessity of diligent reconciliation to the circumstances one finds oneself in. A further interesting twist to her analysis, though, concerns the possibility of commodity enchantment. Taking a further cue from Marx's seminal analysis of commodity fetishism, through an engaging analysis of the GAP television advert 'Khakis Swing' of 1998 Bennett seeks to test whether commodity advertising and spectacle can still offer forms of enchantment that do not succumb ultimately to the totalizing power of capitalist social relations. Here she thinks Marx went too far in his anthropomorphizing of Epicurean atoms into human relations, offering an imbalanced philosophical anthropology neatly detailed in a section entitled 'Marx and the Swerve' (pp. 119ff.). She moves via Marx into a critique of the dialectic of Enlightenment outlined by Adorno and Horkheimer, to suggest that their rationalist equation of wonder and enjoyment