

# **Myths about the State of Nature and the Reality of Stateless Societies**

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One of the great contributions of Marx and Engels to political theory and political philosophy<sup>1</sup> is their concern with providing good evidence for the empirical claims in their work. At a time when Hobbesians and Lockean were repeating fanciful centuries-old stories about the state of nature, Marx and Engels based their claims about prehistory on the best evidence then available in anthropology and archaeology (Engels, 2004; Marx, 1994). Although their work on prehistory clearly contradicted assumptions of Hobbesian and Lockean theorists, they rejected these and other approaches wholesale and did not address their specifics (Wilde, 1994).

Perhaps they left unfinished business. A century and a half later, philosophers still pass on fanciful stories about prehistory, and those stories have power. Marx and Engels's effort to use what anthropological information they had to build up new theories was worthwhile, but it is also useful to bring that kind of information to bear on existing theories.

Of course, fanciful stories are fine if they are merely illustrative examples with no empirical content. But our research project, which includes the forthcoming book, *Prehistoric Myths in Modern Political Philosophy* (Widerquist & McCall, forthcoming),<sup>2</sup> argues that many such stories are repeated because they illustrate important empirical premises about prehistoric or small-scale societies and that even many theories that don't directly refer to prehistory contain universal claims that can

be contradicted or confirmed by evidence of such societies. It is time to examine what those claims are and evaluate them against the best available evidence.

The goal of this project is entirely negative. It criticizes existing theories without building up an alternative. It shows how existing theories rely on empirical claims, provides evidence that raises doubt about those claims, and discusses the ramifications of those findings within the context of those theories. It considers possible responses but it does not attempt to give a definitive answer whether the existing theories should be modified or replaced.

Our research project uses extensive textual analysis to argue that the following misconceptions about prehistoric and small-scale societies are used as necessary premises by influential theories in contemporary political philosophy and social science: 1. Everyone is better off in a society with a sovereign government than in a stateless society. We call this claim “the Hobbesian hypothesis.” 2. Everyone is better off in a society with private property than they would be in a society without property rights (particularly in land). 3. Private property rights can or do develop naturally without violating the rights assumed in natural-property-rights theories but collective or government property rights do not or cannot develop without such violations. 4. War is natural, inevitable, and present in all societies. 5. Capitalism provides greater negative freedom than any other society. 6. Inequality (social stratification) is natural, inevitable, and present in all societies.

Textual analysis is important because theories are often unclear whether and the extent to which they rely on empirical claims. Critics have been slow both to criticize the lack of clarity and to challenge the claims empirically.

The goal of this article is to preview our findings for claim 1. Part 1 shows how Hobbesian social contract theory (contractarianism) relies on a far-reaching

empirical claim we call the Hobbesian hypothesis: *everyone* is better under the authority of a sovereign government than outside that authority. Part 2 shows how this claim has survived for centuries as if unchallenged despite occasional criticism. Part 3 discusses the evidence for and against this claim and shows that existing evidence provides good reason to doubt it, and perhaps to reject it entirely. Contractarians have not provided good reason to believe that existing sovereign governments benefit everyone relative to ethnographically observed stateless societies.

Part 4 discusses the implications of this finding. We doubt any supporters will respond by saying that because states haven't delivered what the theories promise, all people of the Earth morally bound to get rid of governments and immediately restore the band lifestyle. We consider possibilities involving challenging our empirical findings, accepting them, or rejecting them as irrelevant. We do not argue that the Hobbesian hypothesis can never be true; only that it is not true at the current time. Life in small-scale stateless societies is no ideal. It is difficult in many ways. To use it as a baseline for comparison is to set a very low bar, one that modern states have failed to surpass mostly out of neglect. Better attention to the side effects of the modern economy and greater care for the disadvantaged have the potential to ensure that virtually everyone is better off under state authority. If this standard is ever reached, a state that fulfills the contractarian criteria for justification is possible.

Before moving on we should say one thing about what this project *is not*. Some might interpret us as saying that a priori reasoning as no value or that *all* philosophers should cite anthropology or other empirical science. Not at all: philosophers should refer to empirical sources *if and when* they make empirical claims. If they don't make empirical claims, they can ignore empirical sources. Thomas Hobbes aspired to be a pure a priori theorist, but his actual method, as

Gregory S. Kavka (1986, p. 4) shows is, “logical and conceptual analysis combined with empirical observation and probabilistic reasoning.” The contractarian school of thought that followed Hobbes cannot remain purely a priori as long as its justification of the state relies on the empirical comparison of state society with a stateless environment. But they have yet to adequately address the empirical side of their argument.

## 1. The Hobbesian hypothesis

Hobbes’s *Leviathan* justified government sovereignty as a tacit or hypothetical contract, which everyone has good reason to sign because the absence of sovereignty—the “state of nature”—is terrible for everyone. The term “state of nature” is largely an artifact of a discarded belief anarchy was more natural than state society. Today most researchers believe all human societies are equally artificial and equally natural. The “state of nature” simply means “the absence of state sovereignty.” However, the word *nature* is relevant in the sense that contractarians portray their description of it as the natural and inevitable result of the absence of state sovereignty.

In Hobbes’s version the state of nature is always a state of despair:

Out of civil states, there is always war of every one against every one. ... during the time men live without a common power to keep them in awe, they are in that condition which is called war; and such a war, as is of every man against every man. ... [with] no Knowledge of the face of the Earth; no account of Time; no Arts; no Letters; no Society; and which is worst of all, continuall feare, and danger of violent death; And the life of man, solitary, poore, nasty, brutish, and short (Hobbes, 1962, p. 100).

