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# What Does Prehistoric Anthropology have to do with Modern Political Philosophy? Evidence of Five False Claims

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# **What Does Prehistoric Anthropology have to do with Modern Political Philosophy? Evidence of Five False Claims**

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## **Introduction**

Political philosophers and theorists don't usually think it's their job to check facts. We check for logical validity and normative plausibility; we usually leave fact checking to the empirical disciplines. Of course, whenever theories rely on factual premises, it is important that those premises are true. Unfortunately, some factual claims made by philosophers have not attracted the attention of empirical researchers, and they tend to get passed on without serious empirical scrutiny.

A surprising number of such claims can be enlightened by existing anthropological evidence of prehistoric societies. Natural property rights theory presupposes that people in the Stone Age appropriated property individually and not as collectives. The justification of the state based on the need to avoid an unacceptable state of nature is not necessarily a claim about prehistory, but as argued below, it is a claim that can be refuted by evidence of prehistoric societies.

It is possible to do ethical theory without reference to facts, but it is not possible to apply ethical theory without reference to facts. This article neither endorses nor rejects the practice of making factual claims *about prehistory* in philosophical theories. It merely investigates the truth value of several important claims. It finds that five claims made by political philosophers are contradicted by anthropological evidence. Each section of this paper examines one of the five

claims, showing its importance to philosophical theory, and evaluating it against anthropological evidence. The five claims in question are:

1. **Human interaction without coercive government control naturally creates inequality:** The claim of natural inequality is very old, but today it is most often made by property rights advocates. Section 1 shows that many societies known to anthropology maintained great equality without coercion.
2. **Sovereignty is the only alternative to an unacceptable state of nature:** Social contract and consent-based justifications of the state often rely on this assumption. However, Section 2 shows that many known societies lacked any form of sovereignty and that many people preferred those arrangements to sovereign governments.
3. **Laissez faire capitalism has greater negative freedom than any other system:** Many property rights advocates make this claim, but Section 3 demonstrates that hunter-gatherers experienced greater “negative freedom” than many people in modern societies.
4. **Virtually everyone today lives better than hunter-gatherers:** This claim, if true, implies the fulfillment of the “Lockean proviso,” which is important to many justifications of property rights. Section 4 argues that substantial numbers of people are worse off in advanced modern societies today than hunter-gatherers.
5. **Individuals appropriate property; collectives interfere with it:** This claim is centrally important for appropriation-based justifications of property. Section 5 demonstrates that the “original appropriators” did not establish private property.

This article does not address the claim that prehistoric humans are either savages or noble savages.<sup>1</sup> The consensus today seems to be that prehistoric humans as people like us who live in different circumstances; they have no necessary tendency to be more or less ethical<sup>2</sup> or ecological than anyone else.<sup>3</sup>

The truth of these five claims has been disputed since they were first proposed. David Hume, Jean-Jacques Rousseau, and Karl Marx, for example, each questioned some or all of these them.<sup>4</sup> But they had available only a small fraction of the anthropological and archeological evidence that exists today. It is time to check facts.

Most of the societies under consideration in this article—whether contemporary or ancient—are prehistoric (also called preliterate or non-literate), meaning that they do not keep written records. Anthropologists find evidence about such societies from three sources: archeological investigation of past societies, historical accounts of early contact with literate people, and ethnographic investigation of contemporary non-literate societies.<sup>5</sup> Ethnographers live with their subjects for months or years to get an idea of how insiders view their own society.

To the extent that we are interested in people who lived thousands of years ago, the use of people living in prehistoric conditions today is inherently problematic. Economically simple modern societies are separated from our distant ancestors by as many generations as we are, and those who managed to maintain an economically simple lifestyle into modern times might only have only done so because they occupied marginal land.<sup>6</sup> It is possible that many of those practicing hunter-gatherer lifestyles when studied by ethnographers were descendants of agriculturalists who adopted hunting and gathering to escape the encroachment of other societies, or they might have been greatly affected by the encroachment of other societies.<sup>7</sup> However, the interest of this study involves both contemporary and past societies. Anthropologists have gathered substantial information about both.

The first section examines the claim of natural inequality. I begin with this claim partly because it provides an overview of information that is important for the other sections.

## 1: Natural Inequality

Claims about natural inequality have been made since antiquity and have been used to justify enforced social hierarchies such as slavery, monarchy, and feudalism.<sup>8</sup> Today, it is most often made as a claim about freedom, that human interaction naturally creates great social and economic inequality and that only coercive government interference could maintain equality. Robert Nozick, for example, argues that no distributional pattern, such as economic equality, “can be continuously realized without continuous interference with people’s lives”.<sup>9</sup> Friedrich Hayek paints freedom and equality of condition as mutually exclusive, “we can achieve either the one or the other, but not both at the same time. The equality before the law which freedom requires leads to material inequality.”<sup>10</sup> Many other property rights advocates make similar arguments.<sup>11</sup> These authors seem to believe that they have fully established the existence of the tradeoff by logical reasoning. They usually do not seek empirical confirmation or falsification.

Property rights advocates are not the only people who make claims about natural inequality. Ralph Dahrendorf tries to use a priori reasoning to show that equality is impossible, arguing “because sanctions are necessary to enforce conformity of human conduct, there has to be inequality of rank among men.” He dismisses reports to the contrary as “fantasies,”<sup>12</sup> but the evidence deserves a closer look.

Claims of natural inequality are initially plausible from casual observation. All modern nation-states have substantial inequality. Many attempts to create equal societies, such as Soviet Russia and Maoist China, have not delivered genuine equality. Looking back in recorded history, inequality seems to be greater the farther back you go.<sup>13</sup> Most other apes instinctively form pronounced social hierarchies.<sup>14</sup>

The problem with this casual observation is that 2 million years of prehistory are missing between the time when our ancestors branched off from our nearest primate relatives and the earliest historical records.<sup>15</sup> As we’ll see, a considerable part of that period was very different: “before twelve thousand years ago, humans basically were egalitarian .... They lived in what

might be called societies of equals, with minimal political centralization and no social classes. Everyone participated in group decisions, and outside the family there were no dominators.”<sup>16</sup>

Subsections A-D discuss inequality four different forms of social organization (bands, autonomous villages, chiefdoms, and states) that have existed in recorded history and in prehistory. Subsection E discusses the overall pattern of inequality and its implications for the natural inequality hypothesis.

These four forms of organization were first identified by Elman Service as “stages” in social evolution.<sup>17</sup> Few anthropologists today view them as necessary stages in a uni-linear progression.<sup>18</sup> They are not intended as homogenous, discrete, non-overlapping categories but as reference points on a complex continuum.<sup>19</sup> Anthropologists use them to further our understanding of history by developing a picture of the regularity and variability within and between each form.<sup>20</sup> These categories are not the only legitimate way to classify societies,<sup>21</sup> but they do capture important differences in social organization that ethnologists have observed in diverse communities around the world and that archeologists and historians have found evidence of in the past.<sup>22</sup>

### *A. Hunter-gatherer bands*

Human-style, cooperative hunter-gatherer band societies probably developed sometime in the long interval between the branching off of humans from other apes (about 2 million years ago) and the appearance of biologically modern humans (at least the last 60,000 years ago and probably more than 125,000 years ago). Aside from the obvious differences in intellectual ability, cooperation is the most significant difference human foragers and other primate foragers.<sup>23</sup> Other primates forage almost entirely for themselves and for their infants,<sup>24</sup> while humans usually forage in groups and share what they have.<sup>25</sup> Morton Fried argues that the

institution of sharing accounts for the human success that has dominated Earth's history over the last 2 million years.<sup>26</sup>

Frans De Waal speculates that egalitarian hunter-gatherer bands could have begun 500,000 years ago with *Homo erectus* or even earlier.<sup>27</sup> *Homo erectus* had the ability to cooperatively make tools for future-oriented activities at least as early as 500,000 years ago.<sup>28</sup> The hunter-gatherer band was probably the only form of social arrangement from until about 15,000 or 20,000 years ago, and the most common form for much longer. The last remaining fulltime hunter-gathers are probably giving up the lifestyle in this generation, although some groups might continue to survive on more-than-half-time foraging into the future.<sup>29</sup>

Most known hunter-gatherer bands had about 15 to 50 people including children and elderly.<sup>30</sup> They had fluid membership and related bands nearby.<sup>31</sup> Bands are usually nomadic within a fairly defined range.<sup>32</sup> Many farmers also forage, but the common definition of a hunter-gatherer band is a nomadic group, whose only productive activities are hunting, gathering, and fishing.<sup>33</sup>

There is wide-spread agreement among anthropologists that all known hunter-gatherer bands in different geographies and climates (such as the North American arctic and sub-arctic, the Brazilian highlands, the Kalahari desert, the African Savanna, the Australian outback, etc.) were broadly egalitarian both socially and economically.<sup>34</sup> This basic pattern "has been observed in literally hundreds of non-state societies."<sup>35</sup> Christopher Boehm argues, "Politically equalized bands and tribes had been found on every continent, so this anomaly could not be explained as some local historical development. They were found in a bewildering array of ecological niches."<sup>36</sup> Once foragers settle down into permanent communities, they can be either egalitarian or nonegalitarian even if they continue to obtain all of their consumption by foraging, "but the mobile groups we call bands are always egalitarian."<sup>37</sup>

The universality of egalitarianism among known hunter-gatherer bands leads many anthropologist to believe that hunter-gatherers of the past were egalitarian as well. Early hunter-

gatherer camps, tools, and graves are similar to modern hunter-gatherers'. Signs of social or economic inequality in gravesites do not appear in archaeology before the first chiefdoms.<sup>38</sup> Boehm states confidently, "before twelve thousand years ago, humans basically were egalitarian .... They lived in what might be called societies of equals, with minimal political centralization and no social classes. Everyone participated in group decisions, and outside the family there were no dominators."<sup>39</sup> The evidence to support this claim is indicative rather than decisive, but there doesn't seem to be any evidence of hierarchical bands.

The egalitarianism of hunter-gatherers extended greatly (and some anthropologists argue fully) to women. Women participated equally in decision making. Women had equal access to resources. And women had as much control over their own lives as men. However, gender division of labor was common. Men did more hunting and women did more gathering and more child care, but gender specialization did not necessarily involve gender inequality.<sup>40</sup> Some anthropologists argue that within the family, men often dominated women and that domestic violence existed.<sup>41</sup> By contrast, Eleanor Leacock argues that, although no society has eliminated such problems, women in band societies were freer and better able to protect themselves or escape a dominating man than they are in most other societies.<sup>42</sup>

Whatever claims hunter-gatherers had to land ownership (see section 5) were communal.<sup>43</sup> Everyone had direct, individual access to resources.<sup>44</sup> Food was shared to the point that no one in the band starved unless everyone was starving. Group decisions were made jointly. No one who wished to remain with the band could accumulate noticeably more wealth than anyone else.<sup>45</sup> According to Richard Lee, "The obligation to share food and the taboo against hoarding are no less strong and no less ubiquitous in the primitive world than the far more famous taboo against incest."<sup>46</sup> So ubiquitous is equality among hunter-gatherers that some anthropologists refer to bands as "primitive communism" or "egalitarian societies."<sup>47</sup>

According to Fried:

It is difficult, in ethnographies of simple egalitarian societies, to find cases in which one individual tells one or more others, “Do this!” or some command equivalent. The literature is replete with examples of individuals, saying the equivalent of “If this is done, it will be good,” possibly or possibly not followed by somebody else doing it. More usually the person who initiates the idea also performs the activity.<sup>48</sup>

### *B. Autonomous villages (tribal societies)*

At some point, hunter-gatherers in particularly abundant environments were able to settle permanently into villages with populations of 100 to 600 people. These are most commonly called “tribal societies,” but they have also been called “autonomous villages.” I prefer the latter term because it is more descriptive.<sup>49</sup> In extremely abundant areas autonomous villages can subsist on foraging, but most often they are at least partly agricultural.

