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Appendix to Prehistoric Myths in Modern Political Philosophy

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Appendix

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Appendix to Chapter 2

A. Does this book have anything to say to indigenous peoples and indigenous rights movements?

This book is not directly about indigenous peoples. It is about Western political theory. Its goal is to dispel some myths that are often taken as fact in the contemporary political debate in many Western industrial state societies. However, the pigeonholing of indigenous peoples to fit preconceived imperialist notions is a concern of the indigenous rights movement, and therefore, it is worth considering whether this book might be able to contribute to that discussion.

Many problematic myths still affect how modern small-scale societies are perceived. One primary misconception is that modern small-scale societies are somehow more prehistoric, archaic, or primitive than the rest of us. Unfortunately, this view has been common among both social scientists and policy makers, and it is frequently reproduced in the popular media today. The supposed primitivism of modern small-scale societies has been used to argue for the special importance of research on them; to support efforts to preserve their indigenous life ways; even to promote ethno-tourism. In

terms of political philosophy, views of small-scale societies as "living fossils" have also been used to justify the righteousness, utility, and practicality of our modern political systems relative to the backwardness of our less evolved ancestors (and their putative modern-day equivalents).

All aspects of the equation of modern small-scale societies with ancient primitivism warrant serious critique. In addition to showing the myths at the heart of certain empirical claims about the past made by political philosophers, this book also strikes at the broader falsehood in perceiving modern small-scale societies as archaic or backward. In fact, this book shows that many aspects of the political systems of modern small-scale societies are virtuous and, contrary to traditional views, may actually underscore the injustice of our own political systems.

In examining the origin of the modern philosophical justification of private property and criticizing its empirical basis, another historical dynamic becomes apparent. Most of our modern beliefs about the individual's right to private property, and especially the individual's right to land ownership, originated during the period of European colonialism in which almost unimaginable numbers of indigenous people were slaughtered, displaced, or marginalized. It is clear that the political philosophies concerning rights to private property grew and developed in close alliance with the European colonial project, with our modern conceptions serving as both a justification of colonial aggression and also as a system for dividing newly colonized lands among European power-elites. Thus it is no small irony that both our political beliefs about private property and the primitivism of small-scale societies have their roots in the very same period of colonial holocaust. We hope that this book will play a small part in

explaining the ways in which small-scales societies have been misrepresented in the interest of constructing political theory.

The use of the term "noble savage," as discussed in the book, is just one example of the politicization that has often happened to research on native peoples and that has affected views of small-scale societies. Colonialists have often based their assertion of power over native peoples and native lands by making arguments similar in form to the following: "Because you failed to do X before we arrived, we now have the right to tell you what to do." This situation gives people who favor colonial power an incentive to argue that native people did not do X, and people who oppose colonial power an incentive to argue that native people actually did X. Yet, doing so seldom succeeds because colonialists often follow by explaining, "Although you did X, you failed to do Y, which also justifies the colonists effort to take land and power." They would tell indigenous hunters, "because you failed to farm the land, colonialists can take your land." But they would tell indigenous farmers, "although you farmed the land, because you failed to mark your territory with hedgerows or other recognizable boundaries, colonialists can take land from you as well." Or they would say that it was because the indigenous were in a warlike state of nature, that they failed to worship the true god(s), that they were racially inferior, or that they were so poor that colonialism could not help but benefit them. There is no limit to the excuses colonialists can come up with to justify aggression. One step toward getting beyond the politicization of these issues is the recognition that nothing the indigenous people were doing among themselves before colonialists arrived justifies colonial aggression. Another step might be to get the vestiges of these ideas out of political theory.

But setting the record straight about indigenous peoples is not the main focus of this book. An enormous literature focuses directly on this issue and does a much better job of it. What this book most offers to indigenous movements is the same thing it offers to everyone else: a better understanding of how false beliefs about small-scale and prehistoric societies have made their way into political theories that remain influential today. To the extent that these theories have been used to justify encroachment of indigenous peoples' rights, we hope this book proves useful in understanding how to push back.

Appendix to Chapter 5

A. Ancient history

The Hobbesian hypothesis did not begin with Hobbes. Yuval Noah Harari quotes a spokesperson for the first Chinese Emperor making very much the same claim two thousand years earlier, "There is not one who did not benefit [from the emperor's rule]. Every man is safe under his own roof" (Harari 2015). Probably throughout history leaders who claimed to benefit all their subjects were far more common than those who claimed indifference. One of the rare exceptions was the Judean King Rehoboam in the tenth Century, BCE. When his northern subjects asked for better treatment following the end of an emergency, he took it as an affront to his kingly authority and promised to make life *more* difficult for them. According to the Bible, he was promptly met with a successful rebellion (Tuchman 1984: 8-11). This story illustrates why it is in the sovereign's interest to get people to believe the Hobbesian hypothesis, but the philosopher's job is to skeptically investigate claims that so obviously benefit people in power.

Classical scholars, including the early philosophers that most strongly influenced modern thought, generally viewed human societies as continually degenerating from an original "golden age" of much greater virtue. At the same time, they considered intellectual reason to be the primary force in the inhibition of violence and warfare, since violence is driven by irrational or animalistic emotion. This led to two trajectories in terms of thinking about human nature as it pertains to violence and warfare. First, those like Plato tended to think of contemporary human civilizations as being more violent than those of the past, given the ongoing degeneration of human institutions (Baracchi 2002). Second, most classical philosophers considered violence to be a fundamental characteristic of instinctive human nature, deriving from emotions brought about by bodily desires (Baracchi 2002). Thus, reason and the construction of social relationships between individuals and their societies (or states) served to mitigate the instinctive lust for violence—a logic which is also recognizable in the later writing of Hobbes.

While Plato does not discuss violence or warfare directly very much, it is clear that he viewed human nature as fundamentally violent. Plato saw lust for violence as an animalistic instinct, which stood at the heart of conflicts between individuals and societies. Thus, Plato emphasized societal justice, reason, and the breaking down of faction as ways of limiting the violence inherent to human nature. Aspects of this viewpoint are echoed by Aristotle, who viewed the interconnectedness of humans within a society as interfering with the tendencies of individuals and societies to fight one another. Like Hobbes, both Plato and Aristotle were clearly concerned with the issue of civil war, which had been endemic to Athens (and Greece more generally) for several centuries by the time of their scholarship. Likewise, both worked against the backdrop of

the Peloponnesian War, which Aristotle attributed to the warlike Spartans' lack of wisdom and virtue (Wolpert 2001). Both agreed that a society based on the rule of reason, virtue, courage, and moderation fostered harmonious social relationships. Both also agreed that warfare was a serious social ill to be avoided whenever possible and that the only justifiable goal of warfare was to bring about peace.

B. Lord Shaftesbury

Skeptics of the Hobbesian hypothesis appeared from the start. Lord Shaftesbury (1900: 83), writing in the early eighteenth century, was one of the first. He wrote, "if natural affection and the care and nurture of the offspring be natural, … it follows that society must be also natural to him and that out of society and community he never did, nor ever can, subsist". Shaftesbury argued that Hobbes's description of people in the state of nature (devoid of community and society) had little resemblance to people as they actually are. He believed that people had natural affection for each other and a society built of social affinity was natural to humans and that freedom from potentially oppressive rules made them more polite and peaceful (Gill 2011). The two philosophers disagreed about basic human psychology, and they bothprovide testable empirical predictions about stateless societies. If community proves sustainable in the absence of government, Shaftesbury's theory has the better prediction. If not, the advantage goes to Hobbes. Shaftesbury had no empirical studies to reference to support his claim, and in the three centuries since the two contradictory claims have been passed on in the literature, few philosophers have been interested in investigating these two predictions. Most people who asserted the hypothesis as if it were beyond doubt simply ignored Shaftesbury's doubts.

C. *The Baron de Montesquieu*

Although the Baron de Montesquieu (2001: 20) was sympathetic to social contract theory and had both good and bad things to say about "savages," he argued that Hobbes's view of people in the state of nature was "far from being well founded." He believed that people are fearful in the state of nature, but this fear would keep them from initiating violence with one another, so that the state of nature would be peaceful. It is only when people enter society that they feel safe enough to initiate conflict. Montesquieu (2001: 20-21) writes that his claim is "obvious" (and therefore that the Hobbesian hypothesis is false), but the only empirical support he offers is the following casual observation: "as appears from instances (were there any necessity of proving it) of savages found in forests, trembling at the motion of a leaf, and flying from every shadow," and in a footnote, "Witness the savage found in the forests of Hanover, who was carried over to England during the reign of George I" (Montesquieu 2001: 24, n2).

Thus, very early in the debate, two conflicting and testable hypotheses appeared: Hobbes believed the state of nature is war, and government keeps the peace; Montesquieu believed the state of nature is peaceful, and governments initiates war. Montesquieu and Hobbes were clearly wrong about one thing: their claims are not *obvious*. If honest, intelligent writers can think that opposite empirical claims are obvious, neither claim is obvious. Only an empirical investigation can settle the issue.

Montesquieu's passing reference to the savage of Hanover is even less enlightening than Hobbes's passing reference to Native Americans. That savage was "Peter the Wild Boy," a mentally and physically disabled child apparently abandoned by his parents, found, and brought to the King's court (Kennedy 2011). Today few people would think the behavior of Peter the Wild Boy would give any indication about what people in stateless societies are like. His use of this example appears to stem from a belief in the dichotomy between "natural man" and "civilized man" and the idea that a natural

man always appears when civilization is stripped away. Without some belief like this, the experience of Peter the Wild Boy tells us nothing about people in stateless societies. Although Montesquieu's writing showed great knowledge of history and of what information was available in his time about what we now call anthropology, he here tried to settle a debate that had already been going on for one hundred years with this single, irrelevant reference. He might have been right in his empirical criticism of Hobbes, but the evidence he provided on this issue no more usable than Hobbes's or Locke's evidence.

Montesquieu (2001: 302-306) went on to argue that "savages" and "barbarians" lead a hard life that can make them cruel, but he also saw some advantages to the freedom from state sovereignty. He argued that "people who do not cultivate the land" would enjoy great natural liberty because they could abandon any leader who might try to become a tyrant. He also argued that people without monetary economies would have great equality because they could not accumulate great wealth and, therefore, even their leaders would accumulate few wants. These are plausible a priori speculations, and they might well have been based on careful (but not specifically cited) reading of the available literature at the time. Chapters 9 and 10 of the book show that these two predictions hold up well against information available today. But Montesquieu simply did not have evidence available to prove his point conclusively.

D. Adam Smith

Adam Smith made a pragmatic, "invisible hand," argument for the use of markets to reduce costs and provide more goods for people without making a lot of strong statements about the ultimate justification of government or property rights. But he built his theory largely on the basic assumption of a Lockean property rights system, and he makes a comparison between a European peasant and an African king that is obviously

influenced by Locke's day-laborer comparison: "the accommodation of an European prince does not always so much exceed that of an industrious and frugal peasant, as the accommodation of the latter exceeds that of many an African king, the absolute masters of the lives and liberties of ten thousand naked savages" (Smith 1976: 17). Smith's inclusion of the phrase "ten thousand naked savages" indicates that he's talking about a state society, but it is clear Smith thought people would be even worse off in a small-scale society, because he subscribed to a then-popular anthropological theory involving a natural progression of societies through various stages in social development, each one leading to greater opulence (Hont 2005: 101-102, 364).

E. David Hume

David Hume famously criticized Hobbesian and Lockean theories on partially empirical grounds, but less famously, he endorsed the Hobbesian hypothesis. Some of his empirical criticism was well taken. He argued that it was impossible for society to obtain consent and therefore impossible to base obligation on consent (Hume 2011: 430-431). He argued that few, if any, leaders or subjects of any state up to his time thought that the state was justified by consent or that property rights were justified by a Lockean natural right. He argued that moral reasoning must be suspect if it "leads into opinions so wide of the general practice of mankind" (Hume 2011: 437). He also believed that this lack of awareness of a social contract created a particular problem for contractarianism and that contractarians often implausibly describe inconsequential actions (or inactions) as evidence of tacit consent (Hume 2011: 433). Cario Casiglione (1994: 110) describes this problem, "Since a necessary condition for an act of the will is to be known to the person who exercises it, according to Hume, people's lack of awareness of having engaged in a covenant is conclusive proof that such an unknown promise is no promise at all."

