
1. Skinner’s genealogy

In this article, Skinner intends to delineate a genealogy of the modern state, which can ‘equip ourselves with a means of reflecting critically on how [a concept] is currently understood’ (p.325). Recently, people tend to understand the state as an apparatus of government. By tracing how this concept was understood differently in history, Skinner hopes to provide us with more fruitful ways to conceive the state and deal with current political issues.

Towards the end of the sixteenth century, the word *state* was gradually transformed from denoting rulers’ status or standing as princes to a type of civil association that rulers should preserve. During this time, what Skinner calls the absolutist theory emerged (pp.328-332). According to this theory, the state refers to a community of people, as a headless body, subject to one sovereign monarch who guides the people. Regarding the ground of the monarch’s absolute authority, this theory involved two variants, which appeared in early seventeenth-century England. The first variant held that the monarch receives his absolute authority from God. The second variant maintained that, although the community of people originally possesses the power to govern itself, once the people agree to choose a king, they alienate all their power to the king who now acquires the absolute authority over the entire state.

In the beginning of the seventeenth century, the absolutist theory was challenged by the populist theory, as Skinner calls it (pp.332-340). Proponents of this theory agreed with the absolutist theory to define the state as a union of people under government. Nevertheless, concerning the location of sovereignty, they argued that the union of people, not kings, owns sovereignty. This line of reasoning originated from two criticisms of the absolutist theory. The first criticism was raised by political anatomists and theorists of republicanism. Through comparing different types of government in the world, political anatomists discovered that, in some states, sovereignty resides in the union of people. Similarly, theorists of republicanism contended that, in a free state, citizens govern themselves and do not depend on the will of kings. The second criticism, which was directed against the second variant of
the absolutist theory mentioned above, claimed that sovereignty resides in the union of people all the time since the people do not and cannot alienate their political rights to kings. For the populist theory, the body of the people is not a headless, passive, and obedient torso in need of monarchs’ guide, as the absolutist theory suggests.

Skinner identifies a third theory of the state, the fictional theory, in Hobbes’s works (pp.341-348). On the one hand, unlike the populist theorists, Hobbes does not believe that sovereignty resides in the union of people all the time because, in the state of nature, only a multitude of individuals exists. On the other hand, Hobbes disagrees with the absolutist theory and argues that the legitimate authority of government originally stems from the consent of the individuals of the multitude, and, even after the government is established (or a sovereign is chosen), these individuals still constitute the author of the government or sovereign’s actions. In Hobbes’s fictional theory, individuals of the multitude covenant with each other in the state of nature, conferring all their power on one man or an assembly of men as the sovereign to pursue peace and security on their behalf. This covenant accomplishes two things: (1) converting the multitude into a united group of people, creating a unified person called the state, and (2) establishing an artificial person, the sovereign, to represent the person of the state. The government’s action is legitimate when it is undertaken by the authorized sovereign to perpetually preserve peace and security for the person of the state.

Hobbes’s theory subsequently influenced Pufendorf, Vattel, and Blackstone (pp.348-354). Since the end of the 18th century, however, the fictional theory encountered challenges from the reductionist view of the state, which consists of two propositions (pp.355-360). The first proposition treats the state as an apparatus of government or actual persons controlling the apparatus of government. Therefore, the idea of the state as a person by fiction is simply meaningless. (One response to this proposition comes from the idealists who argue that the person of the state is not simply a fiction but a person with its own real will.) The second proposition questions the empirical significance of the state for our analysis of politics, as states’ power and authority have been seriously constrained by international organizations, multinational corporations, and international norms.

Skinner tries to respond to the reductionist theory. Against its second proposition, he points out that states still play an influential role in politics (p.361). Against its first
proposition, Skinner argues that the fictional theory enjoys two advantages. This theory provides us with a standard to judge the legitimacy of government’s actions, which should aim at preserving the common good for the person of the state (p.362). Moreover, this theory enables us to make intelligible governments’ actions with remote effects. For example, we can attribute the obligation to repay public debts only to the person of the state with a life of eternity. Governments (in the case of the reductionist theory) and the people as a whole (in the case of the populist theory) do not last long enough to bear this obligation or may not have the capacity to discharge this obligation (p.364).

2. Insufficient support for the fictional theory
In the beginning of this article, Skinner claims that investigating the genealogy of the modern state could help us critically reflect on how we currently understand this concept. In the end of this article, he proposes two responses to our current understanding of the state embodied in the reductionist theory. The theories examined in this article, however, are too general to show how the fictional theory is superior to other theories. Consider the first advantage of the reductionist theory: providing a means to evaluate the legitimacy of governments’ actions. This advantage can constitute a strong reason to prefer the fictional theory over others only after the following questions are addressed. Without addressing these questions, Skinner can hardly argue that this advantage leads us to embrace the reductionist theory.

(a) Do other theories have their own standards of government’s legitimacy as well?¹
(b) If the answer to the first question is yes, why is the fictional theory’s standard better than others”?²
(c) Do independent standards of government’s legitimacy exist?³
(d) Are these independent standards compatible with other theories of the state? To be sure, some theories of the state, such as the absolutist theory, may not have attractive or morally justifiable standards of government’s legitimacy. This problem, nevertheless, is not devastating for these theories, as long as independent standards, such as natural law, natural rights, or human rights, can be combined with these

¹ See Skinner’s comparison (p.348).
² Skinner does not elaborate on why the absolutist and populist theories ‘are nowadays of exclusively historical interest’ (p.361). This claim might not be true for the populist theory.
³ Skinner seems to recognize the existence of these independent standards when he says that the fictional theory can offer ‘a means’ (p362, emphasis added) to judge government’s legitimacy.
theories. Consequently, Skinner has to consider whether these independent standards of government’s legitimacy exist and examine whether these independent standards are compatible with other theories of the state.