The first autonomous villages seem to have come into existence about 15,000 years ago, perhaps earlier.<sup>50</sup> Some autonomous villages survived into the Twentieth Century and have been extensively studied by ethnographers. A few people continue this lifestyle today.<sup>51</sup> In all known autonomous villages, there is virtually no trade or specialization.<sup>52</sup> Everyone, (including headmen & religious leaders) produced their immediate family’s consumption.<sup>53</sup> There were usually no fixed property rights in land; all members of the village were entitled to access to land, but not necessarily a particular plot.<sup>54</sup>

Autonomous villages were nearly as egalitarian as hunter-gatherer bands. They had a nominal headman with no real power, little economic inequality, and no explicit fixed rules.<sup>55</sup> According to Trigger, “Smaller-scale societies often lacked even the concept of obedience, in the sense of one person’s being thought to have the moral right to tell another person what to do.”<sup>56</sup> Living standards were nearly equal. Prestige was not necessarily equal.<sup>57</sup> Headmen for example seem always to be men, but prestige didn’t seem to have great importance. Membership was

somewhat fluid; they were prone to split when their populations increase to more than a few hundred.<sup>58</sup>

### *C. Chiefdoms*

Probably within the last 10,000 years, the first powerful individuals brought several villages together under the rule of a single chief. Chiefdoms had populations from the “low thousands to tens of thousands.”<sup>59</sup> Many chiefdoms survived into the Nineteenth and Twentieth Centuries, and a few still not fully incorporated into nation-states today. Chiefdoms can support some economic specialization. Archaeology of chiefdoms begins to show signs of social differentiation.<sup>60</sup> They are the earliest and simplest known forms of social organization in which some individuals are excluded from direct access to the resources to sustain life and to have a permanent specialist rulers who did not produce their own food.<sup>61</sup> Chiefdoms sometimes maintained large joint projects such as irrigation, flood control, temple or monument building.<sup>62</sup>

The chief and the elite group can have varying levels of authority depending on the size and complexity of the chiefdom. The smallest and simplest chiefdoms were only slightly less egalitarian than tribal societies. Some were extremely inegalitarian with a powerful ruler, hierarchy and sometimes slavery. In larger Polynesian island groups, chiefs commanded powers of life and death over their subjects.<sup>63</sup> Economic, political, and religious power were usually all held by a male chief.<sup>64</sup>

Few known indigenous societies managed to keep some measure of the egalitarianism of autonomous villages after developing the size and complexity of chiefdoms. The Iroquois Confederation might have been an egalitarian exception,<sup>65</sup> but most often, political consolidation beyond a village coincided with inequality and despotism.<sup>66</sup>

#### *D. States (civilizations)*

By 4,000 years ago some chiefdoms became so large and complex that they could be called states or empires. Some archeologists use the term “early civilizations.”<sup>67</sup> Even the earliest states had complex economies with specialist warriors, administrators, rulers, and professionals, although all early states were still primarily agricultural. They were the first to leave behind historical records.

All early states for which there is sufficient available information were extremely hierarchical—politically, economically, and socially.<sup>68</sup> We cannot be certain that all early states—even those about which we have very little information, such as the Harappa of the Indus Valley<sup>69</sup>—followed the same pattern. We simply know that inequality was ubiquitous in all those for which there is sufficient information. They were ruled by kings with the aid of a small, powerful ruling group. The upper classes were no more than a few percent of the total population, but they controlled most the surplus wealth, lived luxurious lifestyles, made all important decisions about policy and administration, and justified their position by claiming special supernatural origin.<sup>70</sup> Lower class agricultural laborers, who were generally barred from social mobility, made up the bulk of the population, and faced not even the pretence of equal protection of the laws. Some early states held slaves, but slave holding was not as common in early states as it was in late antiquity in Greece and Rome.<sup>71</sup> Trigger finds, “only by making hierarchical relations pervasive in everyday life could unequal relations be made to appear sufficiently natural that they operated effectively at the societal and hence the political level.”<sup>72</sup>

#### *E. The historical pattern of inequality and the natural inequality hypothesis*

The historical pattern of social inequality seems to have been U-shaped.<sup>73</sup> Early hominid ancestors at some point, probably between 2 million and 200,000 years ago, got rid of the dominance hierarchies their ancestors shared with other primates. For most of the time

biologically modern humans have existed, they all lived egalitarian bands. Human societies became only slightly less egalitarian as autonomous village gradually became predominate between 15,000 and 5,000 years ago. Inequality gradually increased to extremely high levels as the first chiefdoms developed into the first states and empires 5,000 or so years ago, and most humans have lived in hierarchical societies of varying intensity ever since. To show that it happened this way is not to show that it could only have happened this way, but these forms of social organization are real, and this pattern is well-established history.

This argument does not imply that egalitarianism is any more natural than any other social system. It is fairer to say only that human beings are capable of maintaining both highly egalitarian and highly hierarchical societies for long periods of time.

The natural-inequality hypothesis could be salvaged if adherents could show that egalitarian societies maintained equality only by repression or that a society with great inequality was somehow more natural or more respectful of freedom. Equality doesn't just happen in band and village societies. Several anthropologists have demonstrated that band societies expend a great deal of effort to maintain social and economic equality.<sup>74</sup> Boehm describes this behavior as a "reverse dominance hierarchy."<sup>75</sup> The idea behind this theory is that people might seek to rule others, "but if they cannot rule, they prefer to be equal."<sup>76</sup> In band societies, "individuals who otherwise would be subordinated are clever enough to form a large and united political coalition, and they do so for the express purpose of keeping the strong from dominating the weak."<sup>77</sup>

The fact that bands expend effort to maintain equality does not mean that it is repressive or necessarily opposed to freedom. Inequality doesn't just happen in capitalist societies; it is enforced with sanctions such as imprisonment. Bands and autonomous villages tend to use softer sanctions, such as criticism, ridicule, disobedience, expulsion, and desertion before resorting to the ultimate sanction of execution.<sup>78</sup> People who want to start egalitarian bands are free to do so, and they have the same access to resources as anyone else.<sup>79</sup> It appears that no one wants to join a hierarchical band unless they can lead it, and so egalitarianism is found even in bands

made up of outcasts from other bands.<sup>80</sup> By contrast, people who refuse to accept a subordinate position in hierarchical modern industrial societies (whether capitalist or otherwise) are denied *any* access to resources with which they might start their own society.

Nevertheless, the argument against natural inequality can only be completed by showing that egalitarian societies were at least as free as modern societies. Therefore, the next two sections, addressing authority and freedom in band and village societies, lend support to the argument in this section.

## **2. The unacceptable state of nature**

Common justifications for state authority use the factual premise there are only two alternatives: a permanent commitment to obey sovereign authority or an unacceptable state of nature. Not everyone who employs something called the “state of nature” paints it as unacceptable, but what I call “the-unacceptable-state-of-nature hypothesis” has been used in many justifications of the state, including consent and social contract theory, from Thomas Hobbes to the present.<sup>81</sup>

This hypothesis can be stated either historically or theoretically. A historical version would be that humans actually did live in a savage state of nature before the appearance of the first states. A theoretical version would not require that there ever was such a time; merely that if there ever were a time without the necessary authority, there would be an unacceptable state of nature. The theoretical version is no less an empirical claim. For this premise to hold, the unacceptable state of nature still must be a real possibility that can only be avoided by state authority.

Hobbes stated the unacceptable state of nature hypothesis both theoretically and historically. Theoretically, he wrote, “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.”<sup>82</sup> Historically, he wrote, “there are many places where they live so now. For the savage people in many places of America ... have no government at all; and live at this day in that brutish manner.”<sup>83</sup> He concluded famously that life in such a state would be “Solitary, poore, nasty, brutish, and short.”<sup>84</sup>

People employing this premise have been lax about subjecting it to verification. Hobbes seemed to be heavily influenced by the prejudices of his time. Christopher Heath Wellman, writing in 2001, claims, “The advantages of political society are so great because life in the state of nature is so horrible.” The only support he offers is, “Hobbes, Locke, and Kant ... all agreed that a stateless environment is a perilous environment devoid of security.”<sup>85</sup>

This essay does not attempt to find the true “state of nature.” It tests the unacceptable state of nature hypothesis by examining evidence that stateless societies have existed without degenerating into chaos and that some people preferred those societies to sovereign government.

### *A. Stateless societies*

Frans de Waal describes humans as “obligatorily gregarious,” meaning that they need other people to survive. People need society, but this does not imply that they need sovereign authority over that society. De Waal argues the credit for our sociality goes to our nature, not to any agreement.<sup>86</sup>

Many societies known to anthropology (including hunter-gatherer bands and autonomous villages) have existed without a commitment to respect authority and without degenerating into a chaotic state of nature. This finding presents a dilemma for the unacceptable state of nature hypothesis: if such societies are in a state of nature, the state of nature is not terrible. If such societies are not in a state of nature, sovereignty is not the only alternative to the state of nature.

Ethnographers have remarked that hunter-gatherers commit neither to remain with the band nor to obey any authority while with it.<sup>87</sup> Leacock writes, “What is hard to grasp about the structure of the egalitarian band is that leadership as we conceive it is not merely ‘weak’ or ‘incipient,’ as is commonly stated, but irrelevant.”<sup>88</sup> According to Turnbull, hunter-gatherers, “are able to maintain a fluid band composition and a loose social structure; and are able to utilize this flux as a highly effective social mechanism.”<sup>89</sup> Lee and DeVore write “When disputes arise within the band, the principals simple part company rather than allow the argument to cross the threshold of violence. ... The essential condition seems to be the lack of exclusive rights to resources; thus it is a relatively simple matter for individuals and groups to separate when harmony is threatened.”<sup>90</sup> According to Woodburn,

Hadza residential groupings are open, flexible, and highly variable in composition. They have no institutional leadership and, indeed, no corporate identity. They do not own territory and clear-cut jurally defined modes of affiliation of individuals to residential groupings do not exist. I prefer to use the term ‘camp,’ [rather than band] meaning simply the set of persons who happen to live together at one time.<sup>91</sup>

Even within the band, cooperative activities such as hunting and even warfare proceed without anyone being expected to follow orders. Any prestige a person might receive for being a good hunter or warrior does not translate into political power.<sup>92</sup> As mentioned above, they do not take orders.<sup>93</sup>

Of course, hunter-gatherers do occasionally discuss problems to reach group decisions, but such interactions have no clear rules or legitimacy.<sup>94</sup> Individuals face sanctions and even death in conflicts with other members of their band, but, speaking of Inuit (Eskimo) societies, Fried argues, “sanction itself cannot define law. ... there is nothing in the case record of aboriginal Eskimo situations that establishes anything like an effective concept of legitimate

employment of sanctions.” Whoever carries out the sanction is likely to face retribution by the sanctioned person’s family; “the recognition that he might be avenged indicates that even those who carry out the action have no faith in its legitimacy. To talk of obligation under such circumstances is ridiculous: Nothing that happens is binding upon any of the parties.”<sup>95</sup>

Autonomous villages show a similar lack of commitment to political order.<sup>96</sup> Amazon villages with the technical capacity to support 1000 or 2000 inhabitants seldom had populations of more than 600,<sup>97</sup> because according to Carneiro, “By the time a village in the Tropical Forest attains a population of 500 or 600 the stresses and strains within it are probably such that an open schism, leading to the hiving off of a dissident faction, may easily occur.”<sup>98</sup> Where resettlement is easier, fissioning happens at even smaller populations.<sup>99</sup> According to Boehm, “Yanomamo villages typically comprise perhaps a hundred persons. Although they can approach two hundred, they are prone to fission.”<sup>100</sup> Bandy finds confirming evidence from Bolivian village societies.<sup>101</sup>