Although we have said that this criticism is well-taken against Hobbes's theory as stated, Hobbesians have a ready response to it. They can simply stand on the moral claim that binding promises do not require an act of will. In most modern versions of contractarianism, "We do not ask whether the arrangements were in fact agreed to; we ask instead whether they could have been agreed to" (Waldron 1994: 51). This understanding strips down contractarianism almost to a pure mutual-advantage theory. It is not at all vulnerable to Hume's above criticism. But of course, whether a society actually achieves mutual advantage is still an empirical question, and so this understanding of contractarianism still requires the Hobbesian hypothesis.

One argument in Hume has been taken to be very important despite it having no relevance to Hobbes or Locke. Like Bramhall, Hume attacks Hobbes's story of the *origin* of government. Unlike Bramall, Hume (2011: 431-433) refrains from arguing that there never was a state of nature. He argues instead that governments were not created by an original agreement, arguing that the origin of government is conquest, that at least initially people obey government out of fear despite their *dissatisfaction* with it, and that if there were such an initial meeting, parents would have to somehow morally bind their children to obey it.

This line of attack is simply irrelevant to Hobbes or to any prominent version of contractarianism. Hobbes presented his story of the original contract as a metaphor, and he discussed the origin of the state by conquest. As Dudley Knowles (2009: 103) writes, "To my knowledge no political philosopher of any repute has articulated in detail an argument which suggests that all citizens of any present state have an obligation to obey the state … on the basis of such an historical contract."

Despite the irrelevance of this criticism, it has been influential in the debate over contractarianism for more than two hundred years. Jeremy Bentham (1776: Chapter 1, §36) wrote in 1776, "As to the Original Contract, … this chimera had been effectually

demolished by Mr Hume." And Ken Binmore (2005: 169) wrote in 2005, early contractarians use of "some ancient fold gathering at which a consensus was reached that somehow binds all those living today," and declared, "Hume's devastating criticisms of such theories of an 'original contract' remain unanswerable." Attention to this irrelevant empirical issue of a historical original contract only distracts from the empirical premise that is at the center of contractarian theory.

On that issue, Hume (2011: 435, emphasis original) has no criticism. After rejecting consent as the justification for government, he wrote: "If the reason be asked of that obedience, which we are bound to pay to government, I readily answer, *Because society could not otherwise subsist.*" Presumably, he believes life would be very bad if society did not subsist, but that *is* the Hobbesian hypothesis—at least if life would be bad for everyone. Hume skips the need for consent by going directly from the Hobbesian hypothesis to the justification of government sovereignty by reason of necessity. This move essentially makes Hume a mutual advantage theorist, in a way that has prompted some modern political philosophers to portray Hume as a contractarian theorist—his criticism of more literal contractarianism not withstanding (Murphy 1978; Gauthier 1979; Casiglione 1994: 108). Whether the label "contractarian" is appropriate or not, we can say that although Hume had a significant disagreement with Hobbes's normative theory, he did not have a significant disagreement with the Hobbesian hypothesis we criticize here. He relied on it just as much as Hobbes does.

Appendix to Chapter 6

A. *Utilitarianism*

Utilitarianism was the dominant theory of justice in Western philosophy throughout the eighteenth century and for at least the first half of the twentieth century.

Utilitarianism (and the broader theory, consequentialism) has many different forms but in general it is the belief that the morality of an act or a rule depends entirely on whether it increases or decreases overall happiness, by measuring the sum total of all of its positive effects on wellbeing minus all of its negative effects on wellbeing (Kymlicka 2002: 10; Sinnott-Armstrong 2015). We don't need to spend much time on utilitarianism, and so at the risk of oversimplification, we summarize its goal as maximizing average wellbeing. Utilitarianism, propertarianism, and contractarianism are not necessarily mutually exclusive. One could endorse a contractarian justification of government and a utilitarian strategy for government policy. One could endorse a utilitarian moral theory and believe that a propertarian set of institutions maximizes average wellbeing. For example, F. A. Hayek (1960) makes largely utilitarian arguments for a propertarian system. Murray Rothbard (2006: 40) argues the empirical truth of the overlap between utilitarianism and propertarianism without endorsing utilitarianism.

However, utilitarianism can, and often does, stand alone as a theory applying to all ethical issues. In that case, the state is justified if it maximizes average wellbeing, and it should institute whatever property rights system accomplishes that goal and alter it at any time in any way necessary to improve average welfare.

For all the problems utilitarianism has, it doesn't have a problem with the Hobbesian hypothesis. Two features of utilitarianism free it from a need for a claim along these lines. First, the monistic goal of maximizing average utility gives no special prominence to stateless societies. There is no natural starting point in utilitarianism. All social arrangements have to be justified against all other conceivable social arrangements, including the absence of any formal rules. Statelessness is just one more possible arrangement that would need to be evaluated against all others in the effort to choose the one that maximizes happiness.

Second, utilitarianism has no proviso. It endorses unrestricted average utility maximization without concern for any minimum standard of treatment (Kymlicka 2002: 10-52; Sinnott-Armstrong 2015). Unlike contractarianism and most versions of propertarianism—both of which theoretically prohibit harming anyone—utilitarianism concerns only the average. It does not matter whether social arrangements cause some people to be a thousand or a million times worse off than they would otherwise be, as long as the harm they suffer is balanced by improved wellbeing of other people so that the average is maximized. Specific help for the disadvantaged is judged only by its effect on that goal. If help to the disadvantage raises the average, it must be done. If it requires any sacrifice to the average, it must not be done, even if the suffering is great and the cost to the average is slight and dispersed into small effects on many people. Related theories, such as sufficientarianism and prioritarianism, do have special concern for the disadvantaged, but we do not think it is accurate to consider them as forms of utilitarianism (Widerquist 2010).

Critics tend to list these two features of utilitarianism among its central theoretical drawbacks, even though contractarianism and propertarianism have similar problems in practice. One of the most common criticisms of the goal of maximizing average wellbeing is that it involves an enormous informational problem (Kymlicka 2002: 46). Common criticisms of utilitarianism also involve the measurability and comparability of wellbeing, but these issues have nothing to do with the discussion at hand. Even assuming that wellbeing is the sort of thing that *can* be measured and that can be *compared* interpersonally, how could we gather the evidence necessary to ensure the average person in arrangement X is better off than the average person in all other conceivable arrangements? Utilitarianism has this difficulty, but any theory involving a proviso has a similar informational difficulty. How can we ever be sure that the least advantaged person is better off in arrangement X than they could be in any stateless

society? Utilitarianism's informational difficulty is the greater of the two, but at least utilitarians call attention to it. They ask people to endorse the goal of maximizing average utility. Presumably anyone who accepted that goal would begin to research the issue in hopes at least of moving in the direction of achieving it. Contractarians and propertarians ask people to endorse the goal of fulfilling the proviso, but the vast majority of them immediately ask people to assume that goal is fulfilled without examination of evidence or even consideration of the informational difficulties involved in it. Which is better: a school of thought that asks people to examine a large informational problem or one that asks them to ignore a smaller (though still significant) informational problem? Utilitarianism is not clearly at the disadvantage in this tradeoff.

Critics, such as Gerald A. Cohen (2003: 239-243), John Rawls (1971: 178), and Robert Nozick (1974: 39-42) argue that the great moral shortcoming of utilitarianism is its lack of any moral limit to the sacrifices it might force on to some for the benefit of the average, ignoring "the separateness of persons." (Neither Rawls nor Cohen endorses the Hobbesian hypothesis, but Nozick does.) Ignoring the separateness of persons violates the contractarian principle, Jean Hampton (1988, p. 4) explains as "morality should never demand of us that we make ourselves 'prey' to others or risk the satisfaction of our desires for their good." (Hampton was not specifically addressing utilitarianism when she asserted this principle, but she was defending contractarianism against alternatives in general.) In our terms, utilitarianism has no proviso. It is the proviso that protects everyone from being exploited as prey, or it would, if we took it seriously. But few contractarians do so. With very few exceptions, contractarians simply assume their proviso is fulfilled.

Although utilitarians' willingness to sacrifice some for the benefit of others is one of the central reasons many contemporary political theorists reject utilitarianism, contractarians downplay the need for empirical proof that the social arrangements they

favor actually do benefit everyone in the way they demand. Utilitarians have no moral prohibition against preying on people if it improves average wellbeing, but they call for an investigation of evidence to determine the effects of policy on everyone's wellbeing. Proviso-based theorists ostensibly have an overriding prohibition against preying on people, but the vast majority of them deny any need to investigate the wellbeing of disadvantaged individuals to determine whether social arrangements do in fact prey on them in the relevant sense. Again, which is better? It is not clear that proviso-based theories have the advantage on this issue.

This section should not be interpreted as an endorsement of utilitarianism as a theory of justice. It states only that utilitarianism is relatively invulnerable to the particular subject of this narrowly focused book. Other criticisms of utilitarianism raise serious doubts about it as an overall theory of justice, but we have no need to discuss them here. The only issue for us is what utilitarianism says about people in prehistoric and stateless societies. Although utilitarianism's need to compare one society to all others, establishes a very difficult requirement, a utilitarian justification of state society relative to statelessness would be a much easier requirement than the fulfillment of the proviso. The hypothesis that modern states with private property regimes make the *average person* better off than they would be in a stateless society is just as much an empirical claim as the hypothesis that these institutions *everyone* better off, but it is a much more plausible empirical claim. Mathematically, the utilitarian requirement is at least as easy to fulfill as the proviso, and easier in any society with inequality. The utilitarian requirement is probably fulfilled for all or most contemporary state societies. However, Chapters 10 and 11 show, even this much easier requirement was probably not fulfilled by many state societies before the nineteen century; nor by most states until well into the twentieth century, and not by all populations in all states even today.

Despite utilitarianism's lack of a need for a Hobbesian hypothesis, we have found few utilitarians criticizing contractarian and propertarian assertions of it. (Henry Sidgwick, discussed below, is one exception.) Perhaps a complaint along these lines lacks political appeal. It would read something like this, "Contractarians and propertarians will prey on the disadvantaged, and so will I. They won't tell you. I just did." Whatever the reasons that utilitarians tend not to criticize the hypothesis, utilitarianism is mostly not a part of this discussion. But as Chapter 6 and the following sections of this appendix reveal, people did not stop asserting the hypothesis during the period of utilitarian dominance.

B. G. W. F. Hegel

G.W.F. Hegel rejected Hobbesian contractarian theory and Lockean individual rights theory in favor of a justification having to do with the "freedom of spirit" and the "nature of right," but he incorporated the Hobbesian hypothesis into his work, framing it both in Hobbes's terms of the benefit of the state and in Locke's terms of the benefit of private property. In terms of the state, Hagel (2001: 78: §75) wrote,

> The characteristic of man as rational is to live in a state; if there is no state, reason claims that one should be founded. … It is false to say that it rests with the arbitrary will of all to establish a state; rather is it absolutely necessary for every one to be in a state.

For Hegel (2001: 203, §265, 198, §260) the state was "an intrinsic union of freedom and necessity," and "the embodiment of concrete freedom," in which "personal individuality and its particular interests … have their complete development." These statements are incompatible with some of Hobbes's moral claims but not with his empirical claims about life outside of state authority.

In terms of property rights Hegel (2001: 59: §46) asserted the Hobbesian hypothesis in the following statement:

The theory of a pious, friendly, or even compulsory brotherhood of men, who are to possess all their goods in common, and to banish the principle of private ownership, easily presents itself to one who fails to understand the nature of freedom of spirit, and the nature of right, through mistaking their definite phases.

Hegel apparently believed that people benefit from the state and private property rights so greatly that these institutions can be imposed on them even against their will. His criteria for judging that people are better off was subjective and somewhat vague (something to do with the "characteristic of man," the "freedom of spirit," and "the nature of right"), but these statements work in a successful justification of the state and/or property rights, they must have some truth-value. Otherwise his argument would amount to little more than a statement of a personal preference and a willingness to impose it on those who disagree. If Hegel was correct, it must be an inter-subjective reality that rational people with access to full information believe that their spirit, individuality, freedom, and particular interests can have their complete development only in a state society with private property rights. If rational, well-informed people are capable of disagreeing, Hegel's argument had little to offer.

C. Friedrich Nietzsche

Friedrich Nietzsche's thought is often grouped with philosophers who rejected the Enlightenment. This rejection extended to the belief that people could progress beyond the violent aspects of human nature. While Kant saw human nature as warlike, he held faith in progress through reason, improved social relations, and institutions to eventually resolve violent conflicts and, to some extent, modify human nature itself (Kant 1983 [1795]). Some of his German successors rejected the notion of inherent human rationality

and perfectibility, generally believing in an emotional (and violent) core of human nature that was inalienable and durable across both time periods and political contexts (Foner and Brown 2005). This conception of human nature was often used to support the belief that war is a natural and even healthy human activity.

