Chapter 1

INTRODUCTION

Does it matter whether you’re better off than your ancestors were 12,000 years ago (before the rise of sovereign states and the private property system)? Does it matter whether all of your fellow citizens are better off than the few peoples who still remain outside the authority of governments and landlords? Thousands of years ago, powerful people began imposing government and property institutions in parts of the world. The reach of these institutions has gradually expanded. Today they have authority over almost all of earth’s land area and, therefore, also over almost all people. These institutions benefit many of us, maybe even most of us, but does it matter whether they benefit all of us? Does the justness of these institutions come into question, if—as currently constituted—they harm some of us? Would justice require reform of these institutions?

We all would like to think that this question is moot, because we’d like to think that everyone is better off. It might be tempting to think that everyone is obviously better off in contemporary capitalist states with their doubled life expectancy, their incredible productivity, their legal systems, and so on. But consider what you would have to know to verify that these achievements benefit everyone. You would need a deep understanding of how the most disadvantaged people in state society live. What is it really like to be the child of homeless people in the United States, to grow up in a shantytown in Brazil, or to work in a sweatshop in Southeast Asia? You would need a deep understanding of the life of people in small-scale stateless indigenous communities both of the modern era and of the distant past. What was it like to be a member of the Ju/'hoansi in the Kalahari in 1950 CE, the Inuit in the Arctic in 1500 CE, or the Clovis culture on the Great Plains in 12,000 BCE? This comparison cannot be obvious because it involves groups far from the everyday experience of most people who are likely to read this book.
Later chapters of this book present evidence that this seemingly obvious impression is mistaken. The least advantaged people in state society today are worse off than they could reasonably expect to be in a society with neither a state nor private resource ownership, not because life in stateless societies is great. Life in most observed stateless societies is extremely difficult. Yet, at least some people today are worse off because they bear most of the capitalist state’s disadvantages and share few of its advantages.

Does it matter?
It mattered to Thomas Paine, who wrote:

the first principle of civilization ought to have been, and ought still 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 2000: 82)

It also mattered to Robert Nozick, who—building on the work of John Locke (1960)—coined the phrase, “the Lockean proviso,” and defined his “weak” version of it almost identically to Paine’s first principle of civilization. Nozick wrote:

[because] the process of civilization had deprived the members of society of certain liberties (to gather, pasture, engage in the chase) . . . compensation would be due those persons, if any, for whom the process of civilization was a net loss. (Nozick 1974: 178–9n)

By the process of “civilization,” Paine and Nozick meant primarily the establishment, spread, and maintenance of these two institutions. Paine used essentially what we define below as a “contractarian” approach to the justification of the state and Nozick used what we define below as a “propertarian” approach to the justification of the private property system. These two approaches are very different, but as David Gauthier (1986: 205, 208) defines it, “the Lockean proviso” is an essential premise in both. Paine and Nozick disagreed about whether the proviso was fulfilled, but they agreed that this proviso matters and that, if it is unfulfilled, the people who benefit from these institutions owe compensation to anyone they harm.
The Lockean proviso is a mutual advantage principle, and it is undeniably important to contemporary political thought. Rex Martin writes:

we 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 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)

This principle is so important and so widely used that any ambiguity about what it is or what it implies is inexcusable.

Yet, for centuries, some of the most influential political philosophers and political theorists have stated or implied that this principle is fulfilled without unequivocally explaining what that means. It would seem that anyone using a mutual advantage principle to justify any existing institution has little choice but to assert that mutual advantage is achieved—as a matter of empirical fact. What room exists for equivocation?

Equivocation is possible if the theory is less than clear about what proviso it uses to determine mutual advantage. Propertarians tend to have less of a problem with equivocation. Like Nozick, most propertarians clearly assert the weak proviso or something similar. Contractarians usually define their proviso as a comparison to “the state of nature”—a time and place in which people live without the authority of a sovereign government. But contractarians are often less than clear whether their conception of the state of nature includes empirically real stateless societies. Maybe it does; maybe it only includes one possible stateless scenario, such as a civil war; or maybe it is a purely theoretical construct with no relation to observable reality.