Within the society, villages have nominal leaders with little real power.<sup>102</sup> Fried writes, “leaders can lead, but followers may not follow. Commands are given, but sometimes they may not be obeyed. ... there are few if any effective sanctions that can be used to compel compliance.”<sup>103</sup> He concludes that we can’t really say that autonomous villages have laws.<sup>104</sup>

Clearly societies have existed for a very long time without a permanent commitment to obey authority. Do they degenerate into an unacceptable state of nature? If any phrase from all of political philosophy has penetrated the field of anthropology it is Hobbes’s claim that the lives of primitive peoples were “Solitary, poore, nasty, brutish, and short,” if only because so many of them have argued that it does not characterize stateless societies.<sup>105</sup>

Life in band societies is not solitary, but very communal, and hunter-gatherers appear far more socially content than modern people. According to Hill and Hurtado, “Among the Ache [a foraging band in Brazil] there were no revolutionaries, no visionaries, and no rebels. Joking and happy-go-lucky demeanor were universal.”<sup>106</sup> Hunter-gatherers often engage in group activities,

decisions about which are made collectively.<sup>107</sup> Hunter-gatherers could count on others to share food even if they are unable to produce food to share in return.<sup>108</sup>

Although hunter-gatherers are materially poor, they do not necessarily lead poor lives. Many anthropologists remark that hunter-gatherers have a conception of a giving environment, which plentifully provides for their needs.<sup>109</sup> Few impoverished people living in modern societies view their environment this way. Some anthropologists have taken the hunter-gatherers' carefree attitude as evidence of a form of affluence.<sup>110</sup> Even those who reject affluence recognize their contentedness. According to Hill and Hurtado, "Although the Ache are one of the poorest groups of people in the Americas they are generally content as long as their children are healthy and they maintain good relations with their neighbors."<sup>111</sup>

It would be very difficult to claim that hunter-gatherer life is nasty or brutish. They have comparable levels of violence to modern societies, perhaps slightly higher or lower. Much of that violence is infanticide,<sup>112</sup> which is traceable to problems other than the lack of a sovereign to maintain peace between warring individuals. Many bands have constant tension with their neighbors, but actual conflicts are brief.<sup>113</sup> By some accounts hunter-gatherer warfare is more comparable to a gang fight (which states have not eliminated) than to the modern conception of warfare. Fried writes, "None of the societies described in the literature build fortifications. None have been reported to stockpile food and supplies for military purposes. None engage in special training activities for warriors. None possesses a special military technology but use ordinary tools and weapons of the hunt."

Security is supposed to be the key advantage of sovereignty, but comparing these societies to modern states does not indicate that people in states feel more secure. Compare these societies to the United States, which spends a large portion of nation income on police and the military, but nevertheless, many individuals feel the need to own guns specifically designed to kill people. Hunter-gatherers do not live in fear of the complete disruption that comes from

modern warfare such as genocide, democide, terrorism, and aerial bombardment (acts which are normally committed *by* states, often against their own people).<sup>114</sup>

Perhaps most surprising at all, hunter-gatherer lives are not as short as is commonly believed. According to Hill and Hurtado, “The Ache data contradict a widely held notion that life in primitive societies is nasty, brutish, and *short*.”<sup>115</sup> Average life expectancy at birth is twice as long in industrial societies today as it was in hunter-gatherer societies, but this is a very recent development attributable to improvements in medicine and nutrition not to the development of states, which had already existed for thousands of years.

Lawrence Angel’s study based on skeletal remains indicated that life expectancy declined slightly with the formation of the first states, and fluctuated thereafter sometimes higher and sometimes lower.<sup>116</sup> By 1800, life expectancy in advanced nations was no higher than for hunter-gatherers, about thirty to thirty-five years, and it only then began to increase slowly.<sup>117</sup> As late as 1900, life expectancy for non-white males in the United States was 32.5 years.<sup>118</sup> It would seem inappropriate to justify states based on a trend that began several millenia after the formation of states and nearly two centuries after Hobbes proposed it as a justification of states.

Furthermore, the low average life expectancy statistics for Hunter-gatherers is somewhat misleading, because much of the shortness in the average is accounted for by infant mortality. According to Hill and Hurtado, an Ache woman “who survived to age twenty could expect on average to live until age sixty.”<sup>119</sup> Evidence from several hunter-gatherer peoples “does not support the widely-held belief that few people lived beyond 45-50 years in distant past human societies or more recent aboriginal societies. ... No living human population has ever been observed with such high adult mortality rates.”<sup>120</sup>

### *B. Evidence from the formation of states*

If stateless society is unacceptable, evidence should indicate that people preferred newly formed states and chiefdoms to band and village societies, but existing evidence does not point in

that direction. Colin Renfrew observes that “the emergence of the state often requires conquest of territory as well as centralization of power.”<sup>121</sup> The conquest of the Americas involved a long period from about 1500 to 1900 when state societies lives along side hunter-gatherer societies. A casual look at the history of the period does not show large numbers of hunter-gatherers seeking to join states but repeated, violent annexation of hunter-gatherers who would have rather kept their existing social arrangements.

Robert L. Carniero’s circumscription theory is the belief that that states form only when it is no longer possible for individuals to escape to form an autonomous community.<sup>122</sup> This could happen when a fertile plane becomes crowded with villages, when arable land becomes suddenly scarce from climate change, or when a large-scale irrigation project makes a small area capable of supporting more people than the surrounding lands. According to Carniero, “Force, and not enlightened self-interest, is the mechanism by which political evolution has led, step by step, from autonomous villages to the state.”<sup>123</sup>

However, circumscription seems to explain the formation of some states but not others.<sup>124</sup> Charles Keith Maisels argues that early city-states in the Middle East attracted people as much as they hemmed them in.<sup>125</sup> He argues that the causes of state formation are varied, but they do require a threshold of population density.<sup>126</sup> Population density would make fissioning more difficult, and so there may still be some element of circumscription in Maisels’s analysis. Maisels also remarks, “Even after millennia of city-states in Mesopotamia there were always significant numbers ‘voting with their feet’ as they alternate between and around cities and fluxed from agrarian villages to nomadic niches and back again.”<sup>127</sup> Thus, some people might voluntarily accept a government for a time, but not everyone is willing to commit to it.

This evidence indicates too much consent to support pure circumscription theory but not enough consent to support the unacceptable state of nature hypothesis. If after millennia of state existences there were still people who preferred to leave them for areas without states, it is hard to claim that stateless society is completely unacceptable. Whether or not circumscription

explains all state formation, the existing states today have circumscribed the Earth. One might argue that states have a right to circumscribe the land in such a way, but if so, this right to circumscribe justifies government, and not the unacceptable state of nature.

To say that the unacceptable state of nature hypothesis is false is not to say that any justification of the state fails. A workable justification for the state must involve accepting the reality that consent is not universal.

### **3: Laissez faire capitalism and negative freedom**

“Negative freedom” is usually defined as the freedom from interference by other people. That is, to be prevented from doing what one could otherwise do.<sup>128</sup> Property rights advocates routinely claim that only unrestricted capitalism maximizes negative freedom. They argue that even if welfare capitalism or some other system might be better at securing some other value (such as another conception of freedom or equality, fraternity, welfare, opportunity, etc.); negative freedom is more important; therefore we must have unrestricted capitalism.<sup>129</sup> Many property rights advocates argue that even redistribution toward the least advantaged reduces negative freedom while claiming that maximizing freedom requires securing the most extensive freedom compatible with a similar freedom for others.<sup>130</sup>

The premise that capitalism maximizes negative freedom has often been conceded even by critics of market capitalism, but this section will show instead that the individuals in hunter-gatherer societies experience the greatest negative freedom compatible with like freedom for all—or at least greater negative freedom than individuals under unrestricted capitalism. If negative freedom overrides other values, one must appeal to some other value, such as opportunity, to justify capitalism. If one must allow opportunity to override negative freedom to justify capitalism over hunter-gatherer society, one cannot logically point to negative freedom as

an overriding value to justify capitalism against some other system designed to improve opportunity.

Hunter-gatherers have few opportunities, they many important negative liberties that people in modern industrial societies lack. Section 2 (above) argued that they have the freedom to walk away from social structures that they don't like.<sup>131</sup> Hunter-gatherers also have no duty to refrain from using resources. According to Fried "In no simple society known to ethnography is there any restriction on access to the raw materials necessary to make tools and weapons. This statement can be made flatly about resources in the habitation area of a given unit, and with moderate reservations it may be extended to resources located in alien areas."<sup>132</sup> The most extreme examples are provided by the Hadza of Tanzania<sup>133</sup> and the Inuit of the U.S. and Canadian arctic for whom "the very notion of exclusive rights in land or hunting and fishing territory—whether private, familial or communal—is nonexistent."<sup>134</sup> This freedom implies that no one will interfere with a hunter-gatherers who produce their own food or to build their own shelter. According to Woodburn, hunter-gatherers "are not dependent on *specific* other people for access to basic requirements."<sup>135</sup> Therefore they have the negative freedom to work *with* whomever they choose and refuse to work *for* anyone or everyone if they so choose.

As Section 1 argued above, hunter-gatherers are virtually free from taking orders. Fried's quote bears repeating, "It is difficult, in ethnographies of simple egalitarian societies, to find cases in which one individual tells one or more others, 'Do this!' or some command equivalent."<sup>136</sup> Fried also finds, "Cooperative labor parties, whether for hunting or gathering, take place with very little apparent leadership."<sup>137</sup> He argues that this generalization holds true even during military action against other bands.<sup>138</sup> These observations are confirmed by many anthropologists. According to Harris, Hunter-gatherers, "decided for themselves how long they would work on a particular day, what they would work at—or if they would work at all. ... Neither rent, taxes, nor tribute kept people from doing what they wanted to do."<sup>139</sup> Woodburn

writes, “Hunting is not a coordinated activity. Men hunt individually and decide for themselves where and when they will go hunting.”<sup>140</sup>

There is nothing freedom-inhibiting about one person choosing to take orders from another, but there is something freedom-inhibiting about one group of people interfering with another group of people in a way that forces them to take orders. Hunter-gatherers are free from taking orders *because* of one important freedom they have that modern poor lack: no one interferes with them as they use resources.<sup>141</sup> One might argue that propertyless people in capitalism can obtain more useful goods than hunter-gatherers, if they get a job. That may be true, but that is not a negative liberty. It is a positive opportunity, and one that involves following orders.

One might respond that hunter-gatherers lack the freedom to appropriate land. Perhaps, but modern propertyless people also lack this freedom. Someone who claims ownership of land will interfere with their attempts to appropriate any piece of land. To obtain property they must again take advantage of the positive opportunity to get a job. Propertyless people in industrial society have no more freedom to appropriate resources and less freedom to use unappropriated resources. Therefore, the negative freedom of hunter-gatherers dominates the negative freedom of modern propertyless people. Compared to hunter-gatherer society, unrestricted capitalism does not deliver the most extensive equal liberty compatible with like liberty for all.<sup>142</sup> We have to resort to some other value to justify capitalism, and therefore one cannot use negative freedom as an overriding principle that justifies unrestricted capitalism over any other system, especially a system designed to benefit the propertyless whose liberty is reduced by capitalism.

This discussion does not imply that you would feel freer in a hunter-gatherer band. You would probably feel unfree because of your nosey neighbors and your limited opportunity. This observation might indicate that negative freedom is not all there is to freedom, but it cannot change the fact that you have enormous freedom from interference in band society.

## 4: The welfare of workers and hunter-gatherers

Under the Lockean justification of private property, unilateral appropriation of property is allowed “at least where there is enough and as good left in common for others.”<sup>143</sup> Robert Nozick interprets this “Lockean proviso” to mean that one can appropriate resources as long as everyone else is still as well off as they would be if no one had appropriated any property as in hunter-gatherer society.<sup>144</sup> If this proviso is fulfilled, the system of private property ownership hurts no one. Such an observation would be a strong reason to favor the private property system.

