

Karl Widerquist and Grant McCall

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

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

1. Introduction

At a time when Hobbesians and Lockeanes were repeating fanciful centuries-old stories about the state of nature, Karl Marx and Friedrich Engels based their claims about prehistory on the best evidence then available in anthropology and archaeology (Engels 2004; Marx 1994). Their concern with providing good evidence for the empirical claims is one of their great contributions to political theory and political philosophy¹ in their work. Although their work on prehistory contradicted assumptions of Hobbesian and Lockean theorists, they rejected these and other approaches wholesale and did not address their specifics (Wilde 1994).

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

Of course, fanciful stories are fine if they are merely illustrative examples with no empirical content. But our research project, which includes the forthcoming book, *Prehistoric Myths in Modern Political Philosophy* (Widerquist/McCall forthcoming),² argues that many such stories are repeated because they illustrate

¹ This article treats the terms 'political theory' and 'political philosophy' as synonyms.

² Partly to avoid repetitiveness, we have omitted specific reference to this book from the

important empirical premises about prehistoric or small-scale societies. It also argues that many theorists who don't directly refer to prehistory make universal claims that can be contradicted or confirmed by evidence of such societies. The project uses extensive textual analysis to show the presence of these empirical claims because theories in question are often unclear whether and the extent to which they rely on empirical claims. Critics have been slow both to criticize the lack of clarity and to challenge the claims empirically. It is time to examine what those claims are and evaluate them against the best available evidence.

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

The goal of this article is to preview our findings for part of this research project in which we address an empirical claim we call 'the Hobbesian hypothesis': everyone is better off in a society with a sovereign government than in a stateless society. *Section 2* shows how Hobbesian social contract theory (contractarianism) relies on this claim to justify government sovereignty. *Section 3* shows how this claim has survived for centuries as if unchallenged despite criticism. *Section 4* presents evidence that provides good reason to doubt this claim and perhaps to reject it entirely. Contractarians have not provided good reason to believe that existing states meet the minimal conditions as necessary for contractarian theory to justify state authority.

Section 5 discusses the implications of this finding. We doubt any supporters will respond by saying that because states haven't delivered what the theories promise, all people of the Earth are morally bound to get rid of governments and immediately restore the small-scale lifestyle we use as a counter example. We consider possibilities involving challenging our empirical findings, accepting them, or rejecting them as irrelevant. We do not argue that the Hobbesian hypothesis can never be true; only that it is not true at the current time. Life in small-scale stateless societies is no ideal. It is difficult in many ways. To use it as a baseline for comparison is to set a very low bar, one that modern states have failed to surpass mostly out of neglect. Better attention to the side effects of the modern economy and greater care for the disadvantaged have the potential to ensure that virtually everyone is better off under state authority. If this standard is ever reached, a state that fulfills the contractarian criteria for justification is possible, but for now, contractarianism does not justify most states.

Before moving on we should say one thing about what this project *is not*. We do *not* intend to say that a priori reasoning has no value or that *all* philosophers should cite anthropology or other empirical science. A pure a priori theory needs no empirical support, but the contractarian justification of the state is not a pure a priori theory. Thomas Hobbes aspired to be a pure a priori theorist,

rest of this article. We cite original sources or none at all, but refer readers to the book for further argument and evidence.

but his actual method, as Gregory S. Kavka (1986, 4) argues, is, “logical and conceptual analysis combined with empirical observation and probabilistic reasoning”. Whatever his intentions, the state of nature Hobbes defines exists in the world (as argued below), and therefore claims about it can potentially be verified or falsified by observational evidence. The contractarian school of thought that followed Hobbes cannot remain purely a priori as long as its justification of the state relies on the empirical comparison of state society with a stateless environment. We argue that most contractarians have yet to adequately address the empirical side of their argument.

2. The Hobbesian Hypothesis

The contractarian justification of the state asks the question why does any person or institution have authority over an individual? Different versions of contractarianism rely on at least three different answers. (1) Everyone consents to it. (2) Everyone benefits from it. (3) Everyone benefits so much from it that any rational and reasonable person would consent to it even if not everyone actually agrees. These answers are closely related because usually one agrees to something because one finds it beneficial. Any of them puts contractarianism within the greater class of mutual advantage theories, and “The logic of mutual advantage theories is that everyone must gain from the agreement” (Moore 1994, 211). Thus contractarianism is limited in that it provides no criterion about when and whether it might be acceptable to improve A’s position at the expense of B.

Modern contractarian theory is heavily influenced by Thomas Hobbes’s 1651 book, *Leviathan*, which justifies government sovereignty as a tacit or hypothetical contract, by which everyone agrees to move from the ‘state of nature’ to state society. Although Hobbes’s *description* of the state of nature is complex, his *definition* of it is simple. It is used interchangeably with ‘anarchy’ and with ‘the absence of sovereignty’.

The term ‘state of nature’ is largely an artifact of a discarded belief in a dichotomy between natural and civilized people. Today most human scientists believe all societies are equally artificial and equally natural. People naturally come up with different ways to live. People in the distant past came up with ways to live; so do people today; so will people in the future. All of their lifeways are equally natural.

However, the word ‘nature’ in ‘state of nature’ is relevant in at least two senses. First, contractarians portray their *description* of it as the inevitable result of the absence of state sovereignty. This empirical claim is central to most contractarian justifications of the state, and it is the one we question here. Second, anarchy is the natural point of comparison for versions of contractarianism that limit their focus to the basic justification of sovereignty: state authority is justified if and when it benefits the people living under that authority relative to how well off they would be outside that authority. Such theories are, “about the minimal conditions of political obligation, not the principles of morality, social justice, or the ideal society” (Kavka 1986, 402). The comparison to the state of

nature is meant to determine whether the state meets those minimal conditions, not whether it meets an ideal.

For Hobbes, three things come into existence with the social contract: state sovereignty, morality, and society. Contract theory can be used to justify any of these three things together or separately. There are versions of contract theory that model morality or society through a contract device without involving government. There are also theories justifying government with a contract device but without the state of nature as the alternative. This article is unrelated to any such theories. Its use of the word ‘contractarianism’ should be read narrowly as ‘theories justifying state authority by contract device involving a comparison to the state of nature’.