Nietzsche (1984 [1888]) seemed to epitomize this sentiment in *Human, All too Human*, where he makes a strong statement that humans are naturally violence, a claim that many theorists have used to support what we call "the violence hypothesis:"

> It is vain rhapsodizing and sentimentality to continue to expect much (even more, to expect a very great deal) from mankind, once it has learned not to wage war. For the time being, we know of no other means to imbue exhausted peoples, as strongly and surely as every great war does, with that raw energy of the battleground, that deep impersonal hatred, that murderous coldbloodedness with a good conscience, that communal, organized ardor in destroying the enemy, that proud indifference to great losses, to one's own existence and to that of one's friends, that muted, earthquake-like convulsion of the soul … Europe, needs not only wars but the greatest and most terrible wars (that is, occasional relapses into barbarism) in order not to forfeit to the means of culture its culture and its very existence. (230)

Such views were shockingly widespread and influential in terms of both intellectual thought and political action in the following decades (Crook 1994). Nietzsche and others effectively linked war, which they saw as a key feature of the human psyche, with the maintenance of a healthy society, since war fortified what they viewed as fundamental aspects of human virtue and eliminated weak elements of an increasingly effete Western

civilization. The influence of this kind of thinking about war ranges from Theodore Roosevelt to Adolf Hitler, and it has had disastrous consequences.

It is not widely remembered today that the brutal events and mass death of World War I served as the primary catalyst in bringing an end to the unilinear progressivist evolutionary theory that dominated the early European social sciences (McCall 2006). It seemed ridiculous to argue that European civilization represented the pinnacle of cultural evolution, that progress was in any way inevitable, or that war was in any way healthy. Today, it is hard to imagine so many people were persuaded to view war as beneficial. Yet, only a generation later, much of the European population fell prey to very similar beliefs in the events surrounding World War II. Furthermore, while such appeals to the societal benefits of war have largely disappeared in the modern world, echoes still remain in some despotic corners of the globe. While Nietzsche played only a small part, the impact of the violence hypothesis on twentieth century politics demonstrates that this debate has important stakes and that arguments about human nature have consequences for large-scale political actions.

D. Henry David Thoreau

The nineteenth century also had a good share of skeptics. Several critics from widely different schools of thought appeared in the mid- and late-nineteenth century. Some of them made very pointed empirical attacks on the Hobbesian hypothesis and/or the violence hypothesis, but the existence of skepticism did not seem to slow the repetition of these ideas.

At about the time Bastiat was arguing that workers are a million times better off under capitalism than they could be living by their own efforts, Henry David Thoreau (1971) attempted to prove nearly the opposite by demonstration. His book, *Walden*,

accounts his experience building his own house and living primarily off subsistence farming. Although *Walden* was not directed at Lockean or Hobbesian theory, the theme that contemporary society has failed to make everyone materially better off and perhaps few of us spiritually better off recurs throughout the book.

E. Herbert Spencer

Herbert Spencer defies classification as either a supporter or an opponent of he idea, seemingly writing on opposite sides of the debate in different places. Spencer (1960: 176) was clearly against the hypothesis, in this passage referring directly to Hobbes, "[T]here are some small uncivilized societies in which, without any 'common power to keep them all in awe,' men maintain peace and harmony better than it is maintained in societies where such a power exists." Spencer included a citation to verify his quote of Hobbes, but none to support his claims about uncivilized societies. Although Spencer clearly rejects the Hobbesian hypothesis in this statement, as one of the originators of the concept of cultural evolution, he also held that violence between individuals was a key aspect of the evolutionary process and that fear of violence was the primary factor that led humans to organize into societies. It was Spencer (and not Darwin) who coined the phrase, "survival of the fittest" (Spencer 1864: 444). He saw cultural evolution as a unilinear and progressive process whereby increasingly complex, sophisticated, and effective forms of cultural organization reduced levels of violence over time.

F. Henry George

Henry George (1879) took a position very similar to Thomas Paine's, but with the added insight that the main drawback for a worker in a capitalist state societies relative to someone in "a savage tribe" was the loss of independence (Book V, Chapter 2, §06). Unlike Paine, George lived in the post-Crawfurd world, and so felt compelled to explain that he was "romanticizing" the noble savage, and in protecting himself from the noble savage allegation, his description of "the savage state" gets rather pejorative, which appears to be exactly what Crawfurd wanted everyone to feel compelled to do. George (1879: Book V, Chapter 2, §08), wrote,

> I am no sentimental admirer of the savage state. I do not get my ideas of the untutored children of nature from Rousseau, or Chateaubriand, or Cooper. I am conscious of its material and mental poverty, and its low and narrow range. I believe that civilization is not only the natural destiny of man, but the enfranchisement, elevation, and refinement of all his powers, and think that it is only in such moods as may lead him to envy the cud -- chewing cattle, that a man who is free to the advantages of civilization could look with regret upon the savage state.

In the climate in which George, he felt compelled to give that 104-word, ethnocentric disclaimer before he felt free to say,

> But, nevertheless, I think no one who will open his eyes to the facts can resist the conclusion that there are in the heart of our civilization large classes with whom the veriest savage could not afford to exchange. It is my deliberate opinion that if, standing on the threshold of being, one were given the choice of entering life as a

Tierra del Fuegan, a black fellow of Australia, an Esquimau in the Arctic Circle, or among the lowest classes in such a highly civilized country as Great Britain, he would make infinitely the better choice in selecting the lot of the savage. For those classes who in the midst of wealth are condemned to want, suffer all the privations of the savage, without his sense of personal freedom; they are condemned to more than his narrowness and littleness, without opportunity for the growth of his rude virtues; if their horizon is wider, it is but to reveal blessings that they cannot enjoy. (§08)

All George said is that the *least advantaged people* are worse off in capitalist states are worse off than people in small-scale stateless societies, but he's the one who feels he has to protect himself from the allegation that he's "romanticizing" the "noble savage." But Bastiat can say that *everyone* in a capitalist state society is at least a *million times* better of than people in small-scale stateless societies, without showing any apprehension that someone might suspect him of romanticizing capitalism.

George does not present rigorous evidence to back up his claims, but he was very well read on the condition of the underprivileged in his time, and at least he does not assume that everyone will take his assertions for granted.

There are some to whom this may seem like exaggeration, but it is only because they have never suffered themselves to realize the true condition of those classes upon whom the iron heel of modern civilization presses with full force. … And I challenge the production from any authentic accounts of savage life of such descriptions of degradation as are to be found in official documents of highly civilized countries. (§09)

George doesn't connect these observations directly with the claims of Hobbes and Locke, but he does fit the pattern we have recognized in that he takes a strong position on the Hobbesian hypothesis but does not present detailed empirical evidence.

G. Karl Marx and Friedrich Engels

Karl Marx and Friedrich Engels were far more engaged with the anthropological methods, theoretical views, and evidence of their day than all or most philosophers discussed so far. They based their claims about prehistory on the best evidence then available in anthropology and archaeology. Of course, much less information about prehistoric and stateless societies was available then than is today. Although they used several sources, most of their anthropological information came from Lewis Henry Morgan, and they both seem to have accepted his framework (Marx 1972; Brewer 2004: 9; Engels 2004 [1884]; Ramrattan and Szenberg 2008). Their concern with evidence-based reasoning (*without* an exception for claims for prehistoric speculations) was a great contribution to political theory. However, this section shows that although many of their findings contradicted the Hobbesian hypothesis and the violence hypothesis, they did not directly attack those ideas and their work had little or no impact on the discussion of these hypotheses in normative political theory.

Marx and Engels's work provides a great example of the third element in the pattern the book mentioned at the outset of this history: (1) many people assert the hypothesis with little or no evidence; (2) a few deny it with little or no evidence; (3) others research the relevant evidence without entering the debate. We first discuss their evidence and then its lack of effect on the debate.

Their work contradicted both sides of the comparative claim we call the Hobbesian hypothesis: in terms of the misery of people in stateless societies with common property regimes and in terms of the wellness of people in capitalist state

society. Their view of prehistory and stateless societies was complex. On the one hand, they saw small-scale societies as having demonstrably less asymmetry in the relations of production and therefore less inequality of wealth and power than larger-scale economic systems, and they embraced Morgan's view of band society as "primitive communism" (Marx 1972; Engels 2004 [1884]). On the other hand, drawing heavily on Morgan's unilinear evolutionary scheme, in which societies progressed through only one possible series of developmental stages, Marx and Engels did not view hunter-gatherer life in a particularly flattering way. Engels (2004 [1884]) offered the most detailed opinion on the matter, (among other things) equating modern Australian aborigines and other extant hunter-gatherer groups with the fossil examples belonging to the species *Homo erectus*. More broadly, Marx and Engels viewed the unilinear evolution of human cultural forms as improving life in many material ways, while having darker consequences as well. Furthermore, they viewed these increasingly unequal stages of cultural evolution as necessary steps along the path toward revolution and the ultimate emergence of a classless society (Marx and Engles 1994 [1848]).

While their portrayal of stateless societies was unflattering, their portrayal of life for many people in contemporary capitalist state societies was bleak. Marx's theory of history, though patterned on Morgan's theory of progress, was driven by an original theory of class struggle, in which each of the more recent stages led to greater exploitation and immiseration of the working class (Marx 1887 [1867]; Marx 1993; Marx and Engles 1994 [1848]). Engels's (2005) *the Condition of the Working Class in England in 1844* portrayed a hard and unhappy existence for most workers. Although his primary reference of comparison was England immediately prior to industrialization, his portrayal of working class life was certainly not one-million times (Bastiat), one-hundred times (Locke), nor even necessarily any more opulent than the portrayal of hunter-gatherer

existence in Engels's (2004 [1884]) *the Origin of the Family, Private Property and the State*.

Marx's theory of alienation added a theory of psychological misery to Engels's observations of material poverty. Unlike most previous systems, capitalism forces most workers to rent themselves as a commodity to survive. Even peasants and, to some extent, serfs sometimes work primarily for themselves. Although they are unfree in many ways, and they must share a large part of their product with their lord, they produce most of what they consume, and many of them have considerable day-to-day self-direction. Industrial workers can only survive by selling themselves as a commodity to business owners and by taking orders all day. With the long workweeks typical of nineteenth century capitalism, workers become themselves only in their bodily functions as most of their interpersonal relationships become commodity relations rather than personal relations. They lack both the time and autonomy to build a satisfying personal life. Higher-class workers are not immune to alienation either, as many of their relationships also become commodity relationships and as the sources of satisfaction available to them increasingly become unsatisfying opportunities for materialistic consumption (Marx 1959).

Putting these claims together, one can certainly draw the inference that nineteenth-century capitalist society was mixed at best and perhaps substantially worse for some individuals relative to stateless societies. Marx and/or Engels could easily have put all these elements together with a simple review of propertarian and contractarian literature to make a reasonable empirical and theoretical attack on what was then a two-hundred-year-old claim that the Lockean proviso was easily and obviously filled. But they simply weren't interested in assembling these pieces in that way.

Why not? To some extent, Marx and Engels's lack of interest in the discussion of the proviso is surprising, because their "underlying idea of economic justice"—at least in

Rex Martin's (1998: 150) interpretation—was not as different from Hobbes or Locke's as might be supposed from the radical divergence of their conclusions. It was simply the Lockean proviso, the fulfillment of which is the central issue of this book.

Despite apparent agreement on that one fundamental normative principle, Lawrence Wilde (1994: 164-165) argues,

> Three main aspects of Marx's method clashed with the assumptions of the social contract tradition. The first was his opposition to the individualist premises employed in contract theory. … The second aspect is closely related, for he believed that the formal freedom postulated in liberal theory provided the framework of a society in which the majority of people enjoyed little substantive freedom. … The third point … was his commitment to empirically grounded research and his distrust of the high level of abstraction in which so much previous political theory had been couched.

Marx was above all an applied theorist, and he was more interested in building up his own theories than in entering the existing abstract debates on their own terms (and we could say the same about Engels).

Apparently, few their successors were interested in making this critique either. Marxian literature is enormous. It is impossible for us to say that no Marxian philosopher made such an argument, but we can say that, if anyone did, it had little impact on the subsequent 150 years of contractarian and propertarian literature reviewed below.

H. Emile Durkheim

Emile Durkheim (1984: 151) was skeptical of the factual claims in social contract theory, writing, "[T]he social contract is today … very difficult to defend, because it bears no relation to the facts." But his criticism mostly revolved around the impossibility of unanimous consent, and we do not know whether he tooks a stand on the Hobbesian

hypothesis. This criticism might not apply as well to the Kantian versions of contractarianism that don't rely on literal consent and that came to dominant contractarian thinking in the late twentieth and early twenty-first centuries.