Therefore, many property rights advocates claim that all people in modern industrial society, even the very poor, are better off than all hunter-gatherers. However, I have not found any property rights advocates who present empirical evidence to support this claim. Nozick mentions job opportunities under capitalism, and declares, “I believe that the free operation of a market system will not actually run afoul of the Lockean proviso.”<sup>145</sup> He makes no reference to any studies of hunter-gatherer lifestyles, and makes no effort to empirically compare their welfare to poor people in modern society.<sup>146</sup> Eric Mack 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,” but he makes no attempt to verify this claim empirically.<sup>147</sup> Jan Narveson does not refer to any supporting evidence at when he writes, “A beggar in Manhattan is enormously better off than a primitive person in any state-of-nature situation short of the Garden of Eden.”<sup>148</sup>

This section shows that these claims are clearly contradicted by anthropological evidence. This error is partly caused by the over identification of material income with wellbeing,<sup>149</sup> but it is more importantly caused by a lack of attention to the material wellbeing of people in technologically simple societies. Many people are better off in modern society, and perhaps the *average* person is better off, but it is not possible to say that everyone or that the very poor are better off. Relying on averages is not enough to justify property rights, because it admits that the

establishment of a property-based system hurts some to benefit others. Improving the average does not fulfill the proviso, which requires that no one is harmed.

The view that property rights advocates hold about hunter-gatherers is in tune with what anthropologists believed 100 years ago or more. For centuries, most westerners believed that hunter-gatherers lived a precarious existence, constantly on the verge of starvation with little time only for the continual quest to meet their basic needs.<sup>150</sup> This was never a scientific view because it was based on prejudice rather than careful observation, and I cannot find any anthropologists who believe it today.

Hunter-gatherers do not live a constantly harried existence, but anthropologists today disagree about how just well they live. The most optimistic view is typified by Sahlins who called hunter-gatherer bands, “the original affluent society.”<sup>151</sup> According to Sahlins, “rather than a continuous travail, the food quest is intermittent, leisure abundant, and there is a greater amount of sleep in the daytime per capita per year than in any other condition of society.”<sup>152</sup> He writes that harassment by nature “is not implied in the descriptions of their nonchalant movements from camp to camp, nor indeed is the familiar condemnations of their laziness. ... either they are fools, or they are not worried the morrow will bring more of the same.”<sup>153</sup> Lee finds, “The number of days of work per adult per week varied from a low of 1.2 to a high of 3.2, a range of figures that represents only 24 to 64 percent of the 5-day weekly work load of an industrial worker.”<sup>154</sup> Including housework (but not child care), Lee finds men and women work an average of 42.3 hours per week.

The view of original affluence is almost certainly too optimistic. Food availability was the primary limit on all hunter-gatherer populations as it is typically for animals in the wild.<sup>155</sup> Lee’s time-allocation study found a much shorter hunter-gatherer workweek than most subsequent studies. Critics argue that “affluence theorists” greatly overestimate the leisure available to hunter-gatherers, because, among other problems, the researches don’t pay sufficient attention to the time hunter-gatherers take on domestic chores such as preparing goods for use or

to the benefit modern foragers get from industrial tools they have managed to acquire.<sup>156</sup> Hill et al, who use a much broader definition of work (including food preparation, childcare, and walking), find that male members of the Ache band work an average of seven hours per day or 49 hours per week, 9 hours more than the U.S. 40-hour workweek but probably less than a comparable measure of work time, which would include commuting, shopping, childcare, and housework.<sup>157</sup> Gregory Clark presents a table summarizing the work time estimates of 13 hunter-gatherer bands and agricultural villages, ranging from 2.8 to 7.6 hours per day with a median of 5.9.<sup>158</sup>

Several studies of the Ache, the Alyawar, the Agta, and the !Kung, showed that they worked an average of six hours per day or 42 hours per week including domestic chores.<sup>159</sup> Of course, to make these figures comparable to a modern workweek, we would have to add commuting, shopping, cooking, childcare, and maintaining a household as part of the modern person's workweek. Therefore, even these figures imply that hunter-gatherers work slightly less than we do. Hunter-gatherers appear to have not enough leisure to be seen as affluent but too much to be seen as facing a desperate struggle for survival.

However, none of these figures are conclusive. There simply aren't enough labor studies employing a common definition of labor and a standardized methodology to make a conclusive comparison between the work time allocation of modern workers and hunter-gatherers.<sup>160</sup> Most likely, no such comparison will ever be possible, because there are few if any hunter-gatherers left to study.<sup>161</sup> Only about 100 fulltime hunter-gatherer bands maintained that lifestyle into the second half of the Twentieth Century.<sup>162</sup> All hunter-gatherers that have been studied by ethnographers were studied in the last generation or two of their lives as hunter-gatherers. Hill et al's figures are taken from short-term hunting trips of 5 to 15 days.<sup>163</sup> Lee studied hunter-gatherers who occasionally left their territory to work for ranchers.<sup>164</sup> We have to look beyond accounts of work effort.

Nurit Bird-David finds that although Sahlins's claims of affluence based on work effort were clearly incorrect and drawn from poor data, the claim of affluence based on their confidence that nature is abundant and will share its fruits are true for many hunter-gatherers.<sup>165</sup> Their environment seems to always allow the certainty of at least a sufficient amount of food.<sup>166</sup>

Looking at overall living standards, Hill and Hurtado present a pessimistic view: "Mortality, health, and growth data are objective measures of the many hardships of life in traditional societies".<sup>167</sup> Objective health measures such as stunted growth show significant signs of food stress, especially in childhood. Lee admits that hunter-gatherers are shorter which implies nutritional stress as children, but he cites other evidence indicating almost no clinical signs of malnutrition among the !Kung, and he argues that they are fit as adults and that taller Bushman are usually not the best hunters.<sup>168</sup> He asked one Bushman why they don't plant crops, and quoted him as answering, "why should we plant when there are so many mongongos in the world?"<sup>169</sup> Hill, on the other hand, "heard children crying from hunger and saw the deaths of some good friends—events that reminded us again not to romanticize this way of life that we had learned to respect."<sup>170</sup>

Eaton and Eaton find that hunter-gatherers are overall less healthy than people in industrialized economies, but they document the surprising number of ways in which hunter-gatherers are healthier.<sup>171</sup> Industrialized nations have cured and prevented many infectious diseases that afflict hunter-gatherers, but industrialization has created new threats to health. Hunter-gatherers "are largely immune to the chronic degenerative diseases which produce the greater part of all mortality in affluent nations."<sup>172</sup> Obesity was rare. So were many of the diseases associated with high-stress sedentary urban living. "Cholesterol level of hunter-gatherers ... is much below that of urban industrial people." Diabetes, heart disease, and stroke were almost unknown. "Blood pressure does not increase with age among hunter-gatherers." Hunter-gatherer's low exposure to toxins and their diet (low starch, low fat, no processed foods, no additives, high fiber, high protein, and high in fruits and vegetables) account for their

extremely low cancer rates. For example, “One forager woman in 800 develops breast cancer, while in the United States it is more like one in eight.”<sup>173</sup> A person who suffers from one of these diseases, especially at a young age, is quite possibly less healthy than a hunter-gatherer.

Some evidence indicates that hunter-gatherers of earlier times might have been healthier than modern hunter-gatherers. Studies of skeletal remains show that adults who died 30,000 years ago were taller and died with fewer missing teeth than modern humans living in the United States.<sup>174</sup> The people of Tahiti who were living a stone-age existence when they were discovered in the 1760s were as tall as or taller than the British who discovered them.<sup>175</sup> It is possible that the marginal environments of modern hunter-gatherers could account for their having poorer health than earlier hunter-gatherers, but available evidence simply cannot support a firm conclusion. What evidence exists indicates that hunter-gatherer life is a struggle, and it is not affluent, but the evidence certainly does not support the claim that the poorest people in modern society are clearly better off than hunter-gatherers.

The belief that people in industrialized nations are far better off than people in technologically simple societies was most widely believe when it was least true. Gregory Clark finds, “the average person in the world of 1800 was no better off than the average person of 100,000 BC. Indeed in 1800 the bulk of the world’s population was poorer than their remote ancestors.”<sup>176</sup> According to Charles Kenny, civilization, globalization, and industrialization did not have significant net positive impact on objective quality of life indicators for the majority of people until the mid Nineteenth Century.<sup>177</sup> The trend toward higher living standards began slowly and lead to a doubling of life expectancy only well into the Twentieth Century. Furthermore, the poorest people in the world today have still lower quality of life indicators than hunter-gatherers.<sup>178</sup>

Although anthropologists disagree about how well off hunter-gatherers were, they seem to agree that hunter-gatherers maintained a reasonable minimum for all members of the band more effectively than modern states. The movement from band to modern society involved not

only the elimination of the ceiling to the accumulation of wealth but also the elimination of a significant floor.<sup>179</sup> While all hunter-gatherers ate a diet high in protein and low in starch, many people today struggle with various forms of malnutrition, and two-thirds of the people alive today are involuntary vegetarians.<sup>180</sup>

In developing countries today 250 million children 5-14 years old toil in economic activity (not including domestic labor). Nearly half of them work fulltime.<sup>181</sup> According to Lee, “The Bushmen do not have to press their youngsters into the service of the food quest, nor do they have to dispose of the oldsters after they have ceased to be productive.”<sup>182</sup> Today 963 million people across the world are hungry,<sup>183</sup> and almost 16,000 children die from hunger-related causes every day.<sup>184</sup> According to Woodburn, “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.”<sup>185</sup> Sahlins argues that poverty makes people in modern societies more susceptible to starvation and death from complications of deprivation than hunter-gatherers in the arctic in winter.<sup>186</sup>

The modern world makes many luxuries available that hunter-gatherers could not conceive of, but the poorest people in the modern world have very little access to those luxuries. Hunter-gatherers had access to luxuries, such as access to nature, that few people today can afford. According to Marvin Harris, “Nowadays, whole families toil and save for thirty years to gain the privilege of seeing a few square feet of grass outside their windows.”<sup>187</sup>

Civilization—as we call it—is a mixed bag. Even Kim Hill, who has consistently debunked the affluence myth, agrees:

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. ... 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. ... there were no homeless, or unemployed hunter-gatherers, and probably fewer that endured forms of blatant exploitation and slavery etc than we see in modern contexts.<sup>188</sup>

Hunter-gatherer quality-of-life is an extremely low baseline for a proviso. Yet evidence reveals our economic system fails to surpass that bar. The Lockean proviso is clearly not fulfilled for the poor, the discontent, the homeless of developed countries, the shantytown residents of lesser developed countries, people who die young of modern diseases, families who need support from child labor, victims and perpetrators of campus massacres, and the urban foragers who must find food in other people's garbage. The conditions for fulfilling this low baseline are certainly achievable, but we have neglected to take the necessary action.

## **5: Individual appropriation and collective interference**

The Lockean proviso is only a corollary to appropriation theory. The main justification is that the first person or group to do X to a resource becomes its owner.<sup>189</sup> According to Locke, whoever first transforms a resource through labor (usually a farmer) has a natural right to appropriate it. Others replace labor mixing with first use, claim, or possession.<sup>190</sup> Robert Nozick, David Boaz, and Murray Rothbard rely heavily on the Lockean appropriation story.<sup>191</sup> Jan Narveson, Israel Kirzner, Tibor Machan, and Loren Lomasky employ various modified versions of appropriation theory.<sup>192</sup> In the more extreme versions, private property is a strong natural right; no amount of good a government can do justifies interfering with it. In moderate versions,

other considerations can override property rights, but taxation, regulation, or redistribution (even if justified) involve a sacrifice in the freedom and natural rights of title holders. Many policymakers and laypeople hold the presumption that some moderate version of this theory justifies actual existing property rights.