Although contractarianism asks a limited question, it sets up the need for a strong empirical claim. The move from the state of nature to the state requires that *everyone* consents and/or benefits. Literally speaking, it implies that the worst placed individual in state society is better off than the best-placed individual in the state of nature. Most contractarians have not clearly specified what a less-than-literal interpretation of everyone implies for the people who aren’t part of everyone. Presumably they use ‘everyone’ in the sense of a representative person of the most disadvantaged recognizable group, not one individual with extraordinarily bad luck. Still, the claim is very strong—in the sense of far-reaching, not in the sense of well-supported. We take it to imply that a representative person of the most disadvantaged recognizable group is at least as well off as they could reasonably hope to be in any stateless environment. It also implies that people wouldn’t needlessly be exposed to risks for the benefit of others; the extraordinarily unlucky truly are extraordinary. The comparison of the best reasonable expectation in the state of nature to the worst reasonable possibility in state society follows from the logic of contractarian theory, in which the state of nature needs no justification, but the imposition of sovereignty does. It might be normatively plausible to base a justification of the state on benefits that are less-widely shared than this, but doing so moves out of the realm of social contract theory and brings up normative questions that contractarians rarely address (see *section 5*).

Hobbes makes the everyone-benefits claim plausible in its most literal sense by arguing that without a sovereign to settle disputes, peace is impossible. Therefore, everyone lives in fear, and none of the benefits of human cooperation are possible. The impossibility of having peace outside of state authority is the causal factor for Hobbes, and if he is correct, even the most-able person in the state of nature is so miserable they could hardly be worse off in any other situation. Hobbes writes:

“Out of civil states, there is always war of every one against every one. [...] during the time men live without a common power to keep them in awe, they are in that condition which is called war; and such a war, as is of every man against every man. [...] [with] no Knowledge of the face of the Earth; no account of Time; no Arts; no Letters; no Society; and which is worst of all, continuall feare, and

danger of violent death; And the life of man, solitary, poore, nasty, brutish, and short.” (Hobbes 1962, 100)

This is what we call the Hobbesian hypothesis, essentially: everyone under a sovereign government is better off (or no worse off) than any of them would be outside of that authority.

Hobbes argues for his description of statelessness with a logical argument from assumptions about human nature, casual empirical observations about psychology, and empirical references to two examples of the state of nature: life during a civil war and in contemporary stateless societies. He writes, “the savage people in many places of America [...] have no government at all; and live at this day in that brutish manner” (Hobbes 1962, 101).

Hobbes uses an illustrative example in which state begins with a contract. His origin story does not have to be true for social contract theory to successfully justify sovereignty, but at least one premise from this story (the Hobbesian hypothesis) must be true to make the justification successful. Although people who want to categorize Hobbes as a pure a priori theorist might be tempted to say that the state of nature is merely a heuristic or an ontological assumption, a purely fictional characterization makes the theory incapable of justifying anything. Certainly the following is a very bad argument:

Premise 1 (P1): I can tell a story, in which everything is terrible without X.

P2: This story is pure fiction with no empirical analog.

Conclusion (C): Therefore, we are justified in forcing X on everyone.

Contemporary theorists recognizing the importance of this empirical claim include Richard Tuck (1996) in the editor’s introduction to the Cambridge edition of *Leviathan*; David Gauthier (1969, 164); Gregory S. Kavka (1986, 4, 7–8, 24, 402–3); Jean Hampton (1988, 271); Iain Hampsher-Monk (1992, 27); Russell Hardin (2003, 42–3); George Klosko (2004, 8); and Kinch Hoekstra (2007, 113, 117), who writes in *The Cambridge Companion to Hobbes’s Leviathan*:

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

As we said above, the need for the Hobbesian hypothesis comes from the principle of mutual advantage or the marginally weaker principle of do no harm. David Gauthier names this principle ‘the Lockean proviso’ because Locke used a similar principle to justify private property rights. Gauthier writes, “For us the proviso plays a wider and more basic role. We treat it as a general constraint, by which we may move from a Hobbesian state of nature [...] to the initial position for social interaction” (Gauthier 1986, 205, 208).

Many philosophers recognize this principle as basic to the central goal of contractarianism: to justify authority to any reasonable or rational person sub-

ject to it (D’Agostino/Gaus/Thrasher 2011; Martin 1998, 150; Moore 1994, 211; Scanlon 1998, 4, 187). If and only if the proviso is fulfilled, the state meets the minimal conditions to justify its authority. State power over *you* is justified because it benefits *you*. Kavka connects the ‘receipt of benefits’ relative to the state-of-nature baseline not only with contractarianism but also with justifications of the state based on social utility, fair play, and gratitude (Kavka 1986, 409–15). Rex Martin describes the widespread appeal of this principle:

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

Contractarianism’s central *normative* premise (the Lockean proviso) is closely related to its central *empirical* premise (the Hobbesian hypothesis), which is simply the claim that the proviso is fulfilled. Other empirical claims (such as the original agreement) can be dismissed as mere heuristics, but without the Hobbesian hypothesis, state of nature reasoning has little left as justification.³

The stunning feature of the contractarian literature is how quickly centuries of philosophers go from normative proviso to empirical hypothesis. They dedicate extensive argument to establish the need for the proviso. Then, with little argument, they simply ask readers to presume the proviso is fulfilled, often without specifying exactly what the claim of fulfillment means empirically. A more scientific way to handle such an important hypothesis is to investigate its truth-value.

The correct word for an unverified empirical claim is a *hypothesis*. Hence we are unapologetic about attributing this term to Hobbes and other theorists making similar claims although they might not use that word. Any hypothesis should be accepted or rejected based on observational evidence.

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

Alan Ryan argues that evidence from small-scale stateless societies falsifies the Hobbesian hypothesis, “There are many societies that anthropologists call acephalous. They have no stable leadership; there is nothing resembling law or

³ Hobbes has a second justification of the state that involves a promise made directly to the sovereign so that he won’t kill you immediately, but it is widely believe to be normatively implausible (Kavka 1986, 393–8).

politics in their daily life. Such societies persist for long periods. [...] Hobbes seems to suggest that their existence is impossible to explain.” (Ryan 1996, 218) This much is enough to falsify the hypothesis that anarchy inherently leads to a war of all against all. But the contractarian justification of the state could be sustained with a weaker claim that stateless societies have unacceptable levels of violence (even if they don’t fall apart) or that for some other reasons, such as the inability to enforce contracts, their welfare level is so low that no one would prefer them.

Whatever the welfare level is in stateless societies and whatever the reason, the contractarian justification of the state is that a sovereign government can do better. The proviso establishes the welfare level of people in stateless societies as the baseline of comparison for people in state society. If some reasonable approximation of everyone makes it to that threshold (i.e. if the Hobbesian hypothesis is true), the Lockean proviso is fulfilled, and the minimal conditions necessary to justify government in contractarian terms are met. If not, the justification fails, and presumably then states will have to start treating their disadvantaged people better to meet those minimal conditions, but other responses are possible (see *section 5*).

