

---

Philip Pettit: *The State*. (Princeton: Princeton University Press, 2023. Pp. x, 360.)

doi:10.1017/S0034670523000840

Philip Pettit's new book provides a theory of the basic function of any (modern) state, centered on the benefits to individuals of the rule of law, and then uses that theory to address issues about what a functional state can or cannot do vis-à-vis constituent power, individual rights, and market economies.

Pettit's central claim in part 1 is that the function of the state is "nomothetic": "the role of the state is to establish and entrench a regime of law under which citizens enjoy a realm of individual security" (66). The core argument here, in briefest terms, is a genealogical story: a law-making and law-enforcing state would be extremely likely to evolve spontaneously out of social interactions between self-regarding, rational, and mutually dependent individuals once simpler social conventions and norms no longer secure the benefits of reliable and safe interactions. And a fully modern state, exercising territorial defense and a monopoly on internal coercion, would evolve out of earlier states under roughly Westphalian conditions. Part 1 further argues that, given such a nomothetic function, a state should be fully incorporated as a single group agent, speaking and acting with one sovereign voice. Yet such univocal sovereignty does not require centralized absolute power. Rather, Pettit argues, a functional state should separate, share, and outsource various powers through a mixed constitution in order to guard against abuses.

The central claims of part 2 are that certain basic practices of actual contemporary liberal, welfarist constitutional democracies are fully consistent with what a state is according to its basic function, despite the misapprehensions of some common ways of thinking. Specifically, a functional modern state would allow for its citizens to contest and countervail the decisions of the state (against the antidemocratic absolutist tradition). It would protect individual rights without undermining the state's basic claim to legitimately exercise coercion (against natural rights libertarian anarchism) and allow the state to intervene in economic markets for the good of citizens (against laissez-faire desires). Along the way, the book provides clear analyses of a number of concepts needed to fully elucidate its central claims: social conventions, norms, laws, the state, agency, group agency, incorporation, sovereignty, decentralized power, the people, citizens' extraconstitutional and constitutional powers, natural rights versus institutional rights, market economy, property, money, and corporations.

The book is presented as an analysis of the function of any (modern) state according to what social role any state would have to play in the lives of citizens. It is not a normative account that defends substantive political ideals of, say, justice or democracy, and then uses those ideals to evaluate actions of states. Rather, it is presented as an account of the constitutive

demands of statehood as such, leaving aside further questions about exactly how democratic or how just a functional state ought to be. So a functional state will secure a certain kind of good—roughly, the reliance interests its citizens have in consistent legal protection—even though it may fall well short of securing other goods of full justice such as equal basic liberties, distributive equality, political participation, or widely inclusive citizenship. In systematic terms, then, *The State* might be considered a kind of functionalist groundwork into which might be plugged more substantive political theories from Pettit's earlier work such as *Republicanism* (Oxford University Press, 1997), *On the People's Terms* (Cambridge University Press, 2012) and *Just Freedom* (Norton, 2014)—and perhaps from a foreshadowed forthcoming “companion volume” (10) to *The State* concerning justice.

Diverse critical engagements with this thematically rich and thought-provoking book will surely occur. I expect methodological challenges coming from at least two directions. First, political philosophers might worry about Pettit's claim to have presented a purely functional analysis, while eschewing reliance on substantive normative content. Yet the discussions in particular of parliamentary versus presidential systems, the democratic power of the people, individual rights, and economic interventionism all seem open to worries about whether surreptitious moral content is actually doing the heavy lifting. Second, I expect many social scientists will be surprised at the extent to which claims and arguments in the book are made from an arm-chair philosopher's position, with little to no attention to relevant factual evidence. So, for instance, claims about the origins of the state are not tested against anthropological or sociological data; claims about when the state and corporations arose are made without reference to history beyond the history of ideas; claims about the tendencies of parliamentary versus presidential systems are made without reference to relevant comparative political science; and claims about the consequences of certain economic arrangements see no testing through relevant empirical literatures.

We can also expect challenges to the substance of many of Pettit's theses. For instance, I find his insistence on a kind of uncommanded-commander theory of sovereignty unpersuasive in light of H. L. A. Hart's relentless and convincing attack on the command theory of law—no small irony given Pettit's explicit reliance on Hart's genealogy of legal systems for his own genealogy of the state. Pettit's problematic theory of sovereignty, moreover, makes the book fight unnecessarily uphill in three subsequent chapters on state decentralization, the powers of the people, and individual rights. Further worries might arise for democratic theorists about Pettit's restriction of the power of the people to episodic contestation of the actions of the state, rather than broadening democracy to encompass the people's power to be authors of the laws to which they are subject. Transnationalists, cosmopolitans, and human rights defenders might be troubled by the lack of attention to international law between and beyond states. And I would expect some significant skepticism from scholars of power and of

---

international relations about the degree to which Pettit plays up the state's role in articulating clear legal rules, while continually backgrounding the manifold uses, modalities, and consequences of state coercion and violence.

Challenges such as these and others are to be expected for such a wide-ranging and fascinating book. *The State* presents a genuinely innovative genealogy of the spontaneous evolution of the state that recalls the classics of social contract theory without their unrealistic speculations about individuals deliberately erecting *de novo* a polity in the light of pure insight. In addition, Pettit's tightly connected analyses of group agency, incorporation, sovereignty, and governmental decentralization intriguingly combine themes from both the absolutist tradition (especially Bodin, Hobbes, and Rousseau) and the republican tradition (especially Montesquieu, Machiavelli, Harrington, and the American founders). And his proposed solution to the paradox of democratic founding discussed in much contemporary political theory will need to be taken seriously by all working in this area. Other achievements, while not as original, are nevertheless eminently worth his distinctive treatment, such as his arguments against the idea of natural rights and in favor of an institutionalist account of rights. In a similar way, Pettit's clear and convincing arguments that property, money, and corporations—the very backbones of a market economy—are essentially created and maintained by the state compellingly show that “the laissez-faire claim against state intervention in the economy is bogus” (337).

*The State* will surely be a central and unavoidable text going forward for all theorists in politics and law grappling with any of the themes treated, filled as it is with fascinating insights, provocative theses, and powerful arguments.

—Christopher F. Zurn

*University of Massachusetts Boston, Boston, Massachusetts, USA*