Skinner provides more concrete reasons to prefer the reductionist theory over other theories when discussing how we can understand the state’s obligation to repay public debts. His criticisms of other theories, however, need further elaboration. Even if we conceive the state as a person with a life of eternity, a state can lack the ability to repay its public debts as well, as the recent financial crises in Europe demonstrate. Accordingly, the fictional theory suffers from the same problem that Skinner raises against the populist theory. Furthermore, Skinner argues that the reductionist theory cannot make intelligible the state’s obligation to repay public debts since the government ‘changes or falls’ (p.364). His argument, nonetheless, has to deal with two complicated issues. First, consider the case in which government changes. The validity of Skinner’s argument depends on how one defines the concept of government. For example, one can argue that, although the persons who control the government may change, the apparatus of the government or the government as a whole may persist. Perhaps not every proponent of the reductionist theory would accept this argument. But this requires a further examination of different reductionist theories. Second, let us turn to the case in which government falls. Some states did disappear in history, for they were conquered, annexed, or destroyed by other states. How would the fictional theory make sense of these cases? More importantly, in these cases, will Skinner suggest that the conquerors inherit their victims’ public debts? If the answer is no, then both the fictional theory and the reductionist theory have to face the situation in which the debts cannot be repaid. Unfortunately, Skinner does not pursue these issues far enough to support this preference for the fictional theory.

3. The state itself as a cause
Sketching the genealogy of the modern state faces one methodological issue. The state, as an actor in domestic and international politics, can shape the defining features of itself. For the purpose of illustration, suppose we define the state as a political entity with the monopoly on the legitimate use of violence within and without its territory. Scholars have shown how, before 1900, states gradually prohibited the use of violence by non-state actors, such as piracy, privateering, and filibustering, beyond
their borders, in response to other states’ demands (Thompson 1940). Another example is the 1933 Montevideo Convention on the Rights and Duties of States, the first article of which states that the state as ‘a person of international law should possess the following qualifications: a) a permanent population; b) a defined territory; c) government; and d) capacity to enter into relations with the other states’. These two examples indicate that perhaps we can trace the genealogy of the modern state in a different context, that is, how states intentionally or unintentionally distinguished themselves from other actors in the international arena. This alternative approach can be furnished by historical sociology or the study on the history of international politics.

In defense of Skinner, one can argue that Skinner’s article is limited to trace the genealogy of the state in the history of political thought, not the genealogy of the state in the history of (international) politics. This defense, however, requires further explanations. Tracing the genealogy of the modern state in different contexts might generate different genealogies of this concept, and different genealogies would result in different kinds of critical reflection on the idea of the modern state. As a result, deciding which context to trace the genealogy of the state is not simply a problem about scholars’ division of labor but a problem of normative significance. This leads to my next point.

4. The normative significance of the state
The alternative approach mentioned above matters not only because it offers us a more complete view on the evolution of the idea of the modern state but also because it helps us reflect on the normative significance of the state. In his article, Skinner refutes, correctly in my view, the argument that the state’s role is declining in a globalized world. A stronger doubt about the state, nevertheless, concerns the normative significance of the state. Many scholars, such as Teson, Wheeler, and Caney cited by Skinner, contend that the state’s role not only is diminishing but also should be limited. This concern about the modern state’s normative significance can be seen more easily, if we adopt the alternative approach suggested earlier. For example, consider the state’s monopoly on the legitimate use of violence. Recently, some scholars, motivated by the issues of terrorism or human rights, have questioned

4 http://avalon.law.yale.edu/20th_century/intam03.asp
whether the state should possess the exclusive right to use force (Fabre 2012; Steinhoff 2007). If we can trace the history of how the state gradually excluded non-state actors from using violence legitimately, we may be motivated to re-consider the distribution of the right to use force on the global level.

Take another example. Territoriality is one defining feature of the modern state. Modern states are demarcated from each other by territorial boundaries. The territoriality issue is normatively significant in at least two aspects. First, a state can effectively regulate immigration by using force to guard its borders. Second, a state legitimately owns the natural resources within its own territory, and this ownership excludes needy and poor foreigners from using these resources. Both aspects raise questions about the moral justification of the state.

Skinner does not ignore this territorial aspect. In *The Foundations of Modern Political Thought, Volume II*, he argues that one precondition for the concept of the modern state to emerge is that no rivals should compete with the supreme authority within each state’s territory (Skinner 1978: 351). In his search for the genealogy of the modern state, however, he rarely mentions this territorial aspect.² Had Skinner brought up this territorial aspect in his article, we might be able to examine more critically the normative significance of the modern state.

In response, Skinner can argue that his article aims to probe into different understandings of the modern state, not to question the normative significance of the state itself. This response, however, is not persuasive, since Skinner claims that tracing the genealogy of the modern state enables us to critically re-think how this concept is used today. A better response is to discuss how different understandings of the modern state would deal with our contemporary issues, such as immigration, terrorism, and world poverty, that concern the normative significance of the modern state.

References

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² On page 361, he mentions this point.