Although there are other possible alternatives to the state, we focus only on one: small-scale indigenous communities, because if one justifies sovereignty on the grounds that the state of nature is worse for everyone, they have to show that the absence of sovereignty is *always* worse for everyone, whenever it appears. As *section 5* argues, critics can focus on one alternative; supporters have to address all alternatives to provide a plausible justification of the state.

3. The ‘Debate’ Over the Hobbesian Hypothesis

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

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

David Hume famously criticized contractarianism on empirical grounds, but less famously, he endorsed the Hobbesian hypothesis. After rejecting consent as the justification for government, he writes: “If the reason be asked of that

obedience, which we are bound to pay to government, I readily answer, *Because society could not otherwise subsist.*" (Hume 1960, emphasis original) Presumably, he believes *life would be very bad* if society did not subsist, but that *is* the Hobbesian hypothesis—at least if it's bad for everyone. Hume skips the need for consent by going directly from the Hobbesian hypothesis to the justification of government sovereignty. He has a significant disagreement with Hobbes's normative theory but not with his empirical hypothesis.

Thomas Paine (2012) embraced a contractarian normative reasoning writing, "the first principle of civilization ought [...] to be, that the condition of every person born into the world, after a state of civilization commences, ought not to be worse than if he had been born before that period" (Paine 2012). But he argued that states had not yet satisfied this principle because urban workers were actually worse off than their Native American contemporaries living in stateless societies. Unfortunately Paine, like Hobbes and Locke, included no empirical support for these claims.

The Baron de Montesquieu (2001, 20–4) and Jean-Jacques Rousseau (1984; 1994) both criticized the claim that the state of nature was necessarily a state of war, but the evidence available at the time was limited, and neither of them mounted an extensive empirical challenge to the Hobbesian hypothesis. For example, although Montesquieu presented extensive empirical-historical arguments on many topics, the evidence he presented on this issue was limited to the single example of an abandoned, disabled child discovered in Germany (2001, 20).

Marx and Engels produced a great deal of work that contradicted the Hobbesian hypothesis, most of it supported by sociological and anthropological evidence. They argued that recorded history is the history of class struggle; that workers were experiencing increasing exploitation, alienation, and immiseration. They argued that 'primitive communism', while not idyllic, existed without most of these problems. These claims combined indicate that nineteenth-century state society was mixed at best and perhaps substantially worse for some relative to stateless societies. From that one might conclude states did not satisfy conditions necessary to justify them in contractarian terms. But as mentioned above Marx and Engels weren't interested in putting these elements together in that way (Engels 2004; Marx 1994; Wilde 1994).

Marx and Engels's work on prehistory was not ignored, but at a time of increasing specialization, it was taken up by empirical rather than normative theorists. Late nineteenth and early twentieth century writers such as Henry Sumner Maine (1861, 90–1, 114–9) and Henry Sidgwick (1966, 240) criticized Hobbes and Locke on empirical grounds, but they distanced themselves from normative philosophy in favor of empirical political science. As disciplines became increasingly specialized, it became easier for normative theorists to pass on the Hobbesian hypothesis even as other fields uncovered contrary evidence. Our search of contractarian literature has found no response to Paine, Marx, Maine, Sidgwick, or contemporary anthropologists.

Contemporary Lockceans often repeat the hypothesis usually with little or no empirical support. Robert Nozick (1974, 182) declares, "I believe that the free operation of a market system will not actually run afoul of the Lockean proviso.

[...] Here I make an empirical historical claim; as does someone who disagrees with this.” Eric Mack (1995, 213) writes, “the development of liberal market orders presents people with at least ‘as much’ (in transfigured form) for their ‘use’ as does the pre-property state of nature”. Although Jan Narveson (1988, 92) denies the need for any proviso, he nevertheless asserts that it is fulfilled, “a beggar in Manhattan is enormously better off than a primitive person in any state-of-nature situation short of the Garden of Eden”. Richard Epstein (1995, 62) writes, “the overall size of the gain [from establishing a private property regime] is so large that we need not trouble ourselves over its distribution”.

Gauthier endorses both the Lockean and Hobbesian versions of the hypothesis, writing, “the first appropriator of property, is the great benefactress of humankind” (Gauthier 1986, 216–7), but “before Smith’s invisible hand can do its beneficial work, Hobbes’s war of every man against every man must first be exorcized” (85).

Many contemporary political theorists assert the Hobbesian version of the hypothesis (Durant 2001, 15–7; Hardin 2003, 43; Klosko 2004, 19). Jean Hampton argues that a purely hypothetical agreement can be justificational, but it is only the *agreement* that is hypothetical (Hampton 1988, 4). The *counterfactual claim* that provides the justificational power of the hypothetical agreement is real (271). Even *the Stanford Encyclopedia of Philosophy*’s 2014 edition includes a passing endorsement of it, “If the parties are simply considering whether government is better than anarchy, they will opt for just about any government” (D’Agostino et al. 2011).

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

Writing in *Ethics* in 2001, Christopher Heath Wellman, like Hume, denies the claim that everyone agrees to government, but endorses the Hobbesian hypothesis: “The advantages of political society are so great because life in the state of nature is so horrible.” He offers only one sentence of empirical support for this claim, “Hobbes, Locke, and Kant offered conflicting accounts of human nature, but all agreed that a stateless environment is a perilous environment devoid of security” (Wellman 2001, 736, 742). He does not explain why these three long-dead philosophers rather than contemporary anthropologists should be taken as experts on the living standards of people in stateless societies.

Not all modern political theories require the Hobbesian hypothesis. A pure natural rights theory without a proviso would not need one. Utilitarianism and Rawlsianism maximize the position of the average and least advantaged people

respectively. Both theories maximize relative to all other possible situations giving no special position to the state of nature. Both theories are normatively controversial and both create the empirical difficulty of determining when their objective maximizations are fulfilled. But utilitarianism and Rawlsianism call for empirical inquiry in the implementation stage where the Hobbesian hypothesis assumes away any need for it.