I. Henry Sumner Maine, John Robert Seeley, and Henry Sidgwick

Late nineteenth and early twentieth century political researcher such as Henry Sumner Maine (1861: 90-91, 114-119), John Robert Seeley (1896: 1, 4), and Henry Sidgwick (1966: 240) all contradicted Hobbes and Locke at least partly on empirical grounds, but they distanced themselves from abstract normative philosophy in favor of the historical method and became some of the founders of empirical political science.

Seeley (1896: 28) dismissed Hobbes and Locke as "political speculators" without specifically addressing their claims about the state of nature.

Sidgwick's (1966: xii, 348-365, especially 353) discussion of Hobbes and Locke's states of nature was more concerned with the question of how the state originated—a question, which we have argued is irrelevant to their justifications of the state—rather than with the relevant question of whether the state is necessary to protect people from the ever-present danger of war or poverty in the state of nature. He described their views of the state of nature, but his concern was primarily with their abstract methodology rather than with the truth or falsity of their claims (Sidgwick 1966: 372). He described Hobbes's view of the miserable state of nature as a "half truth," but he did not attempt to use observational evidence to debunk it (Sidgwick 1966: 354-355). Sidgwick (1966: 365) wrote, "neither Hobbes nor Locke actually use a historical method, except subordinately for confirmation of their conclusions." Our position, of course, is that there is nothing wrong with the abstract method, and there is nothing wrong with this subordinate use of history; the problem with Hobbes and Locke was that they didn't have

enough historical information to confirm the dubious empirical premises they asserted in support of their conclusions.

Maine (1861: 119) clearly called for an investigation of the empirical errors of Hobbes and Locke. Speaking about their theories, he wrote:

> Their originators carefully observed the institutions of their own age …, but, when they turned their attention to archaic states of society which exhibited much superficial difference from their own, they uniformly ceased to observe and began guessing. … One does not certainly see why such a scientific solecism should be more defensible in jurisprudence than in any other region of thought. It would seem antecedently that we ought to commence with the simplest social forms in a state as near as possible to their rudimentary condition. In other words, if we followed the course usual in such inquiries, we should penetrate as far up as we could in the history of primitive societies.

Although Maine *called for* an investigation, he did not conduct one himself. Ultimately, like Seeley and Sidgwick, Maine seemed to be far more concerned with attacking the abstract methodology in favor of the historical method rather than in addressing specific empirical claims of these otherwise abstract philosophers. Maine wrote (1861: 86-87), "Montesquieu, with all its defects, still proceeded on that Historical Method before which the Law of Nature has never maintained its footing for an instant."

We have been unable to find any of these three political scientists making a "subordinate" use of history to address Hobbes or Locke's claims about the state of nature. As far as we can tell, none of the three presents specific observational evidence about stateless societies to show that Hobbes's or Locke's claims about statelessness are false. Although they are all skeptics, they did not attempt to debunk the Hobbesian hypothesis.

J. Peter Kropotkin

Peter Kropotkin was a geographer and an anarchist philosopher, active in the late nineteenth and early twentieth centuries. His book, *Mutual Aid: A Factor of Evolution*, was an empirical effort to show that voluntary mutual aid can replace all or most of what a top-down government system does. This thesis is incompatible with both the violence hypothesis and the Hobbesian hypothesis. Kropotkin's (2011) book set out to show evidence of mutual aid among "animals," "savages," "barbarians," mediaeval people, and "ourselves. Living in the post-Crawfurd era, and writing anything other than a completely negative account of indigenous peoples, Kropotkin (2011: 204-205) felt pressure to deny that he romanticized the noble savage:

> In the last century the 'savage' and his 'life in the state of nature' were idealized. But now men of science have gone to the opposite extreme, especially since some of them, anxious to prove the animal origin of man, but not conversant with the social aspects of animal life, began to charge the savage with all imaginable 'bestial' features. It is evident, however, that this exaggeration is even more unscientific than Rousseau's idealization. The savage is not an ideal of virtue, nor is he an ideal of savagery.'

But Kropotkin didn't let this pressure silence him, "The first thing Kropotkin does is to dispel the Hobbesian notion that primitive life was one of 'war of each against all'" (Barnard 2004: 5).

Writing a few decades later than Marx and Engels and being more of a field researcher than either of them, Kropotkin (2011) drew on a much wider variety of sources from anthropology, history, and archaeology to examine or speculate about lifeways among a wide variety of contemporary stateless societies, historically observed

stateless societies, and Paleolithic societies. He remarked on how wrong Western characterizations of violent savages were:

> When first meeting with primitive races, the Europeans usually make a caricature of their life; but when an intelligent man has stayed among them for a longer time, he generally describes them as the "kindest" or "the gentlest" race on the earth. These very same words have been applied to the Ostyaks, the Samoyedes, the Eskimos, the Dayaks, the Aleoutes, the Papuas, and so on, by the highest authorities. I also remember having read them applied to the Tunguses, the Tchuktchis, the Sioux, and several others. The very frequency of that high commendation already speaks volumes in itself. (Kropotkin 2011: 175)

Kropotkin added similar observations about the "Bushmen," the "Hottentots," and the natives of Australia. Although he did not make a welfare comparison between disadvantaged people in state society and people in stateless societies, he did provide evidence that many stateless societies succeeded in establishing cooperative society without any legal authority and in living together peacefully (although not without occasional outbreaks of feuds).

Appendix to Chapter 7

A. Will Durant

Will Durant (1942: 1-5) was a mid-twentieth century philosopher and historian. Although he wrote about "primitive" peoples with sympathy, one of his posthumous works stated the Hobbesian hypothesis in its most literal sense, "In that hunting state… food supply was uncertain … in those thousand times a thousand years, man had to be pugnacious, always ready to fight—for his food, his mate, or his life. … Individuals became civilized when they were made secure by membership in an effectively protective

communal group" (Durant 2001). Durant was a well-rounded and well-researched historian who cannot be grouped with the many philosophers who repeated the hypothesis without evidence. But he did most of his writing before the revolution in anthropological thinking that occurred around *Man the Hunter*, when the Hobbesian and Crawfurdian views of stateless peoples were finally dismissed.

B. John Lucas

J. R. Lucas (1966: 65), who we discussed in Chapter three as seemingly but not actually having a purely a priori version of contractarian theory makes a straightforward, literal statement of the Hobbesian hypothesis:

> [I]f I attach any logical or rational merits to avoiding violence, and believe that it is important that conflicts should be settled by means of some rational and orderly method, and not any old how, then I must accept with this preference for rational and orderly methods the need for some coercive machinery of State to ensure that conflicts really are settled according to some method, and are not in the event left to the haphazard arbitrament of force.

Lucas provides a useful definition of statelessness as a society that settles conflicts "any old how."

Despite his insistence that there are logically only two choices—the "coercive machinery of State" or the "haphazard arbitrament of force"—Lucas (1966: 65-66) offers no empirical evidence to confirm that this dichotomy actually appears in observable reality. If his statement is true, and if any societies that settle conflicts "any old how" they must inevitably settle them by arbitrary force. If any societies settle that conflicts "any old how" manage to avoid resorting to arbitrary force, then his claim of a logical dichotomy must be mistaken. This claim needs investigation.

C. Theodore W. Adorno and Jurgen Habermas

Theodor W. Adorno is not necessarily a mutual advantage theorist, and as far as we know, he does not state the Hobbesian hypothesis outright, but he does have a rather Hobbesian view of the state of nature, seeing human reason as an evolutionary product of humanity's attempts to deal with an environment perceived as hostile, writing "Human history, the history of the progressive mastery of nature, continues to unconscious history of nature, of devouring and being devoured" (Cook 2004: 78-79). He and Jurgen Habermas wrote a great deal about the need to integrate philosophy and the social sciences, but their discussion of the state of nature was as speculative as anyone else's. Habermas (1996) took a more Rousseauian view of the state of nature in opposition to Adorno's more Hobbesian view, but neither of them seemed to see this as an area that lent itself to settlement by reference to social science (Bohman and Rehg 2011).

Habermas endorsed a "discourse principle" that was similar to the Lockean proviso, but it required real rather than hypothetical dialogue about the effects of rules on individuals. His skepticism was not as much about the relative welfare of people in state society, but more about whether the dialogue over ethical principles necessarily has a rational core to which all people could agree (Bohman and Rehg 2011). Thus, we can't list him clearly either as a supporter or a critic of the Hobbesian hypothesis as we have identified it.

D. Gregory S. Kavka

Kavka (1986: 24) endorses both the Hobbesian and Lockean versions of the proviso, writing, "the absence of reliable interpersonal cooperation is as important a negative feature of anarchy, for Hobbes and in fact, as is the presence of violent conflict." Kavka (1986: 84) admits he uses a hypothetical state of nature to reveal empirical truth, because he believes relevant observational evidence is difficult if not impossible to

obtain. Therefore, although he uses an a priori *method*, he makes it clear that he has not used purely fact-independent reasoning, as we think, any sensible Hobbesian theorist must admit. He makes extensive theoretical arguments that violence must exist in the state of nature (Kavka 1983; Kavka 1986).

Kavka (1986: 402-403) argues that the "Hobbesian fact" of the state of nature would force people to agree to the social contract:

> [I]t could be suggested that the parties are compelled to reach agreement, since return to the state of nature is their alternative. And this is, in a sense, true. But … The parties are not unfree with respect to one another; none can coerce others to accept unfair or unreasonable terms of agreement. All are forced to compromise an accept less than they might wish because of the necessity to reach agreement. But this sort of pressure, when it applies equally (or approximately equally) to each, does not call the fairness or morality of the outcome into question; it simply reflects a Hobbesian fact about the human condition—that the State and (a high risk of) insecurity and poverty are exhaustive alternatives.

This argument supposes that if every individual could actually be confronted with the prospect of returning to the state of nature, its insecurity and poverty (rather than coercion by other people) would force each individual to agree to a social contract that binds them to obey the state.

But of course, what he supposes would happen to the people in such circumstances is quite the opposite of what actually happens to people in existing circumstances. Consider a swing-shift employee making sub-poverty wages at the worst fast food restaurant in the roughest ghetto in Los Angeles. The supposed "Hobbesian fact" does not directly prevent her from quitting her job, building a shack on a beach, undoing her bonds to state society, and trying her luck in the state of nature. The only thing that directly ties her to state authority is her unfreedom with respect to other people,

who can coerce her into obedience. People with government authorized powers will knock down her shack, arrest her for vagrancy, and block her efforts to use the Earth's resources to produce for herself. They will coerce her into followings societies rules, effectively forcing her to accept the employment opportunities society makes available. She probably rarely even contemplates what it might be like to opt for the state of nature because state coercion has put it so far out of her everyday reality.

Therefore, the thing that directly compels people to obey state authority is the opposite of the thing Kavka imagines compelling them. It could be that if they *were* faced with a real option of the state of nature, they *would* discover that "Hobbesian fact" and find insecurity and poverty, but they simply do not face this option in their real lives. Because the justification of the law blocking that option is based on a supposed "Hobbesian fact" or more accurately a Hobbesian hypothesis about what people *would* do, if they *were* faced with that option, the authority should make sure beyond any reasonable doubt that that hypothesis is a fact before using it to justify the coercive imposition of such onerous duties.

Kavka (1986: 24, 193) uses his "fair play" justification to argue for a higher standard of treatment than implied by what we call the weak Lockean proviso, but he provides another example of someone who explicitly argues that the weak proviso is fulfilled as a matter of fact.

The fair play principle makes Kavka's (1986: 24, 198-199, 219) theory somewhat unusual in that it does not even hypothetically require unanimous consent. It's enough for the hypothetical agreement to "command nearly unanimous (e.g. 95 percent) consent." He might have used this reasoning to avoid any reliance on the Hobbesian hypothesis, but he does not consider that the dissenting minority might be comprised of people who are so disadvantaged that they are actually worse off than they would be in the state of nature. Instead he considers only three types of people who need not be included: (1)

those possessing extremely favorable personal features allowing them to thrive outside a system of social cooperation, (2) those who are extremely non-risk-averse regarding their vital interests, and (3) dominators who prefer conquest opportunities that would be available outside of a social agreement. His motivation for "jettisoning the unanimity requirement is that it prevents a reasonable agreement by the vast majority from being scuttled by the intransigent demands of a relative few" (Kavka 1986: 24, 199).