This theory requires what I will call the “individual appropriation hypothesis.” That is, the original appropriators actually were “homesteaders” or “pioneers,”<sup>193</sup> who established individual private property rights; governments and collectives did not. If so, private property rights put moral limits on government power. If instead, the original appropriators were villages, chiefs, or kings, appropriation theory would lead to legitimate collective or government rights over property.<sup>194</sup> Nozick tells a story in which government develops from a protective association.<sup>195</sup> His theory puts strong limits on a government so constituted but *only* on a government so constituted. It puts no limits on a government that owns land by appropriation.

Rothbard admits, “If the State may be said to properly own its territory, then it is property for it to make rules for anyone who presumes to live in that area.” But, “our homesteading theory ... suffices to demolish any such pretensions by the State apparatus.”<sup>196</sup> Rothbard does not support this conclusion with historical evidence. Yet without evidence we cannot know whether title holders have a better connection to original appropriation than collectives or governments.

Property rights advocates can (to a limited extent) protect property with a priori reasoning by invoking what I call the “statute of limitations.” Various versions of this principle imply that as long as current title holders obtained their property in good faith, past injustice affecting only long-lost parties can be ignored.<sup>197</sup> The statute of limitations can protect title holders from paupers who bring a claim based on title holders’ inability to show an unbroken connection to original appropriation. But it cannot protect them from governments, who have held the powers of taxation and regulation longer than most title holders held their powers.

Appropriation theory cannot—by a priori reasoning—rule out collective ownership or a governments’ right to invoke the statute of limits.<sup>198</sup> A successful defense of private property

must rely on the literal truth of the individual appropriation hypothesis. It must show that the original appropriators did not or could not establish collective or government property rights.

Only historical investigation can determine what kind of property rights original appropriators established. Plentiful evidence from anthropology, archaeology, and history bears on the individual appropriation hypothesis. Yet, none of the property rights advocates cited above refers to this evidence, despite their concern with history. Nozick, for example, calls his theory, “historical entitlement,” but cites no historical evidence to support his appropriation hypothesis.<sup>199</sup> Lomasky writes, “What is *in fact the case* carries moral weight,” but presents no evidence to support his claim that, “persons come to civil society with things that are theirs.”<sup>200</sup> How do we know? Perhaps, they created civil society first and property later. What is the evidence?

This section presents historical evidence that the individual appropriation hypothesis is false. It follows the development of property rights from hunter-gatherer bands to early states, revealing that the original appropriators were either villages acting collectively or chiefs who were both owners and governors of their territory. Private property emerges much later as a reward by governments to favored individuals.

### *A. Hunter-gatherer bands*

Property, or at least territoriality, is far older than humanity. Beavers, bees, and ants mix their labor with land. Other primates live in foraging groups with well-defined territories.<sup>201</sup> Human foragers are usually nomadic with defined territories. If first claim or first use by a sentient being establishes ownership, our hominid ancestors originally appropriated most of Africa, and hunter-gatherer bands appropriated most of the rest of the world.

Martin Baily examined anthropological observations of more than fifty bands and autonomous villages, and found that they all had collective claims to territory.<sup>202</sup> However,

human foragers' territories are usually not as exclusive as other primates' territories. Some hunter-gatherers, such as the Mbuti Pygmies of central Africa and the Nayaka of southern India, view land "not an object that can be owned but something that people can be closely associated with and related to."<sup>203</sup> The Inuit of arctic North American and the Hadza of east Africa have no exclusive territoriality at all. Woodburn writes "The Eastern Hadza assert no rights over land and its ungarnered resources. ... they do not even seek to restrict the use of the land they occupy to members of their own tribe."<sup>204</sup> Sometimes nominal rights to resources are vested in a headman, but he has no actual power to exclude anyone from their use.<sup>205</sup> The same is true for other apes. No individual can claim exclusive use of any piece land, and no individual can be excluded from resources she needs to maintain her existence.<sup>206</sup>

Human foragers have something more like private property rights in food and tools, but those rights are seldom exclusive and not usually appropriated by individualistic labor mixing,<sup>207</sup> as private property rights advocates suppose all humans naturally do. Hunter-gatherers have a strong obligation to share what they have (including things that they have made and big game they have killed) with others and little reciprocal obligation to produce.<sup>208</sup> Fried argues that it is possible for a lazy person in a hunter-gatherer band to get by almost without ever making a reciprocal contribution of effort.<sup>209</sup> According to Hill and Hurtado, "Property was never really private, and sharing was the most important aspect of the behavioral code."<sup>210</sup> According to Kristen Hawkes,

Among modern tropical foragers, hunters generally do not control the distribution of meat from big animals. Large carcasses are treated more as a communal resource, like a public good from which many claim shares. ... A hunter cannot exclude other claimants, nor can he exchange portions of meat with other hunters (or anyone else) for obligations to return meat (or anything else).<sup>211</sup>

Fried writes, “in a simple egalitarian society the taking of something before it is offered is more akin to rudeness than stealing.”<sup>212</sup> Most hunter-gatherers prefer to hunt for big game, even though big game is treated as common property of the band regardless of who kills it.<sup>213</sup> Social approval, prestige, and competition for wives seem to be adequate incentives to get males to hunt for the whole band.<sup>214</sup>

These facts present an enormous difficulty for the arguments to suppose that individual Lockean appropriation is a *natural right*. A natural right must be something that all humans want or need as part of being human and something that all humans must respect in others to respect their humanity. But yet this “right” to individual appropriation of land was apparently not practiced by anyone for the first 200,000 years of our existence as humans. It is not practiced by our closest primate relatives,<sup>215</sup> and it was probably not practiced by our hominid ancestors during the 2 million years separating humans from other primates. Those few humans who are still left alone to practice a hunter-gatherer life style might never have practiced this institution in their history. This supposed natural right contravenes a far more ancient principle: the belief that wild places could not be appropriated by any individual.<sup>216</sup>

Lee and Daly write, one “characteristic common to almost all band societies (and hundreds of village-based societies as well) is a land tenure system based on a common property regime .... These regimes were, until recently, far more common world-wide than regimes based on private property.”<sup>217</sup>

Hunter-gatherers could have created the institution of private property if they wanted to. All hunter-gatherers are free to leave the band and to start their own band with whoever wants to join. If 6 to 10 adult hunter-gatherers recognize the hunter’s natural right to exclusive ownership over the kill, no one would have interfered with them. Yet, all known hunter-gatherers (in all climates and geographies) exercised their free will to treat property collectively.<sup>218</sup>

Property rights advocates usually deal with hunter-gatherer bands by asserting that whatever they do is not enough to obtain the right to keep doing. Only more settled people, such

as farmers or miners, obtain control over land.<sup>219</sup> Without questioning the plausibility of that normative stance, the following subsections look to see whether the original appropriators actually established the ownership institutions that property rights advocates believe all appropriators do.

### *B. Autonomous villages*

Autonomous villages were the earliest and technologically simplest sedentary communities. They were first to assert land rights stronger than simply territoriality and to perform the key action required by most version of appropriation theory (clearing land for cultivation). Yet these original appropriators did not establish exclusive, private property rights.

Renfrew argues that the propensity to assign value to goods seems to have developed with sedentism, which preceded agriculture by thousands of years. Hunter-gatherers in extremely abundant areas created the first autonomous villages, and only later did these villagers develop farming technology.<sup>220</sup> Thus, agriculture follows rather than coincides with a major change in the institutions of property ownership.

Tribal peoples have a much weaker view of property than we do. They are interested in use-rights to the produce from land, not land ownership.<sup>221</sup> The most important of these rights is that each member of the community has the right to direct and independent access to land and other resources with which they can secure their needs, but the household was not the owner of any particular plot of land.<sup>222</sup> Earle finds that their “land rights are ambiguous and flexible.”<sup>223</sup> Sahlins find that they are “overlapping and complex.”<sup>224</sup> Fried observes, “in most rank societies, the concept of title, of legally specific ownership, is absent. A population, with its ranked head, is associated with area,” but they have little power to keep out newcomers.<sup>225</sup> There is, however, usually individual excludability in crops; each family would keep what they produced.<sup>226</sup>

The “headman” was sometimes spoken of as the “owner” of his group’s real estate, but in reality he was the *administrator* of his group’s possessions, not an individual owner.<sup>227</sup> This fact presents an enormous difficulty for property rights advocates. If the highest ranking person was the owner, the original appropriator was a government administrator. If the highest ranking member was not the owner, the original appropriator was the population of the village acting as a collective. Neither one implies that the original appropriator was an individual who took private property rights. Neither the family, the headman, nor the group as a whole had exclusive ownership of the land.<sup>228</sup> The original appropriators simply chose not to establish the kind of ownership institutions that property rights advocates make believe is natural for humanity.

A property rights advocate might be tempted to argue that this history merely shows how quickly the original appropriators became victims of group interference. Perhaps individuals began that property, and villages took it over. Such an assertion would be worse than mere unsupported wishful thinking; it is strongly contradicted by evidence. Recall the evidence presented in Section 2 showed that villages habitually under-used resources and were therefore able to settle disputes by splitting.<sup>229</sup> As in band societies, any individual or group who wanted to leave the village to set up a private-property based village was free to do so. Although thousands of village societies are known to anthropologists, I know of no ethnographic, archeological, or historic study showing evidence that any village created the institution of individual private property. The only reasonable conclusion is that these original appropriators voluntarily chose to collectivism. As the full owners under appropriation theory, they were, of course, within their moral authority to do so.

Why did the earliest agriculturalists tend to be collectivists? Baily argues that land simply isn’t very valuable to farmers without fertilizer or irrigation; they would clear it, farm it for a few years and move on. What they needed at any given moment was access to some land, not permanent exclusive control over any piece particular piece of land. Individual ownership of land comes when it makes sense economically, often with fertilization or irrigation.<sup>230</sup>

This observation provides a possible way out for property rights advocates. They might argue that fixed property comes later than Locke supposed; not with first labor-mixing, but with more sophisticated techniques, when land is transformed so much that exclusivity becomes more appealing. This transformation usually coincided with the development of chiefdoms.

### *C. Chiefdoms*

Chiefdoms are the simplest and presumably earliest form of social organization with excludability in property. Yet, as we will see, invariably, chiefs held centralized power as both governor and owner. Hawaii provides an excellent case study, because chiefdoms existed there without contact with more advanced societies until the late 1700s and good historical records were taken in the early years of contact.

Timothy Earle finds that chiefs are the only people in pre-contact Hawaii who can be spoken of as owners: of colonizing canoes, of landholding descent groups, of irrigation projects, of the irrigated land, of particularly productive land.<sup>231</sup> They did the things a Lockean appropriator is supposed to do. “[T]he environment was transformed into a cultural world owned by a class of ruling chiefs.”<sup>232</sup> By financing the construction of the irrigation canals, chiefs became the owners of the most productive lands. They acted as managers of irrigation projects. And they apparently financed and led the expeditions that originally brought people to the islands in about 600CE.<sup>233</sup> Earle also finds evidence of various forms of ownership-based chiefly power in other times and places such as pre-Columbian South America, Iron-Age Denmark, Olmec Mexico, the pre-Columbian Mississippi basin, Bronze-Age Britain, and pre-Roman Spain.<sup>234</sup>

Once established as owner-governors, Hawaiian paramount chiefs treated their chiefdoms as for-profit businesses. They hired and fired community chiefs, who hired and fired konohiki

(local managers), who allocated lands to commoners in exchange for labor,<sup>235</sup> which could be rescinded for nonpayment of labor.<sup>236</sup>

In chiefdoms, control over production and exchange of subsistence and wealth creates the basis for political power. In Hawai'i, community chiefs allocated to commoners their subsistence plots in the chief's irrigated farmlands in return for corvée work on chiefly lands and special projects. By owning the irrigation systems, and thus controlling access to the preferred means of subsistence, chiefs directed a commoner's labor. Where you lived was determined by whose land manager 'put you to work'.<sup>237</sup>

Government and ownership powers were fused probably because the economies were so simple. The separation of different areas of power (such as government, religion, and businesses) might only become possible in more complex systems.<sup>238</sup> Earle writes, "In all cases, [chiefdoms examined in Europe, South America, and Polynesia] economic power was in some sense basic to the political strategies to amass [political] power."<sup>239</sup> "[T]he evolution of property rights by which chiefs control primary production can be seen as basic to the evolution of many complex stratified societies ... the significance of economic control through varying systems of land tenure is a constant theme."<sup>240</sup>

Chiefs present a particular problem for property rights advocates, because they perform the proper appropriation activities, but they set themselves up as governments rather than mere owners. Government, therefore, did not develop out of any Nozickian protective association. We know chiefs did not usurp power from any ownership class because no ownership class predated chiefdoms. Chiefs *are* the earliest known individuals to hold exclusive individual property rights. Actual appropriation did not lead to a property-rights based society but to a monarchy.