Kavka's version of contractarianism is relatively invulnerable to this criticism because it denies the need for universal consent and includes a guaranteed economic minimum. It becomes vulnerable only because he doesn't call for empirical investigation to ensure the minimum is high enough to fulfill the proviso. Furthermore, he supposes people with high abilities, low aversion to risk, or high willingness to dominate others will be the only groups likely to be better off outside state authority (Kavka 1986, 198-9). For everyone else—including the disadvantaged—he invokes the Hobbesian hypothesis:

“The parties are not unfree with respect to one another; none can coerce others to accept unfair or unreasonable terms of agreement. All are forced to compromise and accept less than they might wish because of the necessity to reach agreement. But this sort of pressure, when it applies equally (or approximately equally) to each, does not call the fairness or morality of the outcome into question; it simply reflects a Hobbesian fact about the human condition—that the State and (a high risk of) insecurity and poverty are exhaustive alternatives.” (Kavka 1986, 402–3)

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

4. Evidence

To test the Hobbesian hypothesis we need to demonstrate that observable evidence of stateless societies exists. We find it in the smallest-scale societies observed by ethnographers, usually called ‘hunter-gatherer bands’. They are not the only stateless societies, but we only need one example to falsify the hypothesis.

Although societies living at this scale vary in many ways, ethnographers have recognized among them enough regularity that most anthropologists are comfortable applying the name ‘band society’ to all societies at this scale. The use of this term does not imply that there is any more similarity among band societies than there is among state societies (which include societies as diverse as Babylon, Byzantium, and Bolivia). Hunter-gatherer bands are small, nomadic foraging groups of normally about 15 to 50 people including children and elderly (Lee/Daly 1999, 3). Not all hunter-gatherer societies are band societies, but virtually all band societies are hunter-gatherers. All Paleolithic societies and the

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

Many anthropologists have remarked on the lack of authority within all ethnographically observed band societies. Eleanor Leacock (1998, 143) writes, "leadership as we conceive it is not merely 'weak' or 'incipient', as is commonly stated, but irrelevant". They have no recognized leaders, not even a consistent membership. People come and go. Their decision-making shows little or no concern for precedent or procedure. Disputes are resolved on an ad hoc basis, sometimes by discussion and compromise, sometimes by force, sometimes by splitting up (Bird-David 1994, 591, 597; Boehm 2001, 72–3, 86–7; Johnson/Earle 2000, 32–3; Lee/Daly 1999, 4; Renfrew 2007, 148; Salzman 2004, 47–8; Trigger 2003, 668; Woodburn 1982, 434).

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

Hunter-gatherers, especially in band societies, have difficult lives. They go hungry some nights. Their life expectancy is significantly less than in an early twenty-first century developed capitalist states. To set them as a bar for comparison is to set a very low bar, but life in band societies is not the miserable existence of fear and danger supposed by Hobbes. And tragically, as this section reveals, state societies have failed to bring all of their citizens up to that bar.

If one phrase from all of political philosophy has penetrated the field of anthropology, it is Hobbes's claim that life in the state of nature is 'solitary, poore, nasty, brutish, and short'. We know of at least twenty anthropologists who have made reference to it only to debunk it in whole or in part (Aykroyd/Lucy/Pollard/Roberts 1999, 55; de Waal 2006, 52; Fried 1967, 51, 70–1; Gurven/Kaplan 2007, 349; Hill/Hurtado 1996, 151, 194; Kelly 1995, 202; Kuper 1994, 109–20; Lee/Daly 1999, 1; Morris 1977, 188; Panter-Brick/Layton/Rowley-Conwy 2001, 4–5; Peterson 1993; Salzman 2004, 47).

Theorists asserting the Hobbesian hypothesis have not referred to rigorous measures of wellbeing, but have instead used ad hoc description of what they

believe life without sovereignty must be like. And so, we make an ad hoc comparison starting with Hobbes's four characteristics (nasty and brutish being synonymous), and continuing with considerations of freedom, culture, industry, alienation, and observed choice.

4.1 Solitary

Life in band society is most certainly not solitary. It is extremely communal and (surprisingly?) cordial, much more so than typical Western societies. The constant demands for socializing is one of the striking features that ethnographers almost universally recognize in band societies (Bird-David 1990; de Waal 2006, 4–5; Hawkes/O'Connell/Blurton Jones 2001; Hill/Hurtado 1996, xii; Leacock 1998, 144). This sociality implies that people in band societies are not in continual fear of each other.

4.2 Poor

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

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

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

4.3 Nasty and Brutish

The causal factor in Hobbesian theory of the state of nature is supposed to be violence. All the other drawbacks of the state of nature flow from the supposed impossibility of keeping the peace without a sovereign power to settle disputes. This belief is simply false. Some societies do live in peace without such an authority. As Robert Kelly remarks, “life in foraging societies is not all sweetness and light but neither is it a Hobbesian hell” (Kelly 1995, 202).

Some popular writers have recently argued that high rates of violence exist in small-scale societies (Diamond 2012; Pinker 2012), but the anthropological record is much more mixed than they indicate. Although stateless societies with extremely high levels of homicide exist, so do stateless societies with extremely low levels. Estimates of homicide rates for specific stateless societies range from less than 1/100,000 to more than 1000/100,000. According to most estimates, observed stateless societies have significantly more violence on average than most contemporary state societies, but none could be described as constant civil war. Some observed stateless societies (such as the Batek, the Paliyan, and others) that have virtually no violence (Bonta 1997; Kelly 1995, 202–4). These societies disprove the hypothesis that statelessness is inherently violent.

Although many bands have constant tension with neighbors, actual conflicts are brief, and band members clearly lack any obsession with security. According to one description, band societies do not “build fortifications. None have been reported to stockpile food and supplies for military purposes. None engage in special training activities for warriors. None possess a special military technology but use ordinary tools and weapons of the hunt.” (Fried 1967, 101–2) Americans with their guns, alarms, and private security services display greater fear of violence.

In 1970, the U.S. murder rate was 7.9/100,000. This does not including legally negligent or justifiable homicide or deaths in war, but even adding those would make the U.S. rate low compared to the rates of all but the most peaceful stateless societies and far below the rate of 165.9/100,000 for the so-called ‘Fierce People’, the Yanomamo, at about the same time. The homicide rate for black males in Cleveland at that time was 142.1/100,000 (Knauft 1987, 464), slightly lower than the Yanomamo, but the Yanomamo could not be jailed or sent to Vietnam. So, it is possible that a black male would find Cleveland society to be more dangerous than the society of the ‘Fierce People’ not to mention the Batek or the Paliyan.

4.4 Short

Although Hobbes misidentified the reason, hunter-gatherers have a significantly shorter life expectancy and are less healthy on average than people in contemporary state societies. These are the most obvious advantages of contemporary states. Many of the diseases and other risks faced by people in stateless societies have been eliminated or greatly reduced. Merely because the average person experiences better health and a longer life, one cannot assume that state societies

do nothing to cause some groups within society to experience worse health or shorter lives.