Kavka does not explain in so many words why disadvantaged people aren't considered on this list of possible dissenters. Perhaps he believes that such demands are not intransigent and so no agreement could be reasonable without satisfying them, or perhaps he sees no need to consider them as possible dissenters, because his arguments (discussed above) indicate that even the most economically disadvantaged people are obviously better off than they would be in the state of nature.

Unlike many contractarians, Kavka (Kavka 1986: 24, 197-198, 210-219) includes an economic minimum as a necessary feature of his social agreement, and that minimum has the potential to fulfill the Lockean proviso, but although he comes close at one point (page 212), he does not explicitly mention this motivation for the minimum. Instead the primary motivation for the economic minimum seems to be a higher standard than the proviso, "people are likely to be prone to rebel if they view their share of social goods falling below what they perceive to be a decent minimum for their society, irrespective of 'objective' cross-societal minimums" (Kavka 1986: 213). Therefore, we tentatively place Kavka in the group of philosophers who believe that the Lockean proviso is fulfilled but is not a high enough standard.

E. George Klosko

George Klosko sets out to ground political obligation on H.L.A. Hart's principle of fairness. This principle, as Klosko (2004: 4) applies it, is roughly that anyone who

shares benefits of social organization is obliged contribute to the social organization. This reasoning is contractarian in the modern Kantian sense. Klosko (2004: 5) argues the benefits must be such that people specifically require a state to provide them.

Whether the state meets Klosko's (2004: 8) conditions is an empirical question, as he readily admits, "Assessment of conditions under which people are and are not able to provide indispensible benefits without state assistance raises complex empirical questions. … Empirical aspects of political obligations are not always recognized." After Klosko (2004: 19) clearly affirms the empirical nature of the Hobbesian hypothesis, he just as clearly asserts its truth:

> If someone finds life in a Hobbesian state of nature acceptable, she will not choose to enter civil society and might not have political obligations. … One of my governing assumptions throughout this study is that the overwhelming majority of inhabitants of modern societies do not prefer to live in the woods or some remote outpost.

This is about as clear a statement as one could make of the Hobbesian hypothesis as an empirical claim comparing the welfare of people in state societies to the welfare of people who live outside state society by hunting, gathering, or some other means. It also provides an empirical test of state legitimacy. If disadvantaged people are so much better off than they would be living in the woods in some remote outpost that none of them would choose to do so, the political obligations imposed by government are justified (subject to the other principles of the theory, such as fair distribution). If not, the government remains unjustified.

F. Dudley Knowles

Dudley Knowles (2009: 144) argues that unanimous consent might not be possible, even though he assumes that the Hobbesian hypothesis is true:

There will be the citizens who will reject the arguments from fairness on the grounds that they do not seek any benefits from the state however many benefits are foisted upon them. … If this avowal is sincere, I do not see that they should feel grateful for what they describe as a moral burden notwithstanding the truth of the claim that it derives from a material benefit.

Knowles (2009: 144) recognizes the empirical nature of this issue when he writes that because of it, the question of "how far they [political obligations] extend is a matter of fact." But he does not mention the possibility of people not actually receiving benefits from the state or what effect the failure to benefit would have on the extent of political obligations. The possibility that the Hobbesian hypothesis could be untrue seems to be out of the realm of his consideration.

G. Robert Nozick

Many modern propertarians assert the Hobbesian hypothesis whether or not their theory includes a Lockean proviso. The most influential of them (within the field of political philosophy) is Robert Nozick (1974: 182). He mentions the presence of 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." He makes no reference to any studies of hunter-gatherer lifestyles and makes no effort to empirically compare their welfare to that of poor people in modern society. Yet, he goes so far as to say, "Indeed, were it not for the effects of previous illegitimate state action, people would not think the possibility of the proviso's being violated as of more interest than any other logical possibility. (Here I make an empirical historical claim; as does someone who disagrees with this.)" At least he admits it's an empirical historical claim and that it's controversial. Yet he doesn't admit any responsibility to provide evidence for it, even though he uses this controversial claim as a premise in an argument to justify the imposition of onerous

duties on propertyless individuals. Apparently he expects enough readers will share his prejudices about small-scale societies that no one will challenge him on this issue.

H. David Schimdtz

David Schimdtz develops an argument based on Locke's idea that improving resources effectively makes more available for others into a justification for appropriation *based on* rather than *constrained by* the proviso. Schmidtz argues that a society experiencing population growth might better fulfill the spirit of the proviso by establishing property rights and avoiding a tragedy of the commons. Although the proviso and the claims he relies on are slightly different than the Lockean version, he has the same problem with empirical verification. He doesn't present evidence to show whether societies without the institution of landownership necessarily had such a tragedy, and he doesn't discuss whether other solutions might be available (Schmidtz 1990; Schmidtz 1991: 17-24).

I. Tibor Machan

Tibor Machan (2006: 296) concedes that if a person is starving, and there is no other way, they have a moral right to steal, but devotes the better part of a chapter arguing (in pure theory) that this pattern simply won't happen. He concludes, "It is true enough that if the world were such that the respect and protection of individual rights engendered general unhappiness, including poverty, then libertarianism would be kaput [Lockean proviso]. It is also true enough that if pigs had wings, perhaps they could fly [Hobbesian hypothesis]." Machan is so confident in his theoretical arguments in favor of the Hobbesian hypothesis that he cites no empirical evidence that the disadvantaged are as well off as he says.

J. Loren Lomasky

Loren Lomasky (1987: 83) uses a broadly stated version of the proviso in his modified propertarian theory, writing, "Nothing should be acknowledged as a basic right unless it is the case that the vast majority of community members is rendered better off if they and all others respect that right than if no one were obliged to respect it." He doesn't assume that *everyone* is better off in an unregulated capitalist society with strong private property rights, and he admits that those aren't better off have a claim to mandatory redistribution. But he argues that such cases will be the exception: "When will that exception take effect? In a word, rarely" (Lomasky 1987: 125). Poverty will be rare, he believes, because his vision of a "liberal order" eliminates counter-productive regulations, such as building codes, minimum wages, and laws against victimless crimes. Apparently, once people are able to work as prostitutes for less than minimum wage in buildings without plumbing or fire safety precautions, "It is not unreasonable to suggest, then, that persons within a liberal order would generally find themselves able to secure what they urgently need, even if not all that they would like to have" (1987: 126). For these opportunities to fulfill his proviso, the typical subminimum-wage sex worker will have to be better off, all things considered, than our hunter-gatherer ancestors who had no obligation to respect a right of private property and who could get access to the resources they needed to survive without selling access to their bodies or accepting any other subordinate position in an employment hierarchy. Yet, Lomasky refers to no evidence to support that claim.

K. Jan Narveson

Even many of propertarians who argue against the need for a proviso assert that it is fulfilled. Jan Narveson (1988: 85) justifies his no-proviso argument, writing, "That my acquisition of a given plot thereby disenables you from having that plot is true enough,

but nothing to the point, since you *had no right to that plot*." Yet, he can't resist the assertion that this supposedly unnecessarily proviso is easily, obviously, and generously fulfilled, writing "A beggar in Manhattan is enormously better off than a primitive person in any state-of-nature situation short of the Garden of Eden" (Narveson 1988: 92). He refers to no supporting evidence for this claim. He simply assumes all readers share his prejudice.

L. Murray Rothbard

Murray Rothbard (1982: 244-245) similarly denies any ethical need for a proviso. His passage on it is worth quoting at length:

 [A]dopting Locke's unfortunate 'proviso,' on homesteading property rights in unused land, Nozick declares that no one may appropriate unused land if the remaining population who desire access to land are 'worse off.' But again, how do we know if they are worse off or not? In fact, Locke's proviso may lead to the outlawry of all private ownership of land, since one can always say that the reduction of available land leaves everyone else, who could have appropriated the land, worse off. In fact, there is no way of measuring or knowing when they are worse off or not. And even if they are, I submit that this, too, is their proper assumption of risk. Everyone should have the right to appropriate as his property previously unowned land or other resources. If latecomers are worse off, well then that is their proper assumption of risk in this free and uncertain world. There is no longer a vast frontier in the United States, and there is no point in crying over the fact. In fact, we can generally achieve as much 'access' as we want to these resources by paying a market price for them; but even if the owners refused to sell or rent, that should be their right in a free society.

The first part discusses a seldom-mentioned issue that affects both propertarianism and contractarianism, the measurement difficulty. Then he objects to a proviso partly because it could potentially invalid the property rights system, and he doesn't want that. But finally, he too, can't resist asserting that despite the measurement difficulty, we can say that people are better off if only in the sense that they supposedly have as much access to resources as they want by paying the market price. It is interesting that Rothbard, one of the few contemporary propertarians who and least admits to some doubt that the proviso is fulfilled, also denies any need to fulfill it.

M. Hillel Steiner and Michael Otsuka

Some theorists, called left-libertarians, use a generally Lockean property rights framework without accepting the high economic inequality that propertarians generally take to be natural. This group is not the only one using the term "left-libertarian," but it has a long history (Vallentyne and Steiner 2000; Vallentyne and Steiner 2000b). They endorse the normative principle that all natural resources belong equally to everyone. Some left-libertarians express this principle as a more generous formulation of the Lockean proviso. In Hillel Steiner's (1977: 49) version of the proviso, "each individual has a right to an equal share of the basic non-human means of production." In Michael Otsuka's (2003: 24) version, appropriators have the responsibility to "leave enough so that everyone else can acquire an equally advantageous share of unowned worldly resources."

Steiner and Otsuka both argue that their provisos are currently unfulfilled but easily fulfilled by taxing the resource value of private property and distributing the revenue equally to everyone. Thus, neither of them asserts a Hobbesian hypothesis to justify current institutions. Our systems are unjust in left-libertarian theory, and they won't become just until they fulfill a much more generous proviso. They usually don't

ask whether the weak proviso is fulfilled. Therefore, we cannot list them as either supporters or opponents of the Hobbesian hypothesis, but by leaving it out, they give the appearance that they have tacitly conceded it.

In the enormous literature on the Lockean proviso (as it pertains to the property rights debate) theorists usually break into two camps. One asserts that a weak proviso is warranted and that it is fulfilled. The other asserts that a stronger proviso is warranted and that it is unfulfilled. No one asserts the weak version of the proviso and follows by saying, "It's unfulfilled; the disadvantaged deserve more." The current framing of the debate implies that both camps agree (or at least are ready to concede) that the welfare of disadvantaged people under the prevailing property rights system is between the two provisos. To know that welfare was in that range would require a lot of information about the empirical situation of the world today. But nobody in the debate cites evidence to confirm that view of the empirical situation. The weak version of Hobbesian hypothesis is taken for granted.

Otsuka and Steiner might be right that a stronger proviso is ethically necessary, but this doesn't mean we should assume that propertarians have made good on their promise to fulfill the weak proviso. Just because Otsuka and Steiner make one criticism of propertarianism does not mean that they must make another criticism of it, but three centuries is more than long enough for propertarians to get away with their assertions of the Hobbesian hypothesis before someone demands evidence.

N. Rawls and Rawlsianism

Rawlsianism, which begins with the work of John Rawls (1971; 1993; 2001), has become probably the most popular contract-based theory in contemporary philosophy, and it does not rely on a Hobbesian hypothesis. Rawls does not give any special position to the state of nature. He imagines people negotiating the social contract outside of space

and time, so that all societies, whether stateless or not, have to be justified against each other, and it is impossible to employ a Lockean proviso to this kind of comparison. Although it might be possible for a state society to make everyone better off than they could be in a stateless society, there is no society that will be better for everyone than all other conceivable societies. The move from one social arrangement to another creates both winners and losers unless the starting point is extremely low as it is if the starting point is a small-scale stateless society.

Instead of the Lockean proviso, Rawls (1971: 75-83) offers the difference principle: hypothetical negotiators choose the social arrangements that maximize the advantages of the least advantaged group of individuals. Whatever social arrangements they choose will produce *different* groups of disadvantaged people, but arguably the most mutually advantageous social arrangement is the one that gives its least advantaged more advantages than any other conceivable social arrangement gives its least advantaged. Once a society manages to live up to this principle (and other principles of Rawlsian justice), the society will hopefully develop an overlapping consensus in which people with very different belief systems come to see social arrangements as being in their interest. And this overlapping consensus is the closest Rawls comes to offering a justification of the state (Rawls 1993: 133-172).

Like utilitarianism, Rawlsianism has a difficult empirical problem: how can we ever know that the least advantaged in our society are better off than the least advantaged in all other conceivable societies. Like utilitarians and unlike most contractarians, Rawlsians do not ask people to assume their conditions for a well-ordered state are fulfilled. They call attention to the empirical conditions for building a just society, and ask them to research these conditions and work *toward* their fulfillment. Rawlsianism recognizes the difficult empirical question it opens and calls for empirical inquiry into it

in the implementation stage while theories employing the Hobbesian hypothesis assume away the need for empirical inquiry at any stage.