If the earliest individuals known to have held exclusive private property rights were chiefs acting as both owners and governors, how did the now familiar institution of *private* property develop? The answer to this question requires a look at early states.

#### *D. Early states*

All known early states were highly centralized, hierarchical kingdoms. Bruce Trigger studied seven early civilizations across the world: the Aztecs, the Maya, Yoruba-Benin (sub-Saharan Africa), the Inca, Egypt, Southern Mesopotamia, and Shang China. He found that they all had kings who united religious, economic, and political power.<sup>241</sup> Even the highest-ranking commoners were most often state employees, such as scribes, soldiers and administrators.<sup>242</sup>

A small upper class in each state controlled wealth and made policy decisions, but they were usually also government officials who received land as a revocable reward for government service.<sup>243</sup> In the Americas, institutional land assigned to individuals in return for service “constituted a major source of revenue for the nobility, all of whose active male members were involved in some sort of state service.”<sup>244</sup> In all early states for which adequate documentation exists, the legal system protected government property and upper-class privileges.<sup>245</sup> “A defining feature of all early civilizations was the institutionalized appropriation by a small ruling group of most of the wealth produced by the lower classes. ... Farmers and artisans did not accumulate large amounts of wealth, although they created virtually all the wealth that existed in these societies.”<sup>246</sup> In some cases local kin groups continued to hold land collectively. This practice is probably a holdover from earlier forms of social organization.<sup>247</sup>

Many experts in the history of property seem to agree that “private property is a recent innovation” that did not exist in the earliest states.<sup>248</sup> Taxation developed simultaneously with the transfer of land from collective property to private property:<sup>249</sup> very much the opposite of the story property rights advocates tell in which collectives assert control over land that was

originally private. Trigger argues that although private land cannot always be ruled out, there is “no evidence that such land existed in most early civilizations.”<sup>250</sup> He goes on to rule out private ownership in five of the seven early civilizations in his study (the Aztecs, the Maya, the Yoruba, the Inca, and the Shang (of China). “That leaves Mesopotamia and Egypt as early civilizations in which some land might have been privately owned.” In Mesopotamia, private land was a late development. Maisels finds that land in prehistoric and early-historic Mesopotamia was owned either by temples, clans, or collectives.<sup>251</sup> Land was held collectively prior to the third millennium BC, when “increasing amounts of land fell under the control of temples or palaces, but some of it appears to have become the property of individual creditors.” “It is less certain that private land existed in the Old Kingdom of Egypt.”<sup>252</sup> Nevertheless, it goes too far to say that kings owned all the land in their territory. Kings often claimed ownership of all lands, but in practice their actual hold over land was weaker than full ownership.<sup>253</sup>

Something truly recognizable as an individual private title to land emerges only later in civilizations such as Rome and late medieval northern Europe, but it does not arise everywhere. Chinese civilization, for example, never evolved a strong sense of either private property or individual legal rights.<sup>254</sup> Apparently in some societies the classes that had been government officials in early states gradually came to be seen as the holders of separate ownership power. This happened in a limited way in Rome and in a more extensive way in early modern Western Europe. In England for example, private titles in land developed from titles that William I bestowed on his lords.<sup>255</sup>

### *E. Conclusion*

The factual account of the origin of private property and government simply do not support the individual appropriation hypothesis. The earliest farmers held land collectively. The earliest individual property owners were chiefs who were both governments and owners. Early

private holders obtained their position by service to the state. And taxation, rather than developing is an infringement on private property, developed along with the move from collective to private property rights. The only connection private title holders have to original appropriation seems to be *through* the state. This general pattern is not repeated step-for-step in all cases, but the patterned that would be seen if they the individual appropriation hypothesis were true (“homesteaders” appropriate unused land) is clearly absent.

Early chiefs and states probably usurped power from autonomous villages, but dispossessing modern governments in favor of current title holders, would not rectify that injustice. Private title holders simply do not have a factual claim to hold rights to property free of government taxation, regulation, and redistribution.

## **Conclusion**

This article has shown that some of the most popular justifications of the state and of private property rights rely on false factual claims. This argument is incapable of demonstrating that neither the state nor private property can be justified, just that they must be justified by some other means. A justification of the state has to take into account that there is no evidence for even a tacit universal agreement to support the state. A justification of private property has to take into account that the establishment of exclusive private property rights makes the poor unfree in the most negative sense, that the Lockean proviso is as yet unfulfilled, and that appropriation theory does not give private property holders the rights to be free of taxation, regulation, or redistribution.

Although philosophers have occasionally raised doubts about these claims, our discipline has passed them on for centuries. This article examined a narrow range of empirical studies, covering only prehistoric and early historic societies. There may be many more factual claims in philosophical literature that can be enlightened by sociology, psychology, and other empirical

disciplines. Perhaps we need to take on the job of fact checking; no one else is likely to do it for us.

## Notes

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<sup>1</sup> Rowland 2004. Return of the 'Noble Savage': Misrepresenting the Past, Present and Future. *Australian Aboriginal Studies* 2, 2-14.

<sup>2</sup> Although they could not practice war on the scale that modern technology makes possible, they were not necessarily peaceful or noble than we are. Lee 1979. *The !Kung San: Men Women, and Work in a Foraging Society*. Cambridge: Cambridge University Press, pp. 460-161; Lee 1990. "Primitive Communism and the Origin of Social Inequality." In Upham (ed.) *the Evolution of Political Systems: Sociopolitics in Small-Scale Sedentary Societies*. Cambridge: Cambridge University Press, 225-246, especially pp. 232 and 243; Hill and Hurtado 1996. *Ache Life History: The Ecology and Demography of a Foraging People*. New York: Aldine de Gruyter, pp. 467-468.

<sup>3</sup> Many hunter-gatherers give little attention to the conservation of their food resources apparently because they are confident that food of some sort is always available. In fact, there is overwhelming evidence that people in technologically simple societies created great environmental disasters in places like Easter Island by over-harvesting plants, and that others hunted species, such as the Mao of New Zealand, to extinction. There is good evidence that early hunter-gatherers hunted many more species to extinction in places like Americas, Europe, Madagascar, and Hawaii. See, Woodburn 1968. "An Introduction to Hadza Ecology." In Lee and DeVore (ed.) *Man the Hunter*. New York: Aldine, , p. 51; Bahn and Flenley 1992. *Easter Island, Earth Island*. London: Thames and Hudson; Martin and Klein (ed.) 1984. *Quaternary Extinctions: A Prehistoric Revolution*. Tucson: University of Arizona Press; Martin 2005. *Twilight of the Mammoths: Ice Age Extinctions and the Rewilding of America*. Berkeley: University of California Press.

<sup>4</sup> Hont 2005. *Jealousy of Trade: International Competition and the Nation-State in Historical Perspective*. London: Belknap Press; Hume 1960. "Of the Original Contract." In Barker (ed.)

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*Social Contract: Essays by Locke, Hume and Rousseau*. Oxford: Oxford University Press, ; Marx 1887. *Capital, Volume One*. Moscow: Progress Publishers; Riley 2006. "Social Contract Theory and its Critics." In Goldie and Wokler (ed.) *Cambridge History of Eighteenth Century Political Thought*. Cambridge: Cambridge University Press, 347-375; Rousseau 1984. *A Discourse in Inequality*. New York: Penguin Classics.

<sup>5</sup> Clark 1968. "Studies of Hunter-Gatherers as an Aid to the interpretation of Prehistoric Societies." In Lee and DeVore (ed.) *Man the Hunter*. New York: Aldine, 276-280.

<sup>6</sup> Renfrew 2007. *Prehistory: the making of the human mind*. London: Phoenix, p. 141; Fried 1967. *The Evolution of Political Society: An Essay in Political Anthropology*. New York: Random House, p. 53-54; Lee 1968. "What Hunters Do for a Living, or, How to Make Out on Scarce Resources." In Lee and DeVore (ed.) *Man the Hunter*. New York: Aldine, 30-48, p. 43.

<sup>7</sup> Lévi-Strauss 1968. "The Concept of the Primitive." In Lee and DeVore (ed.) *Man the Hunter*. New York: Aldine, 349-352; Colchester 1984. Rethinking stone age economics: Some speculations concerning the pre-Columbian Yanoama economy. *Human Ecology* 12: 3, 291-314; Lee and Daly 1999. "Foragers and Others." In Lee and Daly (ed.) *The Cambridge Encyclopedia of Hunters and Gatherers*. Cambridge: Cambridge University Press, 1-19, p. 6.

<sup>8</sup> Trigger 2003. *Understanding Early Civilizations: A Comparative Study*. Cambridge: Cambridge University Press, p. 142, 264.

<sup>9</sup> Nozick 1974. *Anarchy, State, and Utopia*. New York: Basic Books, p. 163.

<sup>10</sup> Hayek 1960. *The Constitution of Liberty*. Chicago: University of Chicago Press, p. 87.

<sup>11</sup> Lomasky 1987. *Persons, Rights, and the Moral Community*. Oxford: Oxford University Press, p. 123; Boaz 1997. *Libertarianism: A Primer*. New York: Free Press, pp. 64-65; Kirzner 1989. *Discovery, Capitalism, and Distributive Justice*. Oxford: B. Blackwell, pp. 7-10; Machan 2006. "Two Philosophers Skeptical of Negative Liberty." In Machan (ed.) *Libertarianism Defended*. Aldershot, UK: Ashgate, 269-284, pp. 270-279; Narveson 1988. *The Libertarian Idea*. Philadelphia: Temple University Press, pp. 99-101.

<sup>12</sup> Dahrendorf 1968. *Essays in the theory of society*. London: Routledge and Kegan Paul, pp. 172-176.

<sup>13</sup> Trigger .