Most of the difference in life expectancy is accounted for by infant and childhood mortality. A hunter-gatherer who reached age 15 could expect to live into her 70s, to meet her grandchildren and possibly her great-grandchildren. She could also expect tragedy in her life, with the early death of some of her children, relatives, and friends, but she would not experience the constant fear of imminent death that Hobbes described.

Although contemporary state societies have eliminated many diseases and risks, they have also introduced new diseases and risks that have made significant numbers of people worse off in terms of life and health. Looking over the statistics, one gets the impression that most of what people in band societies die of contemporary industrialized states have cured or prevented, and most of what people in contemporary state societies die of hardly afflicts people in band society. Hunter-gatherers “are largely immune to the chronic degenerative diseases which produce the greater part of all mortality in affluent nations”. Obesity, diabetes, heart disease, high blood pressure, cancer and stroke are extremely rare in hunter-gatherer populations (Eaton/Eaton 1999, 451–2). Thus, although the average life expectancy is longer, state society *causes* a significant number of people to live shorter lives.

At the time Hobbes was writing, even the *average* person had no longer life expectancy and probably no higher overall welfare than people in band societies (Clark 2007, 1). The trend toward rising life expectancy and living standards began only in the 1800s, reaching the poorer nations only in the last few decades. It has yet to reach the poorest populations within the poorer countries. In the United States, as late as 1900, life expectancy for non-white males was 32.5 years (Harris 1977, 14), 4.5 years shorter than the twentieth-century of life expectancy of the Ache band in South America (Gurven/Kaplan 2007, 327). Think of that. The United States enjoyed 10,000 years of technological innovations since the invention of agriculture. Yet, any non-white boy from the United States would had a higher life expectancy, if before he was born, his mother could have somehow joined the Ache.

4.5 Freedom

Another striking feature of band society is the extent to which their members are free in the negative sense of interference by other people. Bands don't have enforced rules or hierarchical structures. Some anthropologists have observed that people in band societies can go through their whole lives without hearing an order. If any person or group doesn't like the way the band does things, they can camp a mile away and live as they wish.

Compare this situation to that of a disadvantaged person in modern society. They are not allowed to hunt, gather, fish, farm or do any work for themselves. They must take jobs and take orders all day. They are not allowed to camp where they want. So, they are forced to give a third of their income to a landlord, who will give them orders about how the living space can be used. They are allowed

to forage only in other people's garbage. And even if homeless, they are subject to orders from police and other authorities.

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

4.6 Culture, Industry, Alienation, an Observed Choice

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

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

Ethnographers report no discontented minority in band societies. All observed indigenous societies have a rich, satisfying cultural life with song, dance, storytelling, and plenty of social interaction. The happy demeanor of band members is widely recognized among ethnographers. The commonplace misery of discontented people in state society has not been observed in band societies.

One way to determine whether everyone in state societies is better off than everyone in stateless societies is to observe what people do when they have the opportunity to choose between the two. When people from stateless societies come in contact with people from state societies, they almost invariably want some of the things people have in state society (e.g. tools, tobacco, manufactured goods). But people in state societies almost invariably want things from stateless societies (e.g. furs, tobacco, land). Neither request can be interpreted as willingness to submit to the other's authority.

One might be tempted to ask why people from modern states don't join small-scale societies? The simple answer is that states no longer allow them to choose. Stateless societies—made up at least partly by people who fled state societies—have existed on the peripheries of states for thousands of years. Few if any of these areas disappeared because their residents simply decided to live under state authority. Most of them were forcibly incorporated. In southeast Asia some of these areas still successfully resist full incorporation into nation states (Scott 2009). Abandoning the state involves moving hundreds of miles from family and friends and other personal sacrifices. That significant numbers of people have been willing to choose statelessness whenever that choice has been available strongly implies that at least some very disadvantaged people have rational reasons to prefer life outside state authority. If the Hobbesian hypothesis were correct, even if the origin of the state was force, people would seek to join once its benefits are clear. Instead, archeologists find that permanent states tend to appear only in places where it is difficult for people to get away from them (Carneiro 1970).

Today there are very few pockets of stateless societies still allowed to exist: none in Europe, North America or Australia, very few on the other three continents and some islands. Virtually all indigenous peoples—whether stateless or not—are under constant encroachment from contemporary states or corporations. It would be disingenuous to claim that suddenly no one wants to leave the state just at the point in history when states have made it nearly impossible for anyone to leave. Consider a thought experiment. If there were still a periphery somewhere, would anyone from contemporary ghettos flee to it? Unfortunately, we expect that overcrowding would be a bigger problem than lack of interest. Consider a reverse-thought experiment. Go to an indigenous person living outside state authority in the rainforest of Brazil. She's seen the premature death of friends and loved ones, but she lives among her family and friends; she is under no one's command; and she has a rich culture stretching back for centuries. Explain that she has the opportunity to become one of the least advantaged people in contemporary state society. She could live in a shanty outside Brasilia. She could be a homeless person on Skid Row in Los Angeles. She could work the late shift at McDonald's in Newark. For the first time in her life, she would live close to people who have much more and who stigmatize her for having less. If you believe contractarianism successfully justifies existing states, you must believe that she would be irrational to decline any of these options.

4.7 An Overall Assessment

This assessment has shown that life in band societies is not idyllic or affluent; it is difficult; and it is much less prosperous on average than life in modern capitalist states. But it is not miserable; and we have no good reason to believe that everyone in state society is necessarily better off. Contemporary states have not simply failed to help everyone; they have created conditions that make some people worse off than they could expect to be in band society—the homeless, the destitute, the disaffected, and the victims of modern diseases.

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

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

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

5. Implications

We have shown that the contractarian justification of sovereign government relies on the dubious empirical claim that everyone is better off in state society than they could reasonably expect to be in any stateless society. Therefore, the argument, as usually stated cannot justify the state. How should contractarians respond? As we’ve said, we don’t expect anyone to demand the dissolution of all states in favor of the worldwide restoration of band society. A reader might react by replacing the contractarian justification by some justification of sovereignty that doesn’t require the Hobbesian hypothesis or by a scheme to make large-scale anarchy work. Without commenting on either response’s plausibility, both are compatible with these article’s findings.

It is more interesting to consider four responses available within the contractarian framework. Contractarians could (1) challenge our findings empirically, (2) accept our findings and endorse policies to fulfill the proviso, (3) accept our empirical findings and the relevance of the proviso but argue for a weaker respon-

sibility to fulfill it, (4) concede our empirical findings but argue for a different proviso.