The difference principle is a higher standard than the Lockean proviso because presumably it is more demanding to make the least advantage group of individuals better off than they could be under any other social arrangement than it is to make the least advantaged better off than the best advantaged in a stateless society. If one were to apply Rawlsian theory to the contractarian question of how to justify the state specifically against statelessness, one could actually get a *lower* standard: comparing the least advantaged person in state society to the least advantaged person in stateless society. As later chapters will show, there is very little social stratification in the smallest-scale stateless societies, and so the difference in the two comparisons is small, but it is interesting that although Rawlsianism implies a higher standard overall it implies a slightly lower standard for the pairwise comparison that is so important to contractarianism. Yet, again, it is the Rawlsians who call for research.

We do not know of any passage in which Rawls questions whether the Lockean proviso as employed by contractarians or propertarians is fulfilled, and so, Rawls fits the pattern of someone who argues for a higher standard but does not question whether the weak Lockean proviso is fulfilled. It is not necessarily the responsibility of Rawls or any Rawlsian to make this criticism, but the absence of debate over whether the Lockean proviso is fulfilled furthers the impression of a consensus belief in the Hobbesian hypothesis.

O. Elias Canetti

Elias Canetti (1962: 305-306)—as far as we have been able to determine—does not take a stand on whether people are overall better off in state societies or not, but he voices skepticism about the beneficial nature of the power structures state societies put in

place. He argues that external commands inherently sting and that "there is no man who does not turn against a command imposed on him from outside." This factor is often ignored in discussions of how much better off people supposedly are in state societies. Advantaged people give most of the orders and disadvantaged people take most of the orders. Locke, Bastiat, Gauthier and most others who make empirical assertions of the Hobbesian hypothesis tend of focus on consumption opportunities and do not usually net out the cost of being increasingly subject to external command.

P. Alasdair MacIntyre

Alasdair MacIntyre (1998: 86) recognizes the importance to contractarian theory that the hypothesis is not true for all stateless societies even if it is true for some:

> There *are* of course situations where the disappearance of the state's power of repression may lead to the rise of anarchic violence. But there are and have been plenty of situations where an orderly social life continues without such a power being present. Indeed if one contrasts eighteenth-, nineteenth-, and twentieth-century urban life, where the state's repressive power is close at hand, with the moral life of those other periods where it is often absent or far away, one might draw the conclusion that the state's presence is a demoralizing factor. This would be … as ill-founded, because as one-sided, a conclusion as Hobbes'. But it underlines Hobbes' error.

MacIntyre (1998: 87) goes on to say that the state of nature could be read as an extended metaphor. Exactly what this metaphor stands for is not clear to us, but he argues, "it can only function, even as a metaphor, if it is an intelligible story, if it satisfies certain elementary requirements of logical coherence. This it fails to do." The most reasonable use MacIntyre can find for Hobbesian reasoning is to explain why people come to share

social norms, but this use of the contract is very different than the effort to justify the state against its alternatives.

Q. Carole Pateman, Charles Mills, and Patricia Williams

Several modern critics of contractarianism attack the Hobbesian hypothesis from a very different angle than we do. Carole Pateman, Charles Mills, and Patricia Williams, use purely theoretical reasoning to argue that one should not expect mutually beneficial sovereign states to appear in practice, because people with the power to construct social arrangements lack the incentive to construct them as if they were a contract that includes all citizens (Pateman 1988; Mills 1997; Pateman and Mills 2007; Cudd 2013). In our terminology, a group of dissenters would be left unprotected by the proviso and the prevailing power structure (whatever it might be) would be effectively indifferent to whether the proviso was fulfilled for that group. This line of criticism is potentially devastating because, as Pateman and Mills (2007: 6) argue, "The modern state is taken for granted by most contemporary political theorists and, in contract theory, is assumed to come pretty close to being a voluntary scheme." If social arrangements are parasitic rather than mutually beneficial, the state fails to be justified in contractarian terms.

The logic of the incomplete contract is simple and compelling. If the social contract is a Hobbesian peace treaty among people who would otherwise be in a war of all against all, a peace treaty that includes everyone *is* capable of making everyone better off. But a contract that excludes a few people might make the peace treaty even more attractive to those who sign it, if it is cheaper to subjugate than to accommodate the excluded group. The prevailing power structure is then set up for the benefit of the in-group and it is indifferent to the welfare of the out-group. This arrangement is rational for members of the in-group if the out-group has insufficient power to disrupt existing social arrangements. The people left out could be differentiated by gender, ethnicity, race,

religion, poverty, or any one of many other characteristics. We could think of them more broadly as the disadvantaged.

If these critics are right, we should be able to identify people ignored by theoretical social protections such as the proviso. The empirical chapters of this book can be seen as providing confirming evidence of the predictions of these theorists. The out-group they predict is observable. Those chapters provide evidence that dissenters are effectively left out of the circle of mutual advantage.

If we are right that the contract actually has left people out, what is the function of the repetition of the claim that the contract has brought everyone in and provided them all with palpable benefits? The answer could be that it functions as a myth the way Chapter 3 described. It might be psychologically easier to effectively leave people out of the contract, if we tell ourselves that their actually in. Consider Wellman's (2001: 742) supposition as a possible myth, "The advantages of political society are so great because life in the state of nature is so horrible." If we, the in-group, can convince ourselves of the reality of this mythical state of nature, it might become easier to walk by suffering people, while we enjoy the advantages that social arrangements provide to us and deny to them. We think it is unfortunate that they don't benefit as much as us, but their suffering doesn't call the justness of social arrangements, because they *do* benefit. The system that produced my advantages also saved them from the state of nature, right? We don't even like to think of this claim as a *hypothesis*. We like to think it's beyond doubt, or that it's somehow logically incapable of being false. Everybody says it's true. It's not the sort of thing that most people even question. Our greatest philosophers have been assuring us of its truth for centuries. So, it must be true. Either that or it's a myth.

Appendix to Chapter 8

A. *Societies without statehood or landownership*

The existence of stateless societies is uncontroversial in anthropology. Although there is controversy about what to call them and how to categorize them, as the book explains virtually all observed indigenous societies with populations under 1,000 have neither government nor landownership. This section will expain the absence of these institutions in more depth.

1. Societies without statehood

As the book mentioned, the smallest and loosest observed from of socio-political organization is commonly called the "hunter-gatherer band," a nomadic group of about 15 to 50 people (including children and elderly) who obtain all of their food from foraging. (Kelly 1995: 258; Lee and Daly 1999: 3; Boehm 2001; Ames 2007: 490-491). Archaeologists have found evidence of nomadic foraging groups living at this scale tens or perhaps hundreds of thousands of years ago. Ethnographers have documented nomadic foraging groups at this scale over the world from the tropics to the arctic, in all types of climate and terrain. Although any generalizations about bands should be taken cautiously as tendencies drawn from limited data, ethnographers have recognized many similarities in the political and social practices of observed bands. Although some hunter-gatherers living at larger scale are sedentary, societies at this scale are always nomadic. Their nomadism is usually contained within a fairly distinct range (Turnbull 1968: 135; Bird-David 1994) but they do not usually claim exclusive control over this territory or strictly

defend it against outsiders (Johnson and Earle 2000: 32). This section shows that band societies lack all these characteristics of statehood discussed in the book.

Many ethnographers have remarked that hunter-gatherers commit neither to obey any authority within the band nor to remain with the band for any longer than they might wish to (Redfield 1967: 21; Lee and DeVore 1968; Turnbull 1968; Woodburn 1968b: 103; Woodburn 1982: 434; Bird-David 1994: 591, 597; Lee and Daly 1999: 4; Boehm 2001: 72-73; Renfrew 2007: 148). Richard Lee (1988: 254-255) writes, "Pre-state societies had no overriding political authority. Political power of any kind was weak. Decisions were made in a diffuse way usually democratically." Elenor Leacock (1998: 143) goes farther, writing, "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." They have no leaders or chiefs. Recognized positions of power belong to larger-scale forms of social organization not to bands. Almost all political actions they take are ad hoc. Although band members might have supernatural beliefs, they tend not to have ceremonialism, either religious or political (Johnson and Earle 2000), so that neither politicians nor religious leaders hold authority over the members of the band.

Membership in bands is fluid—so fluid that the words "band" and "membership" might exaggerate the coherence of the group or commitment it claims from the people in it. One band can split into two any time. Individuals freely move between nearby related bands, and they can camp alone or with just their nuclear family whenever they want (Turnbull 1968; Woodburn 1968b; Bird-David 1994; Leacock 1998: 142-143; Boehm 2001: 72-73, 86-87). Band societies are so loose that most anthropologists do not think of

the band as a political unit or a law-making body (Johnson and Earle 2000: 32-33). Speaking of nomadic hunter-gatherers in East Africa, Woodburn (1968b: 103) writes,

> 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.

Johnson and Earle (2000: 32-33) use the term "Family-Level Group" and stress how groups can form into camps of 25 to 50 people or dissolve into single families of five to eight people as appropriate for foraging, defense, or social relations. Perhaps even the term "family-level group" might exaggerate the extent of commitment to a social unit because, as in large-scale state societies, divorce and other family separations are common in small-scale societies. The family members one camps with at one time might not be the same group of people as one camped with the last time one camped only with the family. For example, perhaps last summer, a camp was comprised of two sisters, their husbands, and their children, but this summer it is comprised of only one of the sisters, her new husband, and children of both spouses' previous partners. Peter Rowley-Conwy (2001: 42) resists naming this form of social organization at all, referring alternatively to hunter-gatherer "groups with little or no logistical movement of resources or food storage," "[l]ogistical groups that do not defend territories," and "logistical groups that do defend territories." We use the term "band" simply because it is the most widely used term for nomadic foraging groups of 60 people or less. The term is useful as long as it is

understood that the band does not define life, law, and identity in "band society" the way the state or nation does in "state society." We use the term "band member" because it is short and easy to use. But we do not use it to imply any more commitment than (1968b: 103) Woodburn's term, "camp" or "the set of persons who happen to live together at one time".

Even within the band, cooperative activities such as hunting and 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 (Fried 1967: 8, 62-66, 104-105; Woodburn 1968b: 52). People who live in band societies simply do not take or give orders (Trigger 2003: 668). According to Morton Fried (1967: 83):

> 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.

Hunter-gatherer bands do not offer what people might most want out of anarchy. They are not the complete absence of all force. One cannot do whatever one might want to do without any interference from other people. Bands do occasionally discuss problems to reach group decisions. Individuals face sanctions and even death in conflicts with other members of their band, but this much power cannot make a state.

Force is seldom the first response to conflict in band society. Ridicule is much more common, and bands often split into smaller groups to avoid one person or group forcing others to obey their decision unwillingly. The many observations of desertion and fissioning show an important lack of commitment to any power structure. If bands split primarily as a foraging strategy, splitting would be unimportant to the question at issue. But bands (and many autonomous villages as well) often split for social reasons—because they can't agree how to get along. If some faction doesn't like the prevailing decision, they simply walk a mile or two away and do things the way they choose, or they ask everyone else to move a mile or two—and the question of which faction moves on any particular day is not very significant because both factions are regularly nomadic.

Fission—as the primary dispute resolution mechanism—is something very different from sovereignty. When disputes arise in a sovereign state, the sovereign rules, and definitively enforces their settlement. If someone doesn't like the decision, they cannot just drop their political obligations to the group, move a mile outside of the city limits and do things their own way. The sovereign forces them to accept its rule.

Of course, most bands will resort to force, but force is not government or sovereignty. Group decisions within bands have no clear rules or legitimacy. Speaking of Inuit (or Eskimo) societies, Fried (1967: 91) 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 [political] obligation under such

circumstances is ridiculous: Nothing that happens is binding upon any of the parties" (Fried 1967: 91).

We quote Fried because his descriptions are well pointed to the issue at hand, but on this issue his observations are solidly within mainstream anthropological thought. Many other anthropologists have also remarked on the lack of any formal legal structure or identifiable authority in band and other small-scale societies (Redfield 1967: 21; Lee and DeVore 1968; Turnbull 1968; Woodburn 1968b: 103; Woodburn 1982: 434; Bird-David 1994: 591, 597; Lee and Daly 1999: 4; Boehm 2001: 72-73; Salzman 2004: 47-48; Renfrew 2007: 148). According to Trigger (2003: 668), "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." That is very much the opposite of the commitment assumed in most theories of state sovereignty.

