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The fiduciary state is conceived of as a public agent of necessity charged with guaranteeing a regime of secure and equal freedom. Whereas the social contract tradition struggles to ground authority on consent, the fiduciary theory explains authority with reference to the state's fiduciary obligation to respect legal principles constitutive of the rule of law.

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Abstract. This is Chapter 1 of Sovereignty's Promise, titled "Introduction: The State as Fiduciary and the Rule of Law." In this book, I argue that the state is a fiduciary of its people, and that this fiduciary relationship grounds the state's authority to announce and enforce law.

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