This is what we call the Hobbesian hypothesis, essentially: everyone under a sovereign government is better off (or no worse off) than any of them would be outside of that authority. Hobbes supports his characterization of statelessness with a logical argument from assumptions about human nature. He supports it with two pieces of empirical evidence: life during a civil war and the life of Native Americans. He writes, “the savage people in many places of America ... have no government at all; and live at this day in that brutish manner” (Hobbes, 1962, p. 101).

Hobbes uses an illustrative example of a state instituted by contract. People, beginning in the brutish state of nature, find a way out when they unanimously agree to establish a sovereign government. This agreement justifies government sovereignty. Future generations apparently sign on because they recognize that they would be worse off back in the state of nature. That is, they agree because they recognize the empirical truth of the Hobbesian hypothesis.

For Hobbes, three things come into existence with the social contract: state sovereignty, morality, and society. Contract theory can be used to justify any of these three things together or separately. There are versions of contract theory that model morality or society through a contract device without involving government. This article is unrelated to any such theories. It concerns only the versions of contractarianism that justify government sovereignty by comparison to its absence. The only definition of the state of nature at issue is the absence of state authority.

The story of the origin of the state by agreement does not have to be true for social contract theory to successfully justify government sovereignty, but at least one premise from this story (the Hobbesian hypothesis) must be true to make the justification successful. Although people who want to categorize Hobbes as a pure a priori theorist might be tempted to say that the state of nature is merely a heuristic or

an ontological assumption, a purely fictional characterization makes the theory incapable of justifying anything. Certainly the following is a very bad argument:

Premise 1: I can tell a story, in which everything is terrible if we don't do X.

Premise 2: This story is pure fiction with no empirical analog.

Conclusion: Therefore, we are justified in doing X.

Contemporary theorists recognizing the importance of this empirical issue include Richard Tuck (1996, p. xxx) in the editor's introduction to the Cambridge edition of *Leviathan*; David Gauthier (1969, p. 164); Gregory S. Kavka (1986, pp. 4, 7-8, 24, 402-403); Jean Hampton (1988, p. 271); Iain Hampsher-Monk (1992, p. 27); Russell Hardin (2003, pp. 42-43); George Klosko (2004, p. 8); and Kinch Hoekstra (2007, p. 113, 117), who writes in *The Cambridge Companion to Hobbes's Leviathan*:

Does Hobbes think that the natural condition of war of all against all ever did or could exist? His readers have long denied it; but if the scenario is unreal, it is hard to see how it is supposed to be pertinent, and more particularly how it can tell us anything about the nature of our obligations.

The need for the hypothesis comes from moral principle that the justification of sovereignty relies on its not harming anyone under it. David Gauthier names this principle "the Lockean proviso" because Locke used a similar principle to private property rights. Gauthier writes, "For us the proviso plays a wider and more basic role. We treat it as a general constraint, by which we may move from a Hobbesian

state of nature ... to the initial position for social interaction” (Gauthier, 1986, p. 205, 208).

Many philosophers recognize this principle as basic to the central goal of contractarianism: to justify authority to any reasonable or rational person subject to it (D'Agostino, Gaus, & Thrasher, 2011; Martin, 1998, p. 150; Moore, 1994, p. 211; Scanlon, 1998, p. 4, 187). State power to *you* is justified because it benefits *you*. Kavka connects the “receipt of benefits” relative to the state-of-nature baseline not only with contractarianism but also with justifications of the state based on social utility, fair play, and gratitude (Kavka, 1986, p. 409-415). Rex Martin describes the widespread appeal of this principle:

[W]e can point to a single, common, underlying idea of economic justice ... which can be found in Locke, in Adam Smith, in Marx and in much recent contractarian theory ... The root idea here is that the arrangement of economic institutions requires, if it is to be just, that all contributors benefit or, at least, that none are to be left worse off (Martin, 1998, p. 150).

Contractarianism’s central moral premise is the Lockean proviso and its central empirical premise is Hobbesian hypothesis—the claim that the proviso is fulfilled. Other empirical claims (such as the original agreement) can be dismissed, but without the Hobbesian hypothesis, state of nature reasoning has little left as justification.<sup>3</sup>

The stunning feature of the contractarian literature is how quickly so many philosophers go from normative proviso to empirical hypothesis. They dedicate extensive argument to establish the need for the proviso. Then—with little argument and often with considerable distraction—they simply ask readers to presume the

proviso is fulfilled, as if no one needs evidence. A more scientific way to handle such an important empirical hypothesis is to investigate its truth-value.

The presence of an empirical claim in Hobbesian contract theory should not be surprising. Just as any normative argument requires at least one normative premise, any *applied* argument requires at least one empirical premise (Swift & White, 2008, 49, 56). Despite his preference for a priori reasoning, Hobbes clearly wants to make claims about the world. He mentions casual empirical observations to back up his claims about human psychology and the state of nature (Kavka, 1986, p. 4-9). Whatever his intentions, the state of nature Hobbes defines exists in the world (as argued below), and therefore claims about it can potentially be verified or falsified by observational evidence. The correct word for an unverified empirical claim is a *hypothesis*. Hence we are unapologetic about attributing this term to Hobbes and other theorists who making similar claims even though they do not call their claims hypotheses. Any hypothesis should be accepted or rejected basic on observational evidence.

Our method of criticizing the Hobbesian hypothesis will be to examine small-scale stateless societies that meet the contractarian *definition* of the state of nature to show that they do not resemble the contractarian *description* of the state of nature. One might reply that these societies are not what contractarians have in mind. Although Hobbes mentions Native Americans, his primary concern was a contemporary European states in civil war. We content it does not matter what his primary concern was; it matters what fits his definition. He based his argument on the claim that “Out of civil states, there is *always* war of every one against every one” (Hobbes, 1962, p. 100, emphasis added). If one justifies sovereignty on the grounds that the state of nature is terrible for everyone, they have to show that the absence of

sovereignty is *always* terrible, whenever it appears. Critics can focus on one alternative; supporters have to address all alternatives to provide a plausible justification of the state.