The slightly large-scale communities most commonly called "autonomous villages" tend to have some trappings of authority, but it is very limited. Villages usually have nominal leaders but with little or no real power (Boehm 2001: 93). Fried (1967: 133) 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." Leaders lead by example more often than by command. He concludes that under these conditions we can't really say that autonomous villages have laws (Fried 1967: 144-153).

Observations like these have been made by ethnographers living with very different bands and autonomous villages, widely dispersed throughout the globe, in very different climates and terrains. Ethnographic reports consistently show that the

characteristics of sovereignty are absent. Most small-scale societies have no authority structure, no concept of legitimate authority, no person or institution with the power to give orders, and no political unit to which one might make a commitment to obey.

A thoroughgoing contractarian—committed to the belief that a war of all-against-all and sovereignty are mutually exclusive alterantives—might be tempted to define even this low level of force as some form of statehood, but consider the following. Imagine you are hiking in a large nature reserve within your state but far away from any government authorities. You and a stranger meet and decide to walk or even to camp together. You don't discuss any rules of interaction. If disputes arise, you'll have to settle them "any old how" as Lucas (1966: 65) would say. It goes without saying that that you might reprimand or ridicule you new companion if he does something unacceptable to you; you might split from him if you stop getting along; and you might even use physical force if you feel sufficiently threatened by him. Without discussing it, you have just created the same type of authority that exists in a band. Have you and your new friend formed a mini sovereign state? If so, you will never be able to find a time when two or more people are together and no state exists. Statehood would become just another word for all human interaction. The state would not even be absent during a war of all-against-all, because this level of force exists there too. The state could not appeal to protection from the war of all-against-all for justification because war can only exist when human interaction exists and therefore under such a definition, it would be something that can only exist when statehood exists.

We must conclude that bands and autonomous villages have no true government. If so, all humans lived in stateless societies from their first appearance on Earth (as much

as 200,000 years ago) to at least 12,000 years ago perhaps less. As recently as 500 years ago, nearly half of the Earth's inhabited land area was still stateless. Many stateless societies survived into the twentieth and twenty-first centuries, and a few scattered societies still survive with little or no effective authority from the states that claim "sovereign" over their territory. Many more band societies could exist in remote areas if states did not force their rule over more remote areas.

Nomadic foragers were stateless not because they didn't know any better, and not because they were not yet in the position to reap its benefits. They were stateless because they chose to be (Scott 2009). David Wengrow and David Graeber (2015: 11-12) explain how Native Americans of the Great Plains lived as bands for most of the year but were able to assemble in to large unequivocally authoritarian states for bison drives or other purposes. But they argue, "Their sovereignty was no less real for its periodicity; and we must therefore accept that the Plains Indians knew something of state power … without ever having developed a state. In more recent evolutionary parlance, they were a kind of band/state amalgam. … Plains nations—like almost all societies of the Americas—were quite self-conscious about the dangers of authoritarian power. They created explicit mechanisms to limit its abuse."

These small-scale societies are very real and much older alternatives to the state. Recall Hampsher-monk's (1992: 27) words,

> The state of nature is simply the condition of men without a sovereign power to compel order. Just as we may never have a perfect vacuum, perhaps we can never have a situation where there are no vestiges of the restraints that sovereignty

provides, but inasmuch as sovereignty is absent, to that extent men will begin to exhibit behaviour typical of the state of nature.

Small-scale nomadic foraging societies simply *are* men and women "without a sovereign power to compel order." They have few if any such vestiges, and therefore, if the violence hypothesis is correct and strong enough to support the Hobbesian hypothesis, such societies must be unable to keep conflicts from escalating intolerably. A band must be "a perilous environment devoid of security" (Wellman 2001: 742). Band members must be in "continuall feare, and danger of violent death" (Hobbes 1962 [1651]: 100). The levels of violence in such societies must be so high that no rational or reasonable person could prefer that alternative to the state. If bands do not display this level of violence, something is very wrong with contractarian theory

2. Societies without landownership

In one sense, all human societies have some form of property. That is, there are some objects that one cannot take at any moment without causing a social disruption. And so, people who want to see property rights in every society can find something they can label ownership. But all social disruptions are not equivalent to property rights. Even to ask the question, do small-scale societies have private property is an oversimplification. "Property" and "ownership" are culturally specific terms that might or might not have equivalents in very different cultures. In industrialized capitalist states, ownership is usually understood as a bundle of 11 incidents (rights and duties) that an owner can have over an object (the rights to manage, use, exchange, etc.). One entity can hold all the incidents, or they can be split, but in the legal system virtually all industrialized states, it is important to know who holds what incident of ownership (Honoré 1987). Other cultures often do not have the same understanding of ownership.

Early ethnographers often sought to find out who owns what and whether property was individually owned or collectively owned. Ethnographers have come to understand that these are the wrong questions because the institutional setting is so different that the relationships between people and things can't be placed neatly into these foreign cultural categories.

An example from Western society might help. Suppose Bob takes a book of a shelf at a library and sits down to read it. After an hour he gets up to use the restroom. Alice, fully aware of what Bob has been doing, uses that opportunity to take the book and read it herself. Her action might cause a social disruption, but this disruption hardly means that Bob's claim to the library book in that context is an exact equivalent of the concept of a full private property right in the commercial context. What Bob can do with this book (i.e. read it, check it, or return it) is very different than what an owner can do with a book (e.g. sell it, bequeath it, throw it in the trash). In the setting of an industrialized state, it is easy to say that the library owns the book. It merely temporary cedes some of the incidents of ownership to readers and borrowers. But in a very different culture, especially in a small-scale society, the norms might be so different that no person or institution can be defined as the owner in our terms. We might be looking at people who have no more rights over land and moveable object than Alice and Bob have over a not-yet-checked-out library book. If so, an investigation of who owns what might well be asking the wrong question.

For this reason, rather than looking for "the rules of property" in various societies, ethnographers more commonly examine the "material culture" of various societies, stressing that the material culture of many societies does not easily translate into categories like ownership or property rights that researchers best understand. As his section argues below, many societies do not have the kinds of property institutions that private property advocates hope to justify by appealing to theories such as Lockean

appropriation, and most especially most small-scale societies with no equivalent of landownership.

Observed band and autonomous village societies usually (and perhaps always) treat land as a commons: it is available for anyone's use but for no one's possession. An open commons is one that everyone can use. A closed commons is one that only members of a given group can use. Both primate foraging groups and human foraging bands treat land as a commons of one kind or another. Primate foragers tend to have strongly defended closed commons. With some variation, human foragers are much more friendly to their neighbors. Territories usually overlap. Even bands that treat land as a relatively closed commons are far more willing to give permission to their neighbors to forage in their territory than our closest primate relatives. In fact, in many cases, one band cannot say no to such a request without breaking a norm and probably inviting conflict (Ingold 1986: 148; Cashdan 1989: 41). In other words, they would cause a social disruption by refusing access—the very thing one needs to see as the defining characteristic of property rights if one wants to see property rights in all societies. But now it appears that if social disruption is the defining principle of property, nomadic foragers have at least some overlapping "property right" in land. In such a case, it is difficult to say that any band fully treats their territory as a closed commons—perhaps as a partially closed commons.

Some band societies treat land as an open commons. For example, the Mbuti Pygmies of central Africa, the Nayaka of southern India believe land is "not an object that can be owned but something that people can be closely associated with and related to" (Bird-David 1990: 190-192). At least three nomadic hunter-gatherer groups (the Hadza of east Africa, the Batek of the Philippines, and some Inuit of arctic North American) have no exclusive territoriality at all. 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" (Woodburn 1968a: 50). The Batek, "believe the land was created for all people to use, both Batek and non-Batek, and no one has the right to exclude anyone else form living and working anywhere they wish." And "There is no sense in which the persons who share a [special connection to land] claim collective rights of ownership or custodianship over it" (Endicott 1988: 113). These cases of treating land as a fully open commons seem to be comparatively rare. The partially closed commons seems to be more frequent.

Small-scale societies that treat land as a commons (whether open, closed, or in between) have been observed in all climates and terrains throughout the world, including but not limited to southern Africa, eastern Africa, South America, Australia, India, the North American temperate zones, Labrador, and the Arctic (Hoebel 1954: 69-70, 104; Leacock 1954: 2; Leacock and Lee 1982: 8; Wiesssner 1982: 90; Ingold 1986: 6; Barnard and Woodburn 1988: 10, 15; Scott 1988: 37; Cashdan 1989: 40-42; Bird-David 1990: 190-192; Kelly 1995; Woodburn 1998: 53; Lee and Daly 1999: 4; Johnson and Earle 2000: 63). In addition to ethnographic evidence, many historical accounts dating from the earliest European societies with indigenous communities also attest to the ubiquity of small-scale societies treating land as a commons (Lee 1990: 256). Lee and Daly (Lee and Daly 1999: 4) 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." Martin Baily (Baily 1992: 185) examined anthropological observations of more than fifty hunter-gatherer bands and autonomous villages, and found that they *all* had at least partially collective claims to territory. Many larger-scale stateless societies treat some or all of their land as a commons, as do even some states. Most European states had common agricultural lands until the eighteen or

nineteenth centuries, and at least one state—Mongolia—still treats most of its land as a commons at the time of this writing.

Bands and other small-scale societies have something closer to the institution of property for moveable objects. But the rights they typically hold in those objects are usually much looser (and more subject to community claims) than the property rights familiar today (Hoebel 1954: 69-70, 100-104, 143; Sahlins 1974: 92-93; Ingold 1986: 224-225; Barnard and Woodburn 1988: 16; Myers 1988: 74; Lee 1990: 254-256; Kelly 1995: 163-165; Hann 1998). Historically, most states and chiefdoms also lack the kind of institutions that property rights advocates want to justify either in land or moveable objects. Full liberal property rights are largely a product of the modern societies, imposed on the world by Western colonialism.

Lee (1988: 255) writes:

There was no private property in land; land was held in common, or collectively, for example by all or by kind groups; rarely was it held by individuals. Production was for use rather than for exchange. There were no markets, no currency. Where exchange existed, it was based on sharing and reciprocity. The law of hospitality was strong; more than that, it was inviolable. There were strong sanctions against wealth accumulation. Leaders existed, but where they existed they were redistributors, not accumulators. The main bases for what status distinctions did exist include age, gender, and locality. The whole population retained access to the means of production and reproduction.

People who want to see property rights everywhere might be temped to say that the band owns the land. They might say that the band is an extended family. So, bands have private property rights in land. They might say the band is a corporation. So, bands have corporate property rights in land. They might say the band is government. So, bands

have public property rights in land. People can see whatever property rights they want in band society if they are willing to interpret the evidence in a way to fit the categories the expect to see, but in reality often none of those categories exist in that setting. To impose them is to interpret one society through the culturally defined categories of another society.

Publicly owned land can be designated as a commons, but not all commons can be considered publicly owned. For land to be public property, some group or public entity must be recognizable as the owner of that land—the ultimate holder of that bundle of incidents—and that entity must be capable of making decision about it. The same is true for family and corporate property rights. Most small-scale societies don't have any such entity to assert the ownership and make those decisions. Most nomadic bands forage on at least partially overlapping territories, and it would be extremely difficult to identify exactly what group could be called owner. Remember, bands are often merely a group of people camping together at one time. Which people camping together at which time are included as "owners?" Are past and future generations included as well—as indigenous opinion often suggests (Hogbin 1934; Hoebel 1954)?

Some incidents of ownership simply do not exist in the context of band society. Often the right to sell is absent because the practice of buying and selling land does not exist in the cultural context, and individuals believe no person, group, or institution has the right to sell the commons they depend on. If the opportunity to sell were presented from outside the question of who to consult before selling might be unresolvable—including people who currently camp with others bands, the dead, and the not yet born. Such a commons is better described as unowned or at least partially unowned.