5.1 Challenge Our Empirical Findings

Contractarians could challenge our empirical findings. This would amount to the argument that the least well-off group in modern states actually are better off than they could reasonably expect to be in any stateless society. We welcome this response. It would amount to an agreement with the most important points in this article: the Hobbesian hypothesis is an essential premise in most contractarian justifications of sovereignty, and its truth-value must be established by empirical investigation. There should be an enormous empirical debate over such an important hypothesis.

Anyone choosing this response should avoid appealing to common prejudice like Narveson (above) but to conduct a study at least as thorough as ours. This article is a preliminary report from a larger research project. It is meant to raise doubt about the Hobbesian hypothesis. We are happy to share our notes with critics.

This is the only response capable of fully preserving the contractarian justification of the state. Only this response preserves the claim that the state is *inherently* better for everyone than statelessness, so that anyone in a stateless environment should always choose to establish a state.

5.2 Accept Our Findings and Endorse Policies to Fulfill the Proviso

We believe the most promising response is to accept that the Hobbesian hypothesis is not currently true and to set about making it true by policies to improve the wellbeing of disadvantaged individuals, so that virtually all of them are in fact better off than they could reasonably expect to be in a stateless society. The prospects are encouraging. Stateless societies provide a very low baseline, and few if any states are putting as much effort as they reasonably could into improving the living standards of disadvantaged people.

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

5.3 Accept Our Empirical Findings and the Relevance of the Proviso but Argue for a Weaker Responsibility to Fulfill It

Contractarians could accept our findings, and accept that the relevant proviso compares state societies to all stateless societies including band societies, but argue the state does not have to bring as many people to the baseline as we

suggest to justify its authority. This line of reasoning seems promising, but what reasons *consistent with contractarian theory* can one give for it? The most promising possibility relies on the ought-implies-can principle. Perhaps it is impossible for the state to give its enormous benefits to most people without harming a few people, or the cost of ensuring that the state does no harm is unacceptably high. Although this argument is normatively plausible, it has three difficulties for contractarianism.

First, if the reason for not fulfilling the proviso is the impossibility of doing so, one is committed to fulfilling it if and when it is possible. Therefore, to rely on this argument, the state would have to employ all the strategies discussed in *section 5.2* to help all the people it can. This kind of argument, then, relies on two additional empirical claims that require proof: it isn't possible to get everyone to the threshold required to fulfill the proviso and whatever state one wants to justify does in fact get as many people as possible to that threshold. Given the great wealth disparities that exist in modern states it's doubtful that many of them could pass this test without doing much more to help the disadvantaged.

Second, strictly speaking, contractarianism implies that if there are people who do not benefit from its rule, the state should either cease to exist or find some way to leave them outside its authority. Perhaps no one ever intended contractarianism to be taken that literally, but dropping this claim essentially moves out of the realm of mutual advantage theory. The receipt of benefit has been the whole thrust of the contractarian justification of the state extending back as far as the proto-contractarianism that Plato (2013) attributed to Socrates. Some critics of contractarianism argue that actual states have incentive to create contracts benefiting some while leaving others out (Pateman 1988; Pateman/Mills 2007), but contractarians insist the state has authority over *you* because it benefits *you*. Most contractarians deal with the problem that not everyone actually *agrees*, but they usually attribute withheld consent to the irrational or unreasonable obstinacy of people who deny the benefits they do in fact receive. Once one admits that social arrangements mutually advantage only a subset of the population, a *mutual advantage* theory has little to say to those outside that subset. If so, contractarianism might be able to justify the state to a large majority of people by pointing to mutual advantage, but some other class of theory would be needed to justify state authority those who are harmed.

Third, the assumption that everyone benefits is incredibly strong, and relaxing it raises many normative and empirical questions that contractarians have ignored. What portion of the population does the state have to benefit to be justified? What is an acceptable cost? To whom must it be acceptable—those inside the contract (who benefit) or those outside (who are harmed)? What responsibilities does the state have to those who are harmed by social arrangements? Are they somehow bound by a contract they have no rational reason to sign? Are they free to disobey laws with impunity? Should states restore the periphery so that citizens have the option of fleeing to stateless societies? Must the state minimize the harm to those it cannot help? What policies minimize the harm? Would society be able to bring more people to the threshold at a lower population; if so, does it have the responsibility to promote birth control

to reach the point at which they maximize the number of people who reach the threshold? This article does not attempt to answer these questions for contractarians. It merely points out that the assertion of the Hobbesian hypothesis has allowed contractarians to dodge these questions by assuming them away.

Contractarians might employ a probabilistic argument to justify why not everyone ends up better off in the state than in stateless society. They could argue that the average person born into the state is better off than the average person born into a stateless society, so that *ex ante* everyone is better off even though *ex post* some are worse off. This argument is also promising, but it has several difficulties for contractarians. First, it risks collapsing into utilitarianism, which most contractarians would like to avoid. Second, it is not easy to separate *ex ante* from *ex post*; and any effort to do so raises difficult questions. Third, contractarianism considers risks of the state of nature to be natural, but new risks coming into existence with the state are imposed by its authority. If some imposed risks are not necessary to eliminating the natural risks, one might reasonably object to them. Fourth, this argument also raises difficult questions that contractarians usually ignore. Do the imposed risks affect everyone equally or are there identifiable groups that are less likely to benefit and/or more likely to be harmed by them? Can these differences be eliminated? Are people in the at-risk group less obliged to obey state authority than others?

These efforts might be used to give good reason why the state does not have to help everyone, but they do not imply that states have fulfilled their responsibility, and they bring up normative questions for the justification of the state.

5.4 Concede Our Empirical Findings but Argue for a Different Proviso

Contractarians could concede that our comparison of disadvantaged people in contemporary state societies shows that some disadvantaged people in state societies are worse off than people in stateless societies, but argue that this comparison is normatively irrelevant.

One might be tempted to point to the vast majority of normative literature on distributive justice, which takes place in isolation from any such comparison, but the vast majority of this literature also takes place in isolation from the contractarian justification of sovereignty. Most of it simply assumes the state is justified. Authors might assume some other justification of the state, but since contractarianism is overwhelmingly the most popular one, it is safe to say that many authors who write about distributive justice assume what contractarians have consistently told them for 350 years. Supposedly the minimal conditions to justify state authority are met, because the Hobbesian hypothesis is true; distributive justice, therefore, need not trouble itself with this comparison. This is another reason to investigate the hypothesis.