One might admit that small-scale societies fit the definition of the state of nature but argue that they no longer represent a *relevant* alternative to the state. Section 4D considers this reply.

## **2. The “debate” over the Hobbesian hypothesis**

Although Hobbesian hypothesis has never been universally accepted, it is hard to find a real debate over it in 350 years of literature. One group asserts its truth. Another asserts its falsity. A third group researches the relevant facts without entering the discussion.

John Locke views the state of nature as more appealing, but he agrees with Hobbes that all people in England in their century were better off than all people in non-state societies. Locke merely attributes the improvement to property rights rather than the state. He writes, “[Native] Americans ... who are rich in land ... have not one hundredth part of the conveniencies we enjoy: and a king of a large and fruitful territory there, feeds, lodges, and is clad worse than a day-labourer in England” (Locke, 1960, Second Treatise, Chapter 5, §41). The difference between Hobbesian and Lockean normative theory is substantial but because the societies we use as counterexamples have neither landownership nor sovereignty, for our purposes the difference between their empirical claims is negligible.

David Hume famously criticized contractarianism on empirical grounds, but less famously, he endorsed the Hobbesian hypothesis. After rejecting consent as the justification for government, he writes: “If the reason be asked of that obedience, which we are bound to pay to government, I readily answer, *Because society could*

*not otherwise subsist*” (Hume, 1960, emphasis original). Presumably, he believes *life would be very bad* if society did not subsist, but that *is* the Hobbesian hypothesis—at least if it’s bad for everyone. Thus, Hume skips the need for consent by going directly from the Hobbesian hypothesis to the justification of government sovereignty. This argument involves a significant disagreement with Hobbes’s normative theory but not with his empirical hypothesis.

Thomas Paine (2012) argued that urban workers are actually worse off than their Native American contemporaries, but he, like Hobbes and Locke, included no empirical support for his empirical claims. The Baron de Montesquieu (2001, 20-24) and Jean-Jacques Rousseau (1984, 1994) both criticized the claim that the state of nature was necessarily a state of war, but what evidence they had available was incomplete and unreliable, and neither of them mounted an extensive empirical challenge to the Hobbesian hypothesis. For example, although Montesquieu presented extensive empirical-historical arguments on many topics, the evidence he presented on this issue was limited to the single example of an abandoned, disabled child discovered in Germany (2001, p. 20).

Marx and Engels produced a great deal of work that contradicted the Hobbesian hypothesis, most of it supported by sociological and anthropological evidence. They argued that recorded history is the history of class struggle; that workers were experiencing increasing exploitation, alienation, and immiseration. They argued that “primitive communism,” while not idyllic, existed without most of these problems. These claims combined indicate that nineteenth-century state society was mixed at best and perhaps substantially worse for some relative to stateless societies. From that one might conclude states did not satisfy conditions necessary to justify them in contractarian terms. But as mentioned above Marx and Engels weren’t

interested in putting these elements together in that way (Engels, 2004; Marx, 1994; Wilde, 1994).

Marx and Engels's work on prehistory was not ignored, but at a time of increasing specialization, it was taken up by empirical rather than normative theorists. Late nineteenth and early twentieth century writers such as Henry Sumner Maine (1861, pp. 90-91, 114-119) and Henry Sidgwick (1966, p. 240) criticized Hobbes and Locke on empirical grounds, but they distanced themselves from normative philosophy in favor of empirical political science. As disciplines became increasingly specialized, it became easier for normative theorists to pass on the Hobbesian hypothesis even as evidence accumulated against. Our search of contractarian literature has found no response to Paine, Marx, Maine, Sidgwick, or contemporary anthropologists.

Contemporary Lockeans often repeat the hypothesis usually with little or no empirical support. Robert Nozick (1974, 182) declares, "I believe that the free operation of a market system will not actually run afoul of the Lockean proviso. ... Here I make an empirical historical claim; as does someone who disagrees with this". Eric Mack (1995, 213) writes, "the development of liberal market orders presents people with at least 'as much' (in transfigured form) for their 'use' as does the pre-property state of nature." Although Jan Narveson (1988, 92) denies the need for any proviso to justify appropriation, he nevertheless asserts that it is fulfilled, "A beggar in Manhattan is enormously better off than a primitive person in any state-of-nature situation short of the Garden of Eden." Richard Epstein (1995, 62) writes, "the overall size of the gain [from establishing a private property regime] is so large that we need not trouble ourselves over its distribution."

Gauthier endorses both the Lockean and Hobbesian versions of the hypothesis, writing, “the first appropriator of property, is the great benefactress of humankind” (Gauthier, 1986, p. 216-217), but “Before Smith’s invisible hand can do its beneficial work, Hobbes’s war of every man against every man must first be exorcized” (p. 85).

Many contemporary political theorists assert the Hobbesian version of the hypothesis (Durant, 2001, 15-17; Hardin, 2003, 43; Klosko, 2004, p. 19). Jean Hampton argues that a purely hypothetical agreement can be justificational, but it is only the *agreement* that is hypothetical (Hampton, 1988, p. 4). The *counterfactual claim* that provides the justificational power of the hypothetical agreement is real (p. 271). Even *the Stanford Encyclopedia of Philosophy*’s 2014 edition includes a passing endorsement of it, “If the parties are simply considering whether government is better than anarchy, they will opt for just about any government” (D’Agostino et al., 2011).