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- <sup>14</sup> Boehm 2001. *Hierarchy in the Forest: The Evolution of Egalitarian Behavior*. Cambridge, MA: Harvard University Press.
- <sup>15</sup> Washburn and Lancaster 1968. "The Evolution of Hunting." In Lee and DeVore (ed.) *Man the Hunter*. New York: Aldine, 293-303.
- <sup>16</sup> Boehm , pp. 3-4.
- <sup>17</sup> Service 1962. *Primitive Social Organization: An Evolutionary Perspective*. New York: Random House.
- <sup>18</sup> Trigger , pp. 41-42.
- <sup>19</sup> Trigger 1998. *Sociocultural Evolution: Calculation and Contingency*. Oxford: Blackwell; Trigger *Understanding Early Civilizations: A Comparative Study* .
- <sup>20</sup> Lee *The !Kung San: Men Women, and Work in a Foraging Society* . , pp. 433-434.
- <sup>21</sup> Just as you can legitimately divide the Earth into the northern and southern hemispheres, or land and water, or warmer and colder regions, etc. For other ways social organizations have been classified see, Earle 1994. "Political Domination and Social Evolution." In Ingold (ed.) *Companion Encyclopedia of Anthropology*. New York: Routledge, 940-961.
- <sup>22</sup> Kottak 2008. *Cultural Anthropology: Twelfth Edition*. Boston: McGraw Hill, pp. 178-193.
- <sup>23</sup> Washburn and Lancaster In (ed.), , pp. 301-303; Fried , pp. 106-107; Hawkes, O'Connell and Blurton Jones 2001. Hunting and Nuclear Families: Some Lessons from the Hadza about Men's Work. *Current Anthropology* 42: 5, 681-709.
- <sup>24</sup> Fried , p. 44.
- <sup>25</sup> Lee "Primitive Communism and the Origin of Social Inequality." In (ed.), p. 231; Lee *The !Kung San: Men Women, and Work in a Foraging Society*. 458-461; Bird-David 1990. The Giving Environment: Another Perspective on the Economic System of Gatherer-Hunters. *Current Anthropology* 31: 2, 189-196.
- <sup>26</sup> Fried , pp. 106-107.
- <sup>27</sup> de Waal 2006. *Primates and Philosophers: How Morality Evolved*. Princeton, NJ: Princeton University Press, pp. 146-147.
- <sup>28</sup> Renfrew , 85-94, 139; Washburn and Lancaster In (ed.), .
- <sup>29</sup> Burch 1998. "The Future of Hunter-Gatherer Research." In Gowdy (ed.) *Limited wants, unlimited means: A reader on hunter-gatherer economics and the environment*. Washington,

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DC: Island Press, 201-17; Murdock 1968. "The Current Status of the World's Hunting and Gathering Peoples." In Lee and DeVore (ed.) *Man the Hunter*. New York: Aldine, 13-20; Roscoe 2002. The Hunters and Gatherers of New Guinea. *Current Anthropology* 43: 1, 153-162.

<sup>30</sup> Fried , p. 113; Lee and Daly "Foragers and Others." In (ed.), , especially p. 3.

<sup>31</sup> Turnbull 1968. "The Importance of Flux in Two Hunting Societies." In Lee and DeVore (ed.) *Man the Hunter*. New York: Adline, 132-137; Bird-David 1994. Sociality and Immediacy: or, past and present conversations on bands. *Man* 29: 3, 583-603; Boehm , pp. 72-73, 86-87; ; Woodburn 1968. "Stability and Flexibility in Hadza Residential Groupings." In Lee and DeVore (ed.) *Man the Hunter*. New York: Aline, 103-110; Bird-David Sociality and Immediacy: or, past and present conversations on bands. ; Leacock 1998. "Women's Status in Egalitarian Society: Implications for Social Evolution." In Gowdy (ed.) *Limited wants, unlimited means: A reader on hunter-gatherer economics and the environment*. Washington, DC: Island Press, 139-164, pp. 142-143.

<sup>32</sup> Bird-David Sociality and Immediacy: or, past and present conversations on bands. ; Turnbull In (ed.), , p. 135.

<sup>33</sup> There are more liberal definitions, and as with anything, there is always difficulty drawing the line. Roscoe, .

<sup>34</sup> Bird-David The Giving Environment: Another Perspective on the Economic System of Gatherer-Hunters. ; Boehm , p. 31; Fried , Chapter 2; Lee *The !Kung San: Men Women, and Work in a Foraging Society*. ; Lee and Daly "Foragers and Others." In (ed.), ; Lee and DeVore (ed.) 1968. *Man the Hunter*. New York: Aldine; Woodburn 1982. Egalitarian Societies. *Man* 17: 3, 431-451; Renfrew ;

<sup>35</sup> Lee "Primitive Communism and the Origin of Social Inequality." In (ed.), , p. 231. Not all the societies Lee refers to are hunter-gatherers.

<sup>36</sup> Boehm , p. 31.

<sup>37</sup> Boehm , p. 90.

<sup>38</sup> Renfrew , pp. 150-152, 164, 173-176.

<sup>39</sup> Boehm , pp. 3-4.

<sup>40</sup> Leacock In (ed.), ; Lee "Primitive Communism and the Origin of Social Inequality." In (ed.), , pp. 243-244; Lee and Daly "Foragers and Others." In (ed.), , p. 5.

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- <sup>41</sup> Boehm .
- <sup>42</sup> Leacock In (ed.), .
- <sup>43</sup> Bird-David The Giving Environment: Another Perspective on the Economic System of Gatherer-Hunters. ;
- <sup>44</sup> Woodburn Egalitarian Societies. .
- <sup>45</sup> Lee "Primitive Communism and the Origin of Social Inequality." In (ed.),
- <sup>46</sup> Lee "Primitive Communism and the Origin of Social Inequality." In (ed.), p. 244.
- <sup>47</sup> Lee "Primitive Communism and the Origin of Social Inequality." In (ed.) ; Barfield (ed.) 1997. *Dictionary of Anthropology*. Oxford: Blackwell Publishing; Woodburn Egalitarian Societies.
- <sup>48</sup> Fried , p. 83.
- <sup>49</sup> The word tribe is commonly understood to mean too many different things to be clear in this context to non-anthropologists.
- <sup>50</sup> Renfrew , p. 142; Boehm , pp. 3-4; Lee "Primitive Communism and the Origin of Social Inequality." In (ed.), , p. 236; Wilson 1988. *The Domestication of the Human Species*. New Haven: Yale University Press, p. 3.
- <sup>51</sup> Roscoe, .
- <sup>52</sup> Fried , pp. 129-130.
- <sup>53</sup> Fried , pp. 129-132, 177.
- <sup>54</sup> Sahlins 1974. *Stone Age Economics*. London: Tavistock, pp. 93-94; Baily 1992. Approximate Optimality of Aboriginal Property Rights. *Journal of Law and Economics* 35, 183, p. 92.
- <sup>55</sup> Fried; Boehm .
- <sup>56</sup> Trigger *Understanding Early Civilizations: A Comparative Study*. , p. 668.
- <sup>57</sup> Fried , p. 183.
- <sup>58</sup> Fried , p. 113.
- <sup>59</sup> Earle 2002. *Bronze Age Economics: The First Political Economies*. Boulder, CO: Westview Press, pp. 15-16.
- <sup>60</sup> Thomas 1999. *Understanding the Neolithic*. London: Routledge, p. 229; Renfrew , pp. 152, 164, 173-176.
- <sup>61</sup> Fried , p. 186-190.

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- <sup>62</sup> Earle 1997. *How Chiefs Come to Power: The Political Economy in Prehistory*. Stanford: University Press; Earle 2000. Archaeology, Property, and Prehistory. *Annual Review of Anthropology* 29, 39-60; Earle *Bronze Age Economics: The First Political Economies*. .
- <sup>63</sup> Bellwood 1987. *The Polynesians*. London: Thames and Hudson, pp. 31-33.
- <sup>64</sup> Earle *How Chiefs Come to Power: The Political Economy in Prehistory*. ; Earle *Bronze Age Economics: The First Political Economies*. .
- <sup>65</sup> Boehm , p. 98; Trigger 1990. "Maintaining Economic Equality in Opposition to Complexity: An Iroquoian Case Study." In Upham (ed.) *The Evolution of Political Systems: Sociopolitics in Small-Scale Sedentary Societies*. Cambridge: Cambridge University Press, 119-145.
- <sup>66</sup> Lee "Primitive Communism and the Origin of Social Inequality." In (ed.), , p. 239; Boehm , p. 255.
- <sup>67</sup> Trigger *Understanding Early Civilizations: A Comparative Study*. .
- <sup>68</sup> Trigger *Understanding Early Civilizations: A Comparative Study*. , pp. 44-45
- <sup>69</sup> Possehl, Raval and Chitalwala 1989. *Harappan Civilization and Rojdi*. Boston: Brill Archive.
- <sup>70</sup> Trigger *Understanding Early Civilizations: A Comparative Study*. , pp. 145-153.
- <sup>71</sup> Trigger *Understanding Early Civilizations: A Comparative Study*. , pp. 155-160, 239, 264-265.
- <sup>72</sup> Trigger *Understanding Early Civilizations: A Comparative Study*. , p. 668.
- <sup>73</sup> Knauft 1991. Violence and Sociality in Human Evolution. *Current Anthropology* 32: 4, 712-713; Boehm .
- <sup>74</sup> Turnbull In (ed.), , p. 136; Woodburn *Egalitarian Societies*. , pp. 431-451;
- <sup>75</sup> Boehm
- <sup>76</sup> Schneider 1979. *Livestock and Equality in East Africa: The Economic Basis for Social Structure*. Bloomington: Indian University Press.
- <sup>77</sup> Boehm , p. 3.
- <sup>78</sup> Boehm , pp. 84.
- <sup>79</sup> See Section 2.
- <sup>80</sup> Boehm , pp. 72-73. However, it should be noted that Polynesians, who lived in villages or chiefdoms rather than bands, started many different communities over an extremely large portion of the Pacific but brought a similar set of hierarchical institutions to each one. See Kirch 1984. *The Evolution of Polynesian Chiefdoms*. Cambridge: Cambridge University Press, p. 20.

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- <sup>81</sup> Hobbes, Thomas. 1962. *Leviathan or the Matter, Forme and Power of a Commonwealth Ecclesiasticall and Civil*. Edited by Michael Oakeshott. New York: Collier MacMillan; Wellman 2001. Toward a Liberal Theory of Political Obligation. *Ethics* 111, 735-759. Calls social contract and consent theory “the most commonly accepted theory of political obligation in the history of Western political philosophy;” Baren 1987. *The Consent Theory of Political Obligation*. London: Croom Helm, p. 1.
- <sup>82</sup> Hobbes 1962. *Leviathan or the Matter, Forme and Power of a Commonwealth Ecclesiasticall and Civil*. New York: Collier MacMillan, p. 100.
- <sup>83</sup> Hobbes , p. 101.
- <sup>84</sup> Hobbes .
- <sup>85</sup> Wellman, , p. 742.
- <sup>86</sup> de Waal , p. 4-5.
- <sup>87</sup> Woodburn Egalitarian Societies. , p. 434; Lee and Daly "Foragers and Others." In (ed.), , p. 4; Lee and DeVore 1968. "Problems in the Study of Hunter and Gatherers." In Lee and DeVore (ed.) *Man the Hunter*. New York: Aldine, 3-12; Bird-David Sociality and Immediacy: or, past and present conversations on bands. , especially pp. 591, 597; Fried ; Boehm , pp. 72-73; Renfrew , p. 148.
- <sup>88</sup> Leacock In (ed.), , p. 143.
- <sup>89</sup> Turnbull In (ed.), , pp. 136-137.
- <sup>90</sup> Lee and DeVore "Problems in the Study of Hunter and Gatherers." In (ed.), , p. 9.
- <sup>91</sup> Woodburn "Stability and Flexibility in Hadza Residential Groupings." In (ed.), , p. 103.
- <sup>92</sup> Fried , pp. 62-66, 104-105; Woodburn "Stability and Flexibility in Hadza Residential Groupings." In (ed.), , p. 52.
- <sup>93</sup> Trigger *Understanding Early Civilizations: A Comparative Study*. , p. 668; Fried , p. 8.
- <sup>94</sup> Fried , p. 91.
- <sup>95</sup> Fried , p. 91.
- <sup>96</sup> Sahlins , Chapter 2.
- <sup>97</sup> Fried , p. 113.
- <sup>98</sup> As quoted by Sahlins , p. 98.
- <sup>99</sup> Carneiro 1970. A Theory of the Origin of the State. *Science* 169: 3947, 733 - 738, p. 738, f. 19.