One promising way to argue for the irrelevance of the comparison is to argue for a different proviso, possibly along the following lines. Although bands fit the definition of statelessness, the band lifestyle does not work at a larger scale. It

is impossible for all 7 billion people to live in band societies at the same time. If all of the governments of the world disappeared, the likely outcome would be massive civil war. Therefore, one might conclude, civil war is the only relevant proviso for contemporary states. Assuming civil war is as terrible as Hobbes describes, the civil-war proviso is much lower than the stateless-society proviso used throughout this article. Against the civil-war proviso, perhaps states are justified. We concede the empirical claims in this argument but doubt that one can construct a plausible argument from them to the conclusion that the stateless-society proviso is normatively *irrelevant*.

Although the argument in this section and the ought-implies-can argument addressed in *section 5.3* both have to do with population size, they are very different arguments. The ought-implies-can argument:

- P1: The state had to develop, because of the size of the population.
- P2: Under present conditions the state cannot avoid harming people relative to the stateless-society proviso.
- C: While these conditions persist, the state does not have to satisfy that proviso.

As *section 5.3* argued, under this argument the proviso remains relevant, although it can be overridden.

The civil-war proviso argument:

- P1: The state had to develop, because of the size of the population.
- P2: The current alternative to the state is civil war.
- C: The state has no moral responsibility to fulfill the stateless-society proviso *even if it can*.

To focus on the area in which the out-implies-can and the irrelevance argument produce different results, this section assumes a situation in which some people are below the threshold for the stateless-society proviso, above the threshold for the civil-war proviso, and it is possible for the state to use policies that would bring everyone up to the stateless-society proviso at a reasonable cost.

Although (short of murder, which would violate the proviso) the current population size is fixed, it cannot be seen as a completely exogenous variable. The existence of the state, and the aggression of states in conquering most stateless societies around the world are part of the reasons that population is so high. The current population size has been affected by past policies, and future population size will be affected by today's policies. Over time, the state does control population. Therefore, the appeal to current population size runs into a problem Jean Hampton recognized, "choice is essentially 'rigged' by a political society that creates in us the very reason we use to choose it and that appears to justify its existence" (Hampton 1988, 271). People in power simultaneously use the threat of civil war as an excuse not to help disadvantaged people and

pursue policies to maintain that thread of civil war so that they will not have to help disadvantaged people in the future. There might be other good reasons to maintain a high population, but if so, it is reasonable for people whose current living standards are below the stateless-society threshold to ask for compensation so that they too can share in the benefits of higher population.

If people in power refuse to compensate, it is hard to maintain that they have done what contractarianism requires: to justify authority to any reasonable or rational person subject to it. Stateless societies are real, not some theoretical alternative. The disadvantaged make a moderate request when they ask for compensation to the point that they are no worse off than people were before states conquered their region. A contractarian committed to the irrelevance of that comparison has to go to people so disadvantaged; claim that more advantaged people have no moral responsibility to help any such people, no matter how many of them there are nor how affordable it might be to help them. Disadvantage people should be morally concerned only with whether they would be better off in a massive civil war. A contractarian committed to the civil-war proviso would have to assert that any disadvantaged person who demanded more than that is either unreasonable or irrational. Such a dismissal of a very modest request strains credulity, and so we conclude that the stateless society proviso remains relevant: any state that can but refuses to satisfy it fails to meet the minimal conditions for justifying its authority.

6. Conclusion

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

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

Bibliography

Aguiar, M./E.Hurst (2007), Measuring Leisure: The Allocation of Time over Five Decades, in: *Quarterly Journal of Economics* 122, 969–1006

- Aykroyd, R. G./D. Lucy/A. M. Pollard/C. A. Roberts (1999), Nasty, Brutish, But Not Necessarily Short: A Reconsideration of the Statistical Methods Used to Calculate Age at Death from Adult Human Skeletal and Dental Age Indicators quick view, in: *American Antiquity* 64, 55–70
- Bird-David, N. (1990), The Giving Environment: Another Perspective on the Economic System of Gatherer-Hunters, in: *Current Anthropology* 31, 189–196
- (1994), Sociality and Immediacy: Or, Past and Present Conversations on Bands, in: *Man* 29, 583–603
- Black, R./S. Morris/J. Bryce (2003), Where and Why Are 10 Million Children Dying Every Year? In: *The Lancet* 361, 2226–2234
- Boehm, C. (2001), *Hierarchy in the Forest: The Evolution of Egalitarian Behavior*, Cambridge/MA
- Bonta, B. D. (1997), Cooperation and Competition in Peaceful Societies, in: *Psychological Bulletin* 121, 299–320
- Carneiro, R. L. (1970), A Theory of the Origin of the State, in: *Science* 169, 733–738
- Clark, G. (2007), *A Farewell to Alms: A Brief Economic History of the World*, Princeton
- D'Agostino, F./G. Gaus/J. Thrasher (2011), Contemporary Approaches to the Social Contract, in: Zalta, E. N. (ed.), *The Stanford Encyclopedia of Philosophy* (Spring 2014 Edition ed.), Stanford, URL: <http://plato.stanford.edu/entries/contractarianism-contemporary/>
- de Waal, F. (2006), *Primates and Philosophers: How Morality Evolved*, Princeton
- Diamond, J. (2012), *The World Until Yesterday: What Can We Learn from Traditional Societies?*, New York
- Durant, W. (2001), *Heroes of History*, New York
- Eaton, S. B./S. Eaton (1999), Hunter-Gatherers and Human Health, in: Lee, R. B. (ed.), *The Cambridge Encyclopedia of Hunters and Gatherers*, Cambridge, 449–456
- Engels, F. (2004), *The Origin of the Family, Private Property and the State*, Chippendale
- Epstein, R. A. (1995), *Simple Rules for a Complex World*, Cambridge/MA
- Food-and-Agriculture-Organization-of-the-United-Nations (2008), *Food Security Statistics*, State of Food Insecurity in the World
- Fried, M. H. (1967), *The Evolution of Political Society: An Essay in Political Anthropology*, New York
- Gauthier, D. P. (1969), *The Logic of Leviathan*, Oxford
- (1986), *Morals by Agreement*, Oxford
- Gurven, M./H. Kaplan (2007), Longevity Among Hunter-Gatherers: A Cross-Cultural Examination, in: *Population and Development Review* 33, 321–365
- Hampsher-Monk, I. (1992), *A History of Modern Political Thought: Major Political Thinkers from Hobbes to Marx*, Oxford
- Hampton, J. (1988), *Hobbes and the Social Contract Tradition*, Cambridge
- Hardin, R. (2003), *Indeterminacy and Society*, Princeton
- Harris, M. (1977), *Cannibals and Kings: The Origins of Culture*, New York
- Hawkes, K./J. F. O'Connell/Blurton Jones (2001), Hunting and Nuclear Families: Some Lessons from the Hadza about Men's Work, in: *Current Anthropology* 42, 681–709
- Hill, K./A. M. Hurtado (1996), *Ache Life History: The Ecology and Demography of a Foraging People*, New York
- /H. Kaplan/K. Hawkes/A. M. Hurtado (1985), Men's Time Allocation to Subsistence Work among the Ache of Eastern Paraguay, in: *Human Ecology* 13, 29–47