J.R. Lucas tries to distance contractarian theory from empirical claims, writing “The state of nature is, paradoxically, an artificial concept” (Lucas, 1966, 62). Yet, he argues that there are two mutually exclusive and exhaustive alternatives of “either having conflicts settled by some method, the results of which are binding, and can be enforced—and this means having coercion and the State—, or of having all become violent conflicts, settled only by resort to force.” He explains that if individuals attempt to settle conflicts, “any old how,” violence is the necessary result (Lucas, 1966, 65). If Lucas’s claim is true it can be confirmed empirically. As Hampsher-Monk (1992, p. 27, emphasis original) argues, “*inasmuch* as sovereignty is absent, to that extent men will begin to exhibit behaviour typical of the state of nature”.

Writing in *Ethics* in 2001, Christopher Heath Wellman, like Hume, denies the claim that everyone agrees to government, but endorses the Hobbesian hypothesis: “The advantages of political society are so great because life in the state of nature is so horrible.” He offers only one sentence of empirical support for this claim, “Hobbes, Locke, and Kant offered conflicting accounts of human nature, but all agreed that a stateless environment is a perilous environment devoid of security” (Wellman, 2001,

736, 742). He does not explain why these three long-dead philosophers rather than contemporary anthropologists should be taken as experts on the living standards of people in stateless societies.

Alan Ryan recognizes that the Hobbesian hypothesis can be falsified by evidence from small-scale, non-state societies, “There are many societies that anthropologists call acephalous. They have no stable leadership; there is nothing resembling law or politics in their daily life. Such societies persist for long periods. .... Hobbes seems to suggest that their existence is impossible to explain (Ryan, 1996, p. 218). Contractarian theory does not necessarily require that such societies self-destruct, only that their quality of life is so low that any reasonable person would prefer a sovereign government.

Not all modern theories of involving a contract require the Hobbesian hypothesis. John Rawls (1971) calls uses a priori reasoning to support the objective of making the least advantaged better off than they could be in any other conceivable society. The empirical issue of how to do it comes into play when policymakers implement the theory. Thus, Rawlsianism calls for empirical inquiry where the Hobbesian hypothesis assumes away any need for it. Yet, one cannot say that state X is just in Rawlsian terms without empirical investigation of the possible alternatives.

Kavka’s version of contractarianism is also relatively invulnerable to this criticism because it denies the need for universal consent and includes a guaranteed economic minimum. It becomes vulnerable only because he doesn’t call for empirical investigation to ensure the minimum is high enough to ensure that everyone is better off than they would be in a stateless society. He supposes people with high abilities, low aversion to risk, or high willingness to dominate others will be the only groups like to be better off outside state authority (Kavka, 1986, pp. 198-199). For everyone else—including the disadvantaged—he invokes the Hobbesian hypothesis:

The parties are not unfree with respect to one another; none can coerce others to accept unfair or unreasonable terms of agreement. All are forced to compromise and accept less than they might wish because of the necessity to reach agreement. But this sort of pressure, when it applies equally (or approximately equally) to each, does not call the fairness or morality of the outcome into question; it simply reflects a Hobbesian fact about the human condition—that the State and (a high risk of) insecurity and poverty are exhaustive alternatives. (Kavka, 1986, pp. 402-403)

The empirical section of this article addresses that supposed Hobbesian fact. If disadvantaged people are actually worse off under state authority than in observed stateless societies, Kavka's claim that parties are not unfree with respect to one another is brought into doubt.

### **3. Evidence for and against the Hobbesian Hypothesis**

To test the Hobbesian hypothesis we need to demonstrate that observable evidence of stateless societies exists. We find it in the smallest-scale societies observed by ethnographers, usually called "hunter-gatherer bands." They are not the only stateless societies, but we only need one example to falsify the hypothesis. Although societies living at this scale vary in many ways, ethnographers have recognized among them enough regularity that most anthropologists are comfortable applying the name "band society" to all societies at this scale. The use of this term does not imply that there is any more similarity among band societies than there is among state societies (which include societies as diverse as Babylon, Bolivia, and Japan).

Hunter-gatherer bands are small, nomadic foraging groups of normally about 15 to 50 people including children and elderly (Lee & Daly, 1999, 3). Not all hunter-

gatherer societies are band societies, but virtually all band societies are hunter-gatherers. All Paleolithic societies and the vast majority of modern hunter-gatherer bands are nomadic. Their nomadism is almost always contained within a fairly distinct range (Bird-David, 1994; Turnbull, 1968, p. 135). However, they do not usually claim exclusive control over this territory or strictly defend it against outsiders (Johnson & Earle, 2000, p. 32). Band societies generally treat the land they use as a commons. It is available for everyone's use but no entity can sell the land, divide it up, or make rules about it. Some bands recognize the non-excludability of land as applying to outsiders as well. Others attempt to exclude outsiders, but even in these cases, territories overlap and a band cannot refuse another band that asks to forage on its territory without inviting conflict (Bird-David, 1994).

Many anthropologists have remarked on the lack of authority within all ethnographically observed band societies. Eleanor Leacock (1998, p. 143) writes, "leadership as we conceive it is not merely 'weak' or 'incipient,' as is commonly stated, but irrelevant." They have no recognized leaders, not even a consistent membership. People come and go. Their decision-making shows little or no concern for precedent or procedure. Disputes are resolved on an ad hoc basis, sometimes by discussion and compromise, sometimes by force, sometimes by splitting up (Bird-David, 1994, 591, 597; Boehm, 2001, 72-73, 86-87; Johnson & Earle, 2000, p. 32-33; Lee & Daly, 1999, p. 4; Renfrew, 2007, p. 148; Salzman, 2004, 47-48; Trigger, 2003, p. 668; Woodburn, 1982, p. 434).