A less-than-clear proviso allows theorists to equivocate between two very different answers to our question: (1) the Lockean proviso matters, and it’s obviously fulfilled, or (2) it does not matter either way. Equivocation is sloppy philosophy, but it has rhetorical power. On one hand, by implying that the state of nature includes all empirically real stateless societies, contractarianism credits the state for fulfilling Paine’s first principle and avoids the need to argue that this admittedly weak proviso is too strong. Theorists avoid having to make the
uncomfortable admission that their theory fully justifies a state even if it forces some to live worse than people in real stateless societies. On the other hand, by implying that the state of nature does not include empirically real stateless societies, they avoid the need to provide evidence that the state benefits everyone or to consider what remedy is required if it harms anyone. Perhaps the lack of clarity about what the empirical content of the claim is—or even whether it has empirical content—has helped it survive, passing from generation to generation with ambiguity intact.

Because of the clarity problem, this book includes a lot of textual analysis to show how this proviso appears in social contract and property rights theory. It argues that any successful use of mutual advantage in the justification of the state or private property rights must at minimum satisfy the weak version of the Lockean proviso. A stronger proviso might be in order, but the book argues that a proviso any weaker than the weak version moves out of the realm of mutual advantage. Some contractarians state this criterion explicitly, some only tacitly. But few argue against it, and no one we have been able to find puts forth a successful mutual advantage-based justification of the state or private property with a clearly extra-weak proviso.

This book shows that although the claim that the weak proviso is fulfilled has been a major feature of contractarian and propertarian literature since Thomas Hobbes (1962 [1651]: 100) published Leviathan in 1651, it has so far received very little attention or scrutiny. The few critics, such as Paine, have been easily ignored. It has even escaped receiving a name, and so we dub it “the Hobbesian hypothesis.” Most simply, it is the claim that the Lockean proviso is fulfilled. We define the weak version of the Lockean proviso as: an institution (such as the state or the property rights system) can justly be imposed on people providing everyone living under its authority is better off than they could reasonably expect to be in a society without such authority. The corresponding weak version of the Hobbesian hypothesis is: everyone is better off or at least as well-off under the authority of a sovereign state (and/or under the authority of the private property system) than they could reasonably expect to be living in a society outside of any such authority.

The function of the Hobbesian hypothesis is clear and obvious, as Samuel Pufendorf explained in 1672: “the complaint of the masses about the burdens and drawbacks of civil states could be met in no
better way than by picturing to their eyes the drawbacks of a state of nature” (Hardin 2003: 43). The Hobbesian hypothesis is a reason to silence the complaints of disadvantaged people, whether those complaints are against the government or powerful private interests.

The philosopher’s job is to question claims like this to see if they are based on clear reasoning and good evidence. Yet, the stunning feature of contractarian and propertarian literature reviewed below is how quickly most theorists have gone from normative proviso to empirical hypothesis. They dedicate extensive argumentation to establish the normative need for the Lockean proviso (by whatever name). Then, with little or often no argument, they simply ask readers to presume the Hobbesian hypothesis, often without specifying exactly what the claim of fulfillment means empirically, much less undergoing an empirical investigation. While propertarians have stated the claim more clearly than contractarians, they are no better at supporting it.

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 few of them use that word. The correct word for an unverified empirical claim that is accepted without scrutiny and gains credibility from centuries of repetition is a myth.

This book’s most important points all relate to this claim:

- The Hobbesian hypothesis is an empirical claim.
- Despite some ambiguity or equivocation, most contractarian and propertarian theories from Hobbes and Locke to the present use it as an essential premise.
- It includes claims about the relative welfare of disadvantaged people in state society and of people in small-scale indigenous stateless societies.
- Contractarians or propertarians have provided little evidence for it.
- It is false.

This book is not a criticism of contractarian or propertarian ethical theory. It is only a criticism of the empirical application of these theories. Contractarians and propertarians who use the weak proviso almost always assert that their theory applied in the current empirical setting justifies the state and/or the property rights system: they satisfy
the criterion the two theories require of justification. Our argument is that their theory applied in the current empirical setting rejects both of these institutions: they fail to meet the criterion. We have reservations about whether the weak proviso is strong enough, but those reservations are irrelevant to the argument in this book, which accepts the proviso along with the basic moral framework of these two theories.