- Hobbes, T. (1962), *Leviathan*, Glasgow
- Hoekstra, K. (2007), Hobbes on the Natural Condition of Mankind, in: Springborg, P. (ed.), *The Cambridge Companion to Hobbes's Leviathan*, Cambridge, 109–127
- Hume, D. (1960), Of the Original Contract, in: Barker, E. (ed.), *Social Contract: Essays by Locke, Hume and Rousseau*, Oxford, 207–236
- Johnson, A./T. Earle (2000), *The Evolution of Human Societies: From Foraging Group to Agrarian State* (Second Edition), Stanford
- Kavka, G. S. (1986), *Hobbesian Moral and Political Theory*, Princeton
- Kelly, R. L. (1995), *The Foraging Spectrum: Diversity in Hunter-Gatherer Lifeways*, Washington
- Klosko, G. (2004), *The Principle of Fairness and Political Obligation*, Lanham
- Knauft, B. B. (1987), Reconsidering Violence in Simple Human Societies: Homicide among the Gebusi of New Guinea, in: *Current Anthropology* 28, 457–500
- Kuper, A. (1994), *The Chosen Primate: Human Nature and Cultural Diversity*, Cambridge/MA
- Leacock, E. (1998), Women's Status in Egalitarian Society: Implications for Social Evolution, in: Gowdy, J. (ed.), *Limited Wants, Unlimited Means: A Reader on Hunter-gatherer Economics and the Environment*, Washington, 139–164
- Lee, R. B./R. Daly (1999), Foragers and Others, in: Lee, R. B./R. Daly (eds.), *The Cambridge Encyclopedia of Hunters and Gatherers*, Cambridge, 1–19
- Locke, J. (1960), *Two Treatises of Government*, Cambridge
- Lucas, J. R. (1966), *The Principles of Politics*, Oxford
- Mack, E. (1995), The Self-Ownership Proviso: A New and Improved Lockean Proviso, in: *Social Philosophy and Policy* 12, 186–218
- Maine, H. S. (1861), *Ancient Law: Its Connection with the Early History of Society, and Its Relation to Modern Ideas*, London
- Martin, R. (1998), Democracy, Rights, and Distributive Economic Justice, in: Boucher, D./P. Kelly (eds.), *Perspectives on Social Justice: From Hume to Walzer*, London
- Marx, K. (1994), *Selected Writings*, Indianapolis
- Montesquieu, B./C. de Secondat (2001), *The Spirit of the Laws* (T. Nugent, Trans.), Kitchener
- Moore, M. (1994), Gauthier's Contractarian Morality, in: Boucher, D./P. Kelly (eds.), *The Social Contract from Hobbes to Rawls*, New York, 211–225
- Morris, M. B. (1977), The Role of Anthropology in Maintaining a Popular Stereotype, in: *Anthropology & Education Quarterly* 8, 189–191
- Narveson, J. (1988), *The Libertarian Idea*, Philadelphia
- Nozick, R. (1974), *Anarchy, State, and Utopia*, New York
- Paine, T. (2012), Agrarian Justice, URL: <http://www.ssa.gov/history/paine4.html>
- Panther-Brick, C./R. H. Layton/P. Rowley-Conwy (2001), Lines of Inquiry, in: Panther-Brick, C./R. H. Layton/P. Rowley-Conwy (eds.), *Hunter-Gatherers: An Interdisciplinary Perspective*, Cambridge, 12–38
- Pateman, C. (1988), *The Sexual Contract*, Cambridge
- /C. Mills (2007), *The Contract and Domination*, Cambridge
- Peterson, N. (1993), Demand Sharing: Reciprocity and the Pressure for Generosity among Foragers, in: *American Anthropologist* 95, 860–874
- Pinker, S. (2012), *The Better Angels of Our Nature: Why Violence Has Declined*, New York
- Plato (2013), Crito, URL: <http://classics.mit.edu/Plato/crito.html> [April 13, 2013]
- Renfrew, C. (2007), *Prehistory: The Making of The Human Mind*, London

- Rousseau, J.-J. (1984), *A Discourse on Inequality* (M. Cranston, Trans.), New York
— (1994), *Discourse on Political Economy and The Social Contract* (C. Betts, Trans.), Oxford
- Ryan, A. (1996), Hobbes's Political Philosophy, in: Sorell, T. (ed.), *The Cambridge Companion to Hobbes*, Cambridge, 208–245
- Salzman, P. C. (2004), *Pastoralists: Equality, Hierarchy, and the State*, Boulder
- Scanlon, T. (1998), *What we Owe to Each Other*, Cambridge/MA
- Scott, J. C. (2009), *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*, New Haven
- Sharif, M. (2003), *Work Behavior of the World's Poor: Theory, Evidence and Policy*, Aldershot
- Sidgwick, H. (1966), *The Methods of Ethics*, New York
- Trigger, B. G. (2003), *Understanding Early Civilizations: A Comparative Study*, Cambridge
- Tuck, R. (1996), Introduction, in: Tuck, R. (ed.), *Leviathan*, Cambridge, ix–xlv
- Turnbull, C. M. (1968), The Importance of Flux in Two Hunting Societies, in: Lee, R. B./I. DeVore (eds.), *Man the Hunter*, New York, 132–137
- Weber, M. (2004), *The Vocation Lectures* (R. Livingstone, Trans. D. Owen/T. B. Strong eds.), Indianapolis
- Wellman, C. H. (2001), Toward a Liberal Theory of Political Obligation, in: *Ethics* 111, 735–759
- Widerquist, K./G. McCall (forthcoming), *Prehistoric Myths in Modern Political Philosophy*, Edinburgh
- Wilde, L. (1994), Marx against the Social Contract, in: Boucher, D./P. Kelly (eds.), *The Social Contract from Hobbes to Rawls*, New York, 167–174
- Woodburn, J. (1968), An Introduction to Hadza Ecology, in: Lee, R. B./I. DeVore (eds.), *Man the Hunter*, New York, 49–55
— (1982), Egalitarian Societies, in: *Man* 17, 431–451