Whether or not bands lack *all* authority, they clearly lack the types of state institutions contractarianism is supposed to justify. They have no sovereign governments or any consistent governing authority. No entity "claims the monopoly of the legitimate use of physical force within a given territory," in Max Weber's terms (Weber, 2004). People in band society, "live without a common power to keep them in awe" in Hobbes's (1962, p. 100) terms, and they settle disputes "any old how," in Lucas's (1966, 65) terms—the very conditions that supposedly lead inevitably to

continual fear and a war of all against all. Thus, band societies fit the definition of the state of nature. Do they fit the contractarian description of it as well?

Hunter-gatherers, especially in band societies, have difficult lives. They go hungry some nights. Their life expectancy is significantly less than in an early twenty-first century developed capitalist states. To set them as a bar for comparison is to set a very low bar, but tragically, as this section reveals, state societies have failed to bring all of their citizens up to that bar.

Life in band societies is not the miserable existence supposed by Hobbes. If one phrase from all of political philosophy has penetrated the field of anthropology, it is Hobbes's claim that life in the state of nature is "solitary, poore, nasty, brutish, and short." We know of at least twenty anthropologists who have made reference to it only to debunk it in whole or in part (Aykroyd, Lucy, Pollard, & Roberts, 1999, p. 55; de Waal, 2006, p. 52; Fried, 1967, p. 51, 70-71; Gurven & Kaplan, 2007, p. 349; Hill & Hurtado, 1996, p. 151, 194; Kuper, 1994, p. 209-120; Lee & Daly, 1999, p. 1; Morris, 1977, p. 188; Panter-Brick, Layton, & Rowley-Conwy, 2001, p. 4-5; Peterson, 1993; Salzman, 2004, p. 47).

Theorists asserting the Hobbesian hypothesis have not referred to rigorous measures of wellbeing, but have instead used ad hoc description of what they believe life without sovereignty must be like. And so, we make an ad hoc comparison starting with Hobbes's four characteristics (nasty and brutish being synonymous), and continuing with considerations of freedom; culture, industry, and alienation; and observed choice.

### *A. Solitary*

Life in band society is most certainly not solitary. It is extremely communal and (surprisingly?) cordial, much more so than typical Western societies. The constant demands for socializing is one of the striking features that ethnographers almost universally recognize in band societies (Bird-David, 1990; de Waal, 2006, 4-5;

Hawkes, O'Connell, & Blurton Jones, 2001; Hill & Hurtado, 1996, xii; Leacock, 1998, 144). This sociality implies that people in band societies are not in continual fear of each other.

### *B. Poor*

By middle class standards, band life is materially poor. They produce very few material goods. But their life also has obvious advantages. Estimates of how hard they work vary considerably, but the controversy is whether they work about as much as or *less than* typical workers today. No ethnographers have found evidence of overworked hunter-gatherer band members constantly struggling to provide subsistence for their families. Probably the widest summary of studies is Clark (2007, p. 64). One of the more pessimistic studies found band members working 49 hours per week including food preparation, childcare, and walking—five hours *less* than the most comparable figures we can find for the average U.S. worker (Aguiar & Hurst, 2007, p. 976; Hill, Kaplan, Hawkes, & Hurtado, 1985). No bands work as hard or as long as industrial sweatshop laborers; none resort to child labor as so many families are forced to today (Sharif, 2003).

While most hunter-gatherers eat a varied diet high in protein and low in starch, many people in contemporary state societies struggle with various forms of malnutrition, and two-thirds of the people alive today are involuntary vegetarians (Harris, 1977, p. *x*). Band societies even provide a higher and more reliable economic minimum than capitalist states. Today 963 million people across the world are hungry, and almost 16,000 children die from hunger-related causes every day (Black, Morris, & Bryce, 2003; Food-and-Agriculture-Organization-of-the-United-Nations, 2008). According to Woodburn (1968, p. 51), “For a Hadza to die of hunger, or even to fail to satisfy his hunger for more than a day or two, is almost inconceivable.”

Unemployment and homeless are inconceivable in band societies. People are free to work for themselves; free to build an appropriate shelter; free to use the resources of the Earth to meet their needs.

### *C. Nasty and brutish*

Although many bands have constant tension with neighbors, it is hard to categorize band society as nasty or brutish. Actual conflicts are brief, and band members clearly lack any obsession with security. According to one description, band societies do not “build fortifications. None have been reported to stockpile food and supplies for military purposes. None engage in special training activities for warriors. None possess a special military technology but use ordinary tools and weapons of the hunt” (Fried, 1967, p. 101-102). Although most band societies are somewhat more violent on average than contemporary industrialized states, modern Americans with their guns, alarms, and private security services display greater fear of violence.

### *D. Short*

The most obvious advantages of contemporary state societies are in life expectancy and health. Hunter-gatherers are less healthy on average and have a significantly shorter life expectancy than people in contemporary state societies. Many of the diseases and other risks faced by people in stateless societies have been eliminated or greatly reduced. With all of this progress, it is fair to say that the *average* person in state societies today can expect a longer life and better health than the average person in stateless societies, but it is not possible to say that *everyone* in contemporary state societies can expect better health and longer life.

Most of the difference in life expectancy is accounted for by infant and childhood mortality, and therefore, hunter-gatherer who reached age 15 could expect to live into her 70s, to meet her grandchildren and possibly her great-grandchildren, but she could also expect tragedy in her life, with the early death of some of her

children, relatives, and friends. This is a shorter life than a human in more optimal conditions can expect, but it is not the constant fear of imminent death that Hobbes described.