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- <sup>100</sup> Boehm , p. 93.
- <sup>101</sup> Bandy 2004. Fissioning, Scalar Stress, and Social Evolution in Early Village Societies. *American Anthropologist* 106: 2, 322-333.
- <sup>102</sup> Boehm , p. 93.
- <sup>103</sup> Fried , p. 133.
- <sup>104</sup> Fried , pp. 144-153.
- <sup>105</sup> Just a few examples: Lee "What Hunters Do for a Living, or, How to Make Out on Scarce Resources." In (ed.), , p. 43; Lee *The !Kung San: Men Women, and Work in a Foraging Society.* , pp. 437-438; Lee and Daly "Foragers and Others." In (ed.), , p. 1; de Waal , pp. 1-5; Hill and Hurtado , pp. 151, 194; Sahlins , pp. 96, 173-177; Fried , pp. 51, 70-71.
- <sup>106</sup> Hill and Hurtado , p. xii.
- <sup>107</sup> Leacock In (ed.), , p. 144.
- <sup>108</sup> Bird-David The Giving Environment: Another Perspective on the Economic System of Gatherer-Hunters. ; Bird-David 1992. Beyond the 'Original Affluent Society": A Culturalist Reformulation. *Current Anthropology* 33: 1, 25-47; Hawkes, O'Connell and Blurton Jones, .
- <sup>109</sup> Bird-David The Giving Environment: Another Perspective on the Economic System of Gatherer-Hunters. .
- <sup>110</sup> Sahlins; Sahlins 1968. "Notes on the Original Affluent Society." In Lee and DeVore (ed.) *Man the Hunter*. New York: Aldine, 85-89.
- <sup>111</sup> Hill and Hurtado , pp. 78-79.
- <sup>112</sup> Lee "Primitive Communism and the Origin of Social Inequality." In (ed.), ; Hill and Hurtado , pp. 159-166, 467-468; Lee and Daly "Foragers and Others." In (ed.), p. 1, 5
- <sup>113</sup> Fried , pp. 101-105.
- <sup>114</sup> CITE: Rummel.
- <sup>115</sup> Hill and Hurtado , p. 194.
- <sup>116</sup> Angel 1975. "Paleoecology, Paleodemography and Health." In Polgar (ed.) *Population, Ecology and Social Evolution*. The Hague: Mouton, 167-190, p. 179.
- <sup>117</sup> Clark 2007. *A Farewell to Alms: A Brief Economic History of the World*. Princeton: Princeton University Press, p. 1, chater 5; Eaton and Eaton 1999. "Hunter-Gatherers and Human Health." In Lee (ed.) *The Cambridge Encyclopedia of Hunters and Gatherers*. Cambridge: Cambridge

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University Press, 449-456, p. 452; Kenny 2006. Were People in the Past Poor and Miserable? *Kyklos* 59: 2, 275 - 306, p. 14.

<sup>118</sup> Harris 1977. *Cannibals and Kings: The Origins of Culture*. New York: Random House, p. 14.

<sup>119</sup> Hill and Hurtado , p. 194.

<sup>120</sup> Hill and Hurtado , p. 193.

<sup>121</sup> Renfrew , p. 176.

<sup>122</sup> Carneiro, .

<sup>123</sup> Carneiro, , p. 734.

<sup>124</sup> Trigger *Understanding Early Civilizations: A Comparative Study*. , pp. 283-284; Lee "Primitive Communism and the Origin of Social Inequality." In (ed.), , pp. 241.

<sup>125</sup> Maisels 1990. *The Emergence of Civilization: From Hunting and Gathering to Agriculture, Cities, and the State in the Near East*. New York: Routledge, p. 214-216.

<sup>126</sup> Maisels , p. 302.

<sup>127</sup> Maisels , p. 215

<sup>128</sup> Berlin 1969. "Two Concepts of Liberty." In Berlin (ed.) *Four Essays on Liberty*. Oxford: Oxford University Press, , pp. 121-122.

<sup>129</sup> Hayek , p. 87; Lomasky , p. 123; Boaz , pp. 64-65; Kirzner , pp. 7-10; Machan In (ed.), , pp. 270-279; Narveson , pp. 99-101. Nozick , pp. 183-231; Rothbard 1982. *The Ethics of Liberty*. Atlantic Highlands, NJ: Humanities Press, pp. 35-43.

<sup>130</sup> Lomasky , p. 102 specifically endorses Rawls's statement of most extensive equal liberty.

<sup>131</sup> Woodburn *Egalitarian Societies*. , p. 434; Lee and Daly "Foragers and Others." In (ed.), , p. 4; Lee and DeVore "Problems in the Study of Hunter and Gatherers." In (ed.), , p. 9; Bird-David *Sociality and Immediacy: or, past and present conversations on bands*. , especially pp. 591, 597; Fried ; Boehm , pp. 72-73; Turnbull In (ed.), , pp. 136-137; Woodburn "Stability and Flexibility in Hadza Residential Groupings." In (ed.), , p. 103.

<sup>132</sup> Fried , p. 58.

<sup>133</sup> Woodburn "An Introduction to Hadza Ecology." In (ed.), , p. 50.

<sup>134</sup> Fried , p. 58.

<sup>135</sup> Woodburn *Egalitarian Societies*. , p. 434.

<sup>136</sup> Fried , p. 8.

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- <sup>137</sup> Fried , pp. 62-62.
- <sup>138</sup> Fried , pp. 104-105.
- <sup>139</sup> Harris , p. 69.
- <sup>140</sup> Woodburn "An Introduction to Hadza Ecology." In (ed.), , p. 52.
- <sup>141</sup> Leacock In (ed.), , p. 144.
- <sup>142</sup> Lomasky , p. 102 endorses this principle.
- <sup>143</sup> Locke 1960. *Two Treatises of Government*. Cambridge: Cambridge University Press, Chapter 5, § 27.
- <sup>144</sup> Nozick , p. 178f.
- <sup>145</sup> Nozick , p. 182.
- <sup>146</sup> Nozick
- <sup>147</sup> Mack 1995. The Self-Ownership Proviso: A New and Improved Lockean Proviso. *Social Philosophy and Policy* 12, 186-218, quote p. 213
- <sup>148</sup> Narveson , p. 92.
- <sup>149</sup> Kenny, .
- <sup>150</sup> Harris , p. 9; Hawkes, O'Connell, Hill and Charnov 1985. How Much is Enough? Hunters and Limited Needs. *Ethology and Sociobiology* 6: 1, 3-16, pp. 3-4.
- <sup>151</sup> Sahlins "Notes on the Original Affluent Society." In (ed.),
- <sup>152</sup> Sahlins *Stone Age Economics*. , p. 14.
- <sup>153</sup> Sahlins *Stone Age Economics*. , p. 89.
- <sup>154</sup> Lee *The !Kung San: Men Women, and Work in a Foraging Society*. , p. 256.
- <sup>155</sup> Washburn and Lancaster In (ed.), , p. 303.
- <sup>156</sup> Bettinger 1991. *Hunter-Gatherers: Archaeology and Evolutionary Theory*. New York: Plenum Press, p. 99-100; Colchester, ; Hawkes, O'Connell, Hill and Charnov How Much is Enough? Hunters and Limited Needs. ; Altman 1987. *Hunter-gatherers today: an Aboriginal economy in north Australia*. Canberra: Australian Institute of Aboriginal Studies, p. 94.
- <sup>157</sup> Hill, Kaplan, Hawkes and Hurtado 1985. Men's Time Allocation to Subsistence Work among the Ache of Eastern Paraguay. *Human Ecology* 13: 1, 29-47.
- <sup>158</sup> Clark *A Farewell to Alms: A Brief Economic History of the World*. , p. 64.
- <sup>159</sup> Bird-David Beyond the 'Original Affluent Society': A Culturalist Reformulation. , p. 26.

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- <sup>161</sup> Burch In (ed.), , pp. 201-202.
- <sup>162</sup> Roscoe, , p. 153.
- <sup>163</sup> Hill, Kaplan, Hawkes and Hurtado Men's Time Allocation to Subsistence Work among the Ache of Eastern Paraquay. . Hill, who had lived with the Ache when they were nearly fulltime hunter-gathers and the Ache he observed agreed that their work effort on these trips was fairly representative of their work effort when they were fulltime hunter-gatherers.
- <sup>164</sup> Lee *The !Kung San: Men Women, and Work in a Foraging Society.* ; Hill, Kaplan, Hawkes and Hurtado Men's Time Allocation to Subsistence Work among the Ache of Eastern Paraquay. .
- <sup>165</sup> Bird-David Beyond the 'Original Affluent Society': A Culturalist Reformulation. .
- <sup>166</sup> Turnbull In (ed.), , p. 136.
- <sup>167</sup> Hill and Hurtado *Ache Life History: The Ecology and Demography of a Foraging People.* , p. 151.
- <sup>168</sup> Lee *The !Kung San: Men Women, and Work in a Foraging Society.* , pp. 290-292.
- <sup>169</sup> Lee *The !Kung San: Men Women, and Work in a Foraging Society.* , p. 204.
- <sup>170</sup> Hill and Hurtado *Ache Life History: The Ecology and Demography of a Foraging People.* , p. xiv.
- <sup>171</sup> Eaton and Eaton In (ed.),
- <sup>172</sup> Eaton and Eaton In (ed.), , p. 455.
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- <sup>174</sup> Angel In (ed.), , p. 179, table 1; Harris , p. 14.
- <sup>175</sup> Kenny, , p. 283; Clark *A Farewell to Alms: A Brief Economic History of the World.* , p. 60.
- <sup>176</sup> Clark *A Farewell to Alms: A Brief Economic History of the World.* , p. 1.
- <sup>177</sup> Kenny, , p. 288
- <sup>178</sup> Clark *A Farewell to Alms: A Brief Economic History of the World.* , p. 3.
- <sup>179</sup> Lee "Primitive Communism and the Origin of Social Inequality." In (ed.), , pp. 244-245.
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- <sup>185</sup> Woodburn "An Introduction to Hadza Ecology." In (ed.), , p. 51.
- <sup>186</sup> Sahlins *Stone Age Economics*. , pp. 36-38.
- <sup>187</sup> Harris , p. X.
- <sup>188</sup> Person correspondence.
- <sup>189</sup> Attas 2005. *Liberty, Property and Markets*. Aldershot: Ashgate, p. 81.
- <sup>190</sup> Locke , Chapter 5; See self-citation for a discussion of different version of Lockean property theory that have been derived from Locke's own theory.
- <sup>191</sup> Nozick , pp. 178-182; Boaz , pp. 65-74; Rothbard 1978. *For a New Liberty, The Libertarian Manifesto*. New York: Libertarian Review Foundation, pp. 25, 32-37.
- <sup>192</sup> Narveson , pp. 11, 83-92; Kirzner , pp. 98-119; Machan 2006. *Libertarianism Defended*. Aldershot, UK: Ashgate, pp. 91-93; Lomasky .
- <sup>193</sup> Rothbard *The Ethics of Liberty*. , pp. 48-49.
- <sup>194</sup> Self citation.
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<sup>205</sup> Fried , p. 95.

<sup>206</sup> Lee "Primitive Communism and the Origin of Social Inequality." In (ed.), pp. 231-232; Lee *The !Kung San: Men Women, and Work in a Foraging Society.* , p. 456; Bird-David The Giving Environment: Another Perspective on the Economic System of Gatherer-Hunters. ; Fried , p. 58. See also Section 1.

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<sup>208</sup> Some anthropologists find almost no evidence for reciprocity: Bird-David The Giving Environment: Another Perspective on the Economic System of Gatherer-Hunters. ; Bird-David Beyond the 'Original Affluent Society": A Culturalist Reformulation. ; Hawkes, O'Connell and Blurton Jones Hunting and Nuclear Families: Some Lessons from the Hadza about Men's Work. . Others find some such evidence: Gurven 2006. The Evolution of Contingent Cooperation. *Current Anthropology* 47: 1, .

<sup>209</sup> Fried , p. 62 and p. 62 f3.

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<sup>217</sup> Lee and Daly "Foragers and Others." In (ed.), , p. 4.

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- <sup>219</sup> Narveson 1998. *Libertarianism vs. Marxism: Reflections on G. A. Cohen's Self-Ownership, Freedom and Equality. The Journal of Ethics* 2: 1, , p. 14n.
- <sup>220</sup> Renfrew , pp. 142-145, 161.
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- <sup>222</sup> Sahlins *Stone Age Economics*. , p. 93.
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