The word "commons" might sound socialistic in modern Western parlance, but its central element is very individualistic: the right of individual access to the commons. The freedom to use the commons is a negative freedom in the liberal sense: one person does

not need another's aid to access the Earth; they just need them to get out of the way. Recognition of this individualistic right is ubiquitous in band society. In both human foraging bands and primate foraging groups, no individual can claim exclusive use of any piece of land, and *no individual can be excluded from* resources she needs to maintain her existence. People in band societies recognize this right and guard it (Fried 1967: 53; Ingold 1986: 148-150; Barnard and Woodburn 1988: 10, 15; Bird-David 1990; Lee 1990: 456; Johnson and Earle 2000: 10,15; Isakson and Sproles 2008: 6). The establishment of landownership, whether privately or publicly held, is the establishment of excludability and therefore, the establishment of an excluded group of people. Today most human beings for a significant portion of their lives—and many humans for the whole of their lives—are legally prohibited from meeting their own needs without following the orders of (i.e. taking a job from) someone who controls access to resources. Only in the last 5,000 years or so has anyone asserted such strong rights over other human beings. For the preceding 200,000 years of the existence of modern humans and the previous 2 million or so of hominin evolution, as far as archaeological evidence can show, no human asserted the power to put conditions on access to the resources another needed to survive. And if our hunter-gatherer ancestors are anything like most modern nomadic hunter-gatherers, no one thought it was reasonable for any individual to be denied access to the resources s/he needed to survive.

If any one of the many characteristics of property rights can be identified as its essential element, is it the loss of access to the commons. Individuals in property-rights-based economies give up the right to be free from interference as they access common resources in exchange either for a collective right or for a non-reciprocal private right to exclude individuals from access to resources. This characteristic of property rights is an essential element that propertarians want to defend, and in this sense there certainly was a time before property rights, and there are still societies without property rights in land.

B. Biological evolution and the violence hypothesis

From the twentieth century onward, an increasingly sophisticated theory concerning dynamics of biological evolution has suggested that the evolutionary processes responsible for the origins of humanity favor violence as a behavioral trait in humans or at least human males. This school of thought is not directly related to Hobbesianism, but its predictions can be used to support the violence hypothesis.

Biological evolution held mixed implications for the innateness of aggression among human beings. On the one hand, Darwin (1859) considered violence and competition between individuals to be one of the most important mechanisms of natural selection. In formulating his theory of evolution by natural selection, Darwin argued that competition between individuals for resources (and mates) frequently took the form of violent confrontation and, therefore, that individuals were instinctively prone to violent behavior. In an oft-quoted passage from *The Origin of Species*, Darwin (1859: 490) stated, "Thus, from the war of nature, from famine and death, the most exalted object which we are capable of conceiving, namely, the production of the higher animals, directly follows." In other words, he argued, it was a long evolutionary history of violent competition that was responsible for the origins of intelligent life, including humans.

On the other hand, Darwin's views of human nature were more complex than simply this focus on violent competition. While Darwin (1859) thought that a long history of violent competition was responsible for the origins of the human species, he saw its outcomes as imbuing humans with a unique capacity for intelligent thought and allowing them to possess unique capacities for rational thinking, cooperation, and emotions, importantly including sympathy. These unique faculties limited violent tendencies and promoted social stability. In this way, he saw humans as being inherently less violent than their evolutionary ancestors, as well as other higher animal species.

Such nuanced views of human nature were lost on many subsequent scholars of human evolution in the late nineteenth and early twentieth centuries. For example, Huxley (1863), who acted as Darwin's principle mouthpiece, felt that biological evolution had resulted in a generally violent and uncivilized human nature, while cultural sophistication allowed humans to transcend these savage impulses. In typical Victorian fashion, Huxley believed in a dichotomy between natural man and civilized man. He felt that human nature is inherently violent and that individuals can overcome their nature only through morality and restraint with the help of civilized societies. In this sense, like the unilinear cultural evolutionists of his day, he saw human societies as progressing toward an increasingly humane perspective. This outlook supported the violence hypothesis and held implied that both the deep evolutionary past of humankind and contemporary small-scale societies were much more violent than those of Western civilization.

Such views of human evolutionary prehistory became deeply ingrained within early research on fossil hominins. Perhaps the most notorious believer in a violent evolutionary past was Raymond Dart (1957), who was the discoverer of the first australopithecine fossil in 1924, the so-called Taung skull belonging to *Australopithecus africanus*. In announcing this discovery, Dart was met with widespread skepticism. With its small brain and other ape-like features, it was difficult for Eurocentric anthropologists of his day to accept this South African specimen as a true human ancestor. In responding to this skepticism, Dart (1953) argued that associated archaeological remains indicated that australopithecines were bloodthirsty killers, who routinely killed both large prey animals and conspecific competitors. Here, Dart made the logical connection that, since australopithecines were apparently proficient predators of large game, they also had both the means and the motivation to kill other members of their own species. Hunting and organized warfare were seen in Dart's day as two key features that distinguished humans

from other animal species, and thus he argued for the humanity of australopithecines by transposing these behaviors onto their evolutionary prehistory.

Dart's (1957) writing abounds with troublingly hyperbolic accounts linking the violence inherent within human nature with the predatory nature of our early hominin ancestors. For example, near the end of his career, Dart (1953: 209) wrote:

> The blood-bespattered, slaughter-gutted archives of human history from the earliest Egyptian and Sumerian records to the most recent atrocities of the Second World War accord with early universal cannibalism, with animal and human sacrificial practices of their substitutes in formalized religions and with the world-wide scalping, head-hunting, body-mutilating and ecrophilic practices of mankind in proclaiming this common bloodlust differentiator, this predaceous habit, this mark of Cain that separates man dietetically from his anthropoidal relatives and allies him rather with the deadliest of *Carnivora*.

Sadly, Dart effectively argued for the humanness of australopithecines as our evolutionary ancestors by making the case for their innate violence. And Dart was not alone in these beliefs. While Dart's influence on other popular writers of his day, such as Robert Ardrey (1966) and Arthur C. Clarke, is well-known (Erlich 1976), this argumentative strategy also strongly influenced the direction of the emerging field of anthropology. A prime example of this is the published dialogue between Louis Leakey and Robert Ardrey (1971), which clearly shows Leakey's common cause with Dart in using evidence for early a hominin predatory "killer instinct" as an argument for similarity with modern humans (Sussman 1999).

Through Dart, Ardrey, Leakey, and others, this view of human nature entered the increasingly scientific evolutionary theory of its day (such as, Washburn 1959), which

held that the biological and cultural evolutionary processes responsible for the origins of humankind were driven by the hunting of large animals and, therefore, this innately violent predatory "killer instinct" (Sussman 1999). While modified to smooth over some of its androcentric rough edges and to acknowledge some of the complexities of the Paleolithic archaeological record, this general line of evolutionary theory continues to hold a great deal of currency today. That the hunting of large game was a key element of our early hominin ancestors' economic habits is an idea now seldom questioned. Likewise, it seems that this ambiguous connection between predatory instincts and human violence, as well as its implications for both our deep evolutionary prehistory and human nature, remains largely in tact.

One outgrowth of an increasingly sophisticated view of the evolutionary process was the application of evolutionary perspectives to the study of human behavior. Among the most influential publications on such topics was E.O. Wilson's (2000 [1975]) *Sociobiology: A New Synthesis*, which laid the groundwork for the consideration of animal behavior through the lens of evolutionary theory. The basic premise of this and other subsequent sociobiological research was that animal behavior, just as any other biological trait, was acted upon by the process of natural selection. Therefore, the repertoire of behaviors within an animal species was therefore the result of a long process of evolutionary adaptation to the contexts in which that species has lived.

This line of thinking was controversial among a wide range of social science disciplines in positing the putative evolutionary benefits of a wide range of problematic behaviors. Wilson (2000 [1975]) made a number of striking arguments concerning the evolutionary basis of spousal infidelity, the division of human societies into classes, and the adoption of religion. Wilson (2000 [1975]: 573) also made a clear case for the evolutionary advantages of innate violence at both the levels of the individual and group, writing,

If any social predatory mammal attains a certain level of intelligence, as the early hominids, being large primates, were especially predisposed to do, one band would have the capacity to consciously ponder the significance of adjacent social groups and to deal with them in an intelligent, organized fashion. A band might then dispose of a neighboring band, appropriate its territory, and increase its own genetic representation in the metapopulation, retaining the tribal memory of this successful episode, repeating it, increasing the geographic range of its occurrence, and quickly spreading its influence still further in the metapopulation.

Thus, Wilson traces his intellectual ancestry from Darwin, while obviously manifesting views of Dart concerning the selective context in which hominins evolved as highly intelligent and aggressive carnivores. Elements of both Hobbes and Locke are evident in this line of thinking.

The fundamental logic of sociobiology became broadly distributed across other fields interested in the explanation of human behavior and especially human violence. In fact, the field of evolutionary psychology grew out of the sociobiological perspective and has been greatly concerned with the putative evolutionary basis of violent behavior. Among influential early psychologists adopting the sociobiological perspective were Margo Wilson and Martin Daly (1985), who contributed a great deal to the study of violence in human societies. In outlining what they refer to as the "young male syndrome," Wilson and Daly argue that certain patterns of risk-taking, violence, and other forms of aggressive behavior exist among males today because they conferred evolutionary benefits on males in our deep early hominin past. In short, this innate disposition for violent behavior favored males in the context of competition for mates.

While shifting the onus of violent behavior (mostly) to men, Wilson and Daly follow directly from Wilson's thoughts on the intrinsic aggressiveness among modern humans.

Such perspectives within the field of evolutionary psychology have infiltrated what might be considered popular science, as well as popular culture more broadly. One such popularized account is the book *Demonic Males*, by R.W. Wrangham and D. Peterson (1996), which builds on this model of the evolutionary basis of male violence with a heavy emphasis on the role of male competition for mates. Wrangham and Peterson (1996) also once again return to the connection between hunting and violence in arguing for origins of inter-group warfare among our ape ancestors as resulting from capacities derived from hunting behavior.

As Wrangham and Peterson (1996) themselves have witnessed, male chimpanzees hunt in groups and raid neighboring chimpanzee groups using identical tactics—effectively hunting both their prey and their conspecific competitors. Wrangham and Peterson conclude that this sort of evolutionary context has favored selection for "demonic males," who succeed by wiping out male competitors in neighboring groups, killing juvenile offspring fathered by competitor males, raping potential female mates, and establishing sexual dominance through violent intimidation. Wrangham and Peterson (Wrangham and Peterson 1996: 249) summarize their main point by stating:

> [M]en have a vastly long history of violence that implies that they have been temperamentally shaped to use violence effectively, and that they will therefore find it hard to stop ... Our Pleistocene ancestors were beleaguered by their own demonic males, surely. But they didn't have automatic rifles, fertilizer bombs, dynamite, nerve gas, Stealth bombers, or nuclear weapons. We do, and therein lies the danger.

Obviously, such arguments that males have an evolutionarily derived genetic predisposition to commit rape is a controversial claim and *Demonic Males* has had its fair

share of criticism from both scientific and culture-critical sources. Yet, the logic of sociobiology as applied to the study of violent behavior represents a remarkably common and increasingly pervasive rhetorical strain within popular science. For example, a recent book entitled *Sex and War: How Biology Explains Warfare and Terrorism and Offers a Path to a Safer World* (Potts and Hayden 2010) offers an expansive account of how natural selection fostered proclivity for violence among males, as well as female attraction to successfully violent males. This resulted in pervasive warfare, which characterizes the modern world. Potts and Hayden share Wrangham and Peterson's basic thesis that the danger of the modern world stems from a Stone Age tendency toward violence continuing in a context in which weapons capable of destroying the world are common. Furthermore, *Sex and War* shares the premise that history's most effective mass-murderers, such as Gengis Khan and the early Irish king Niall of the Nine Hostages (from whom McCall is descended), as well as countless unknown demonic males in prehistory, have produced huge numbers of offspring and have therefore shaped the genetic proclivities of the modern human species. Sociobiological explanations of human violence are now ubiquitous even beyond the academic fields in which they originally arose.

Hence, such ideas concerning the evolutionary basis for a "demonic" human nature have become deeply engrained with modern popular culture. With that said, the origins of this perspective lies more with Hobbes and his intellectual descendants than with Darwin. By stating this, we also mean to say that such evolutionary perspectives on human violence rely almost entirely on assumptions about the nature of our deep prehistory and life in stateless small-scale societies. If one traces the origins of these foundational assumptions, which have usually served as unquestioned axioms upon which further arguments have been based, one inevitably ends up back at the Hobbesian state of nature (and the colonialist and racist ideas that influenced him) rather than to

ethnographic or archaeological evidence concerning the actual behavior of people in stateless societies today or of our hominin ancestors in the deep past.

These sociobiological ideas are closer to the hypothesis of a violent human than to the hypothesis that statelessness is more violent than state society. That is, they address the claim about violence opposed by Rousseau rather than the one proposed by Hobbes. However these ideas can easily be put together with an argument that sovereignty is necessary to curb the naturally violent tendencies of males. Although we have argued that Hobbes based his argument more on the situation than on the nature of man, this sort of thinking is consistent with the Hobbesian hypothesis and at least with the weak violence hypothesis.

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