Although contemporary state societies have eliminated many diseases and risks, they have also introduced new diseases and risks that have made significant numbers of people worse off in terms of life and health. Looking over the statistics, one gets the impression that most of what people in band societies die of contemporary industrialized states have cured or prevented, and most of what people in contemporary state societies die of hardly afflicts people in band society. Hunter-gatherers “are largely immune to the chronic degenerative diseases which produce the greater part of all mortality in affluent nations.” Obesity, diabetes, heart disease, high blood pressure, cancer and stroke are extremely rare in hunter-gatherer populations (Eaton & Eaton, 1999, 451-452). Thus, although the average life expectancy is longer, state society *causes* a significant number of people to live shorter lives.

At the time Hobbes was writing, even the *average* person had no longer life expectancy and probably no higher overall welfare than people in band societies (Clark, 2007, p. 1). The trend toward rising life expectancy and living standards began only in the 1800s, reaching the poorer nations only in the last few decades. It has yet to reach the poorest populations within the poorer countries. In the United States, as late as 1900, life expectancy for non-white males was 32.5 years (Harris, 1977, p. 14). Despite technological progress, the average non-white male in the United States would have improved his chances of living to see his grandchildren if he could somehow have been adopted at birth by a hunter-gatherer bands in South America.

### *E. Freedom*

Another striking feature band society is the extent to which their members are from interference by other people. Bands don't have enforced rules or hierarchical structures. Some anthropologists have observed that people who live band societies

can go through their whole lives without hearing an order. If any person or group doesn't like the way the band does things, they can camp a kilometer or two away and live their own way.

Compare this situation to that of a disadvantaged person in modern society. They are not allowed to hunt, gather, fish, farm or do any work for themselves. They must take jobs and take orders all day. They are not allowed to camp where they want. So, they are forced to give a third of their income to a landlord, who will give them orders about how the living space can be used. They are allowed to forage only in other people's garbage. And even if homeless, they are subject to orders from police and other authorizes.

Freedom counts toward welfare. Most people don't like taking orders. Even if people in capitalist states can achieve a higher consumption by following orders, the loss of freedom has to count as a loss of welfare against any such benefit. Perhaps some reasonable people would be unwilling to give up this freedom for increased consumption.

### *F. Culture, industry, and alienation*

According to Hoekstra, Hobbes's "his famous litany of what that condition lacks ... is an adaptation of a hyperbolic trope, characterizing uncivilized peoples by a negative list, which became conventional in the century after Columbus landed" (Hoekstra, 2007, p. 113). Hobbes supposed people in the state of nature lack all industry, agriculture, oceanic navigation, imported goods, architecture, Earth-moving instruments, knowledge of geography, calendars and timepieces, arts, and letters. If Hoekstra is right, Hobbes would have expected his seventeenth-century European readers to recognize this as a list of things that Native Americans lacked and to take it as strong evidence that indigenous peoples led lives worse than the lowliest Briton.

Interestingly, although not all stateless societies lack all of these things, Hobbes was right that most band societies lack all the things except for arts. Today

few people are ethnocentric enough to assume that indigenous people are necessarily worse off because they do not have all these things. Having architecture does not equal living a better life. But contemporary theorists might argue that state societies are capable of providing much more varied cultural opportunities. This much is true, but more varied cultural opportunity does not necessarily imply a more satisfying cultural life, especially for the most economically disadvantaged. Along with some satisfied people, contemporary state society produces a substantial group of discontented people. Marx identified this problem more than a century and a half ago as one of alienation. Many people spend their lives serving the goals of others to get money merely to consume, but they lack time and self-direction to build a satisfying life.

Ethnographers report no discontented minority in band societies. Bands lack most of the things on Hobbes's list simply because they exist at such a small scale, not because they are in such constant danger that they are unable to build a satisfying life. All observed indigenous societies have a rich, satisfying cultural life with song, dance, storytelling, and plenty of social interaction. The happy demeanor of band members is widely recognized among ethnographers. The commonplace misery of discontented people in state society has not been observed in band societies.

### *G. Observed choice*

Another way to see if people are necessarily better off is to examine what people do with the opportunity to choose. If the Hobbesian hypothesis is correct, even if the origin of the state is established, people should seek to join. Instead, archeologists find that states tend to appear and maintain existence only in places where it is difficult for people to get away from them (Carneiro, 1970). And movement is not solely from the periphery to the state. Throughout most of recorded history, and up to the present in some areas, states have had stateless societies on their fringes made up largely of people who fled state. Such areas existed in the mountains

in the Middle East, Europe, and Asia; in the rainforests outside the Mayan and Inca empires. The United States had these areas as well, in the swamps of the southeast, then the Appalachians, the Great Lakes, and finally the far west. Few if any of these areas disappeared because their residents simply decided to live under state authority. Most of them were forcibly incorporated. In southeast Asia some of these areas still successfully resist full incorporation into nation states (Scott, 2009). Abandoning the state involves moving hundreds of miles from family and friends and other personal sacrifices. That significant numbers of people have been willing to do it strongly implies that at least at least some very disadvantaged people have rational reasons to prefer life outside state authority.

Today few such regions are left. Consider a thought experiment. If there were still a periphery somewhere, would anyone from our ghettos flee to it? Unfortunately, we expect that overcrowding would be a bigger problem than lack of interest. Consider a reverse-thought experiment. Go to an indigenous person living outside state authority in the rainforest of Brazil. She's seen the premature death of friends and loved ones, but she lives among her family and friends; she is under no one's command; she has a rich culture stretching back for centuries; and she can expect to live to meet her children and grandchildren. Explain that she has the opportunity to become one of the least advantaged people in contemporary state society. She could live in a shanty outside Brasilia. She could be a homeless person on Skid Row in Los Angeles. She could work the late shift at McDonald's in Newark. For the first time in her life, she would live close to people who have much more and who stigmatize her for having less. How should she respond? At least some rational and reasonable people might say, "no thanks."

#### *H. An overall assessment*

This assessment has shown that life in band societies is not idyllic or affluent; it is difficult; and it is much less prosperous on average than life in modern capitalist

states. But it is not miserable; and we have no good reason to believe that everyone in state society is necessarily better off. Contemporary states have not simply failed to help everyone; they have created conditions that make a few people worse off than they could expect to be in band society—the homeless, the destitute, the disaffected, and the victims of modern diseases.

We put the question to Kim Hill, an ethnographer known for debunking the belief that hunter-gatherer societies are “affluent,” and one of the most pessimistic anthropologists on the question of how difficult the hunter-gathering lifestyle is. Yet, he replied:

No, I don't think you can say that everyone today is better off than everyone was in the hunter-gatherer period. ... People in modern societies have better health on average and longer lifespans, but there is more to life than longevity. Hunter-gatherers often have more satisfying social environments in my opinion (I have lived more than 30 years with different groups of hunter-gatherers). Modern societies are plagued by emotional, physical and mental problems that probably weren't very common in the past. ... for example the shift from hunter-gatherer diets to modern diets has caused plenty of misery and unhappiness in the form of obesity, diabetes, heart disease, etc. We know less about the psychological and emotional mismatch between our evolved cognition and the modern environment. But hunter-gatherers seem to have less depression, anxiety, bipolar disorder, suicide, feeling of alienation, etc. There are no “campus massacres” in the hunter-gatherer ethnographic literature for example. All these observations and many more suggest that the advances of modern societies have also come with costs (Kim Hill, personal correspondence).

The Hobbesian hypothesis was never more than a colonial prejudice, condescending both to indigenous people and to disadvantaged people in state society. This article might not have proven it false, but it has raised significant doubt. If states are to be justified on contractarian grounds, they have to pay more attention to the physical, mental, and material wellbeing of disadvantaged citizens.

## **4. Implications**

How should contractarians respond to our finding that there is good reason to doubt the Hobbesian hypothesis? As we've said, we don't expect anyone to demand the dissolution of all states in favor of hunter-gatherer bands. A reader might react by dropping the contractarian justification of sovereignty in favor of some alternative justification that doesn't require the Hobbesian hypothesis or in favor of some scheme to make anarchy work on large scale. Without commenting on the feasibility of these two responses, if the reader adopts either of them, nothing is left to say on the topic of this article.

It is more interesting to consider four responses available within the contractarian framework. 1. Contractarians could challenge our findings empirically. 2. They could accept our findings and commit themselves to using redistribution and other policies to ensure that everyone does benefit from state. 3. They could accept our findings, but deny the responsibility to make the Hobbesian hypothesis true for everyone. 4. They could argue that the comparison to small-scale stateless societies is not relevant.

### *A. Challenge our empirical findings.*

Contractarians could challenge our empirical findings, by arguing the least well-off group of people in modern states actually are better off than they could

reasonably expect to be in any stateless society. We welcome this response. It would amount to an agreement with the most important points in this article: Hobbesian hypothesis is essential premise; and its truth-value can only be established by thorough empirical investigation. There should be an enormous empirical debate over such an important hypothesis.

We caution anyone choosing this response not to appeal to common prejudice like Narveson (above) but to conduct a study at least as thorough as ours. This article is a preliminary report from a larger research project. It is meant to raise doubt about the Hobbesian hypothesis. We are happy to share our bibliography and notes with critics.

One might consider reversing the burden of proof, demanding the Hobbesian hypothesis be assumed true until proven false. We cannot imagine a convincing argument for this reversal. It seems to run against the very idea of contractarianism, which assume that people are free from authority unless there is a compelling need for it. A reversal implies that anyone under any authority, no matter how oppressive, is morally bound to assume the authority is beneficial as long as they are unable to thoroughly research the possibilities statelessness. Of course, people in such a position might never have the necessary research tools.

*B. Accept our empirical findings and endorse policies capable of making the Hobbesian hypothesis true*

One promising response is to accept the evidence that the Hobbesian hypothesis is not currently true but argue that it can and should be made true by policies to improve the wellbeing of disadvantaged individuals, so that virtually all of them are in fact better off than they could reasonably expect to be in a stateless society. The prospects are encouraging. Stateless societies provide a very low

baseline, and few if any states are putting as much effort as they can into improving the living standards of disadvantaged people.

Once contractarians endorse that goal, empirical questions follow. How many people are below the baseline? What are the best policies to bring them up? Are they economically feasible? The solution could be as simple as a Rawlsian or Kavkaian guaranteed minimum, as long as policymakers research whether their policies fulfill their goals. Any such minimum would have to include medical policies to prevent or counteract the new diseases that have come as side effects of contemporary state society.

*C. Accept our empirical findings but deny the responsibility to make the Hobbesian hypothesis true for everyone*

Contractarians could accept our findings, and accept that band societies represent a relevant baseline, but argue states do not *literally* have to make *everyone* better off than they would be outside that state's authority. Perhaps, the state only needs to benefit some portion of people to justify its authority. This line of reasoning seems promising, but what reasons *consistent with contractarian theory* can one give for it?

The whole thrust of the contractarian justification of the state extending back as far as the proto-contractarianism of Plato's (2013) "Crito" is the receipt of benefit. Some critics of contractarianism have pointed out that actual states have incentive to craft exclusive contracts benefiting some but not others (Pateman, 1988; Pateman & Mills, 2007), but contractarians insist the state has authority over *you* because it benefits *you*. Most contractarians deal with the problem that not everyone actually *agrees*, but they almost always attribute the refusal to agree to the irrational or

unreasonable obstinacy of people who refuse to acknowledge the benefits they receive.

Perhaps a plausible argument is that the contract need not literally extend to everyone because it is impossible for the state to give its enormous benefits to most people without harming a few people; or that the costs of ensuring everyone benefits are unacceptably high. Both the normative and the empirical elements of that argument are plausible, but strictly speaking, contractarianism implies that if there are people who have rational and reasonable cause to dissent from its rule, either the state should find some way to leave them outside of its authority or it should cease to exist. Perhaps no one ever intended it to be taken that literally, but relaxing this condition invites many normative and empirical questions that contractarians have ignored.

First of all, the question of what to do about those that the state *cannot* help arises only once the state has helped everyone it *can* help. Therefore, all the issues discussed in section 4B are relevant.

Many other questions are relevant. What portion of the population does the state have to benefit to be justified? What is an acceptable cost? To whom must it be acceptable—those inside the contract (who benefit) or those outside (who are harmed)? What happens to those who are harmed? Are they somehow bound by a contract they have no rational reason to sign? Are they free to disobey laws with impunity? Should we restore the periphery so they can flee for the hills? Must the state minimize the harm to those it cannot help? What policies minimize the harm? Is everyone equally likely to be made better off or are there identifiable groups that are more likely to be made worse off? Can these differences be eliminated? Are people in the at-risk group less obliged to obey state authority than others?

These are just a few of the questions that arise. This article does not attempt to answer them for contractarians. It merely points out that the assertion of the Hobbesian hypothesis has allowed contractarians to dodge these questions by assuming they never arise.

*D. Argue that the comparison to small-scale stateless societies is not relevant*

Contractarians might argue that the comparison between contemporary states and small-scale stateless societies is irrelevant. Although bands fit the definition of statelessness, the band lifestyle does not work at larger scale. It is impossible for all 7 billion people to live in band societies at the same time. If all of the governments of the world disappeared, the likely outcome would be massive civil war. Governments arguably do make everyone better off relative to that baseline.

We accept all of these empirical claims, but we doubt that one can construct a plausible argument from them to the conclusion that the comparison with small-scale stateless societies is normatively *irrelevant*. Think what it means to say the comparison is irrelevant. One would have to admit that there were stateless societies on all inhabited continents before states forcibly destroyed them and that it is possible that many people today are worse off than they would be in such a society. But then one would have to deny there is any normative reason to care how many people are worse off in that comparison. Even if a significant portion of the population was worse off, and even if those in power refused help they could easily provide, the justification of their authority would not be called into question.

This argument cannot fall back on the claim that it is impossible to help everyone. Section 4C addressed that issue. To argue that the comparison is irrelevant

is to argue that it does not matter whether it is possible to improve everyone's life relative to stateless society. State responsibility ends with the prevention of civil war. Is this plausible? Consider four problems.

First, the appeal to current population size runs into a problem Jean Hampton recognized, "choice is essentially 'rigged' by a political society that creates in us the very reason we use to choose it and that appears to justify its existence" (Hampton, 1988, p. 271). The existence of states is one of the reasons that world population is so large, and so any justification based on population size is rigged in Hampton's sense.

Second, although (short of murder) the current population size is fixed, it has been affected by past policies, and future population size will be affected by today's policies. It is not merely something that the state has unwittingly caused, but it is something that over time the state can control. It is reasonable for people who would be better off with a lower population to ask for compensation if it is feasible. Again, to say the comparison is irrelevant is to say no compensation is necessary even if feasible.

Third, the appeal to current population size makes an all-or-nothing comparison. Either everyone lives under the state, or no one does. Why aren't the disadvantaged allowed to imagine that they flee to the periphery while those who benefit from the state remain? They don't seem unreasonable to demand compensation for forced participation in a state that benefits everyone else but them.

Fourth, a disadvantage person might demand the comparison to this baseline. Stateless societies are real. They are not some hypothetical alternative. They existed in all the inhabited continents before state societies and were replaced by force. If someone living in a contemporary state knows they are worse off than people in such societies, that the current state could sufficiently compensate them, it is not obviously

irrational or unreasonable for them to demand compensation against that baseline. Nor is it obviously reasonable for more advantaged people to reply that only the hypothetical civil war or some other baseline is relevant.

For all these reasons it seems implausible to dismiss the comparison between the level of welfare people in state societies with welfare level of people in actual stateless societies. If the state is capable of ensuring disadvantaged are better off under their rule than in observed stateless society, but refuses to do so, the state cannot be justified on the contractarian grounds of being a benefit to all those under its rule.

## **5. Conclusion**

This article argued the following points. The Hobbesian hypothesis, which we define as the claim that all people are better off under state authority than they would be outside of it, is an empirical claim about all stateless societies. It is an essential premise in most contractarian justifications of government sovereignty. Many small-scale societies are stateless. Anthropological evidence from them provides sufficient reason to doubt the truth of the hypothesis, if not to reject it entirely. Therefore, contractarian theory has not done what it claims to do: it has not justified state sovereignty to each person subject to it by demonstrating that they benefit from that authority. To be justified in contractarian terms, states have to do something to improve the living standards of disadvantaged people under their rule.

If instead we assume, based on prejudices inherited from our colonial ancestors, that everyone in state society is automatically better off than everyone in stateless societies, we ignore important normative issues connected to our responsibility to the disadvantaged in our own societies.

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<sup>1</sup> This article treats the terms “political theory” and “political philosophy” as synonyms.

<sup>2</sup> Partly to avoid repetitiveness, we have omitted specific reference to this book from the rest of this article. We cite original sources or none at all, but refer readers to the book for further argument and evidence.

<sup>3</sup> Hobbes has a second justification of the state that involves a promise made directly to the sovereign so that he won't kill you immediately, but it is widely believe to be normatively implausible (Kavka, 1986, 393-398).