This book shows that the Hobbesian hypothesis became foundational in political theory when colonial prejudices convinced Western theorists that all “civilized men” were all clearly better off than all “savages.” Although the claim has outlived the popularity of the colonial prejudices that generated it, even today, misinformation makes up a good part of what people think they know about small-scale stateless societies, virtually all of which are prehistoric or (more descriptively) “non-literate” in the sense that they have no records of their own. Without a recorded history, small-scale societies have become the subject of myth-making much more easily than societies with written records. Prehistory remains the setting for morality tales offered as something more than fiction.

Along with the Hobbesian hypothesis, this book addresses several closely associated false beliefs about prehistory. These include the belief that stateless societies are inherently violent, that stateless peoples live in destitution, that their days are taken up with an all-consuming food quest, that there is a dichotomy between “natural man” and “civilized man,” and that human societies necessarily progress from a uniform primitive base through a series of inevitable stages of development to the highpoint of civilization with a flowering of diverse culture (Maine 1861: 114–15; Hampsher-Monk 1992: 2, 117–19; Kuper 1994: 7–8; Kelly 1995: 6–9).

Some of these beliefs are still common today; others aren’t, but they are all part of an unfortunate pattern in the treatment of prehistoric and small-scale societies by philosophers and social scientists, who still routinely discuss prehistory as if it were the stuff of myth, passing on centuries-old stories that change little or not at all as empirical researchers uncover evidence. Many philosophers pass on stories set in prehistory without clarifying whether they illustrate important empirical premises or whether they are pure metaphor. They seldom clarify what those premises might be or what the metaphor might stand for.

This book is part of a wider research project aiming to show that misconceptions about prehistory are embedded in many influential theories in modern political philosophy and social science. This book’s
sequel will address the claim that private rights to property can or do develop naturally while collective or government rights to property cannot or do not, the claim that capitalism better respects negative freedom than any other form of socio-political organization, and the claim that equality is either impossible altogether or incompatible with freedom. Some of these claims are universal and some are specific to prehistory, but the second book will argue that all of them can be falsified with evidence from prehistoric and small-scale societies.

**Both** the lack of clarity about the empirical nature of a claim and the failure to provide evidence to support the empirical claims are significant failings in any serious argument. Although empirical research is not the normative philosopher’s occupation, philosophers are not usually lax about specifying and verifying empirical claims. For example, the debates over medical ethics and the ethics of climate change are well-informed by the latest scientific findings in those fields. But when discussing prehistory and human nature, political theorists and philosophers still feel free to make ambiguous allusions to unsupported empirical claims. This problem is especially surprising because clarity of argument *is* the philosopher’s occupation. Even if our empirical findings or our argument for their moral relevance are both wrong, philosophers need to address the lack of clarity in the use of prehistoric and universal claims.

It might be useful to speculate why the large amount of evidence contradicting the Hobbesian hypothesis has failed to correct the widespread (and apparently unexamined) acceptance of it. Consider six possible reasons: first, claims gain credibility with repetition. A *commonly held belief* is easily mistaken for a *commonly known fact*. If enough people assert something, one might assume someone must have verified it. Second, the power of the unargued, not clearly identified premise is that it fades into the background, unnamed, unnoticed, and unquestioned because it is obvious and obvious because it is unquestioned. The discussion also shows that ambiguity in the presentation of the hypothesis has increased over time. Third, most people want to believe. With all the unfairness in society, we would all like to think that society benefits everyone, even if it doesn’t share its benefit as fairly as it should. Fourth, people who assert the hypothesis might suffer from self-serving bias. Fifth, the fallacy of composition can mislead people into assuming benefits are more widely shared than they actually are. This fallacy is the belief that what is true about the whole is true for every part. Because capitalist states are so much wealthier
than stateless societies, we are tempted to assume that capitalist states make everyone wealthier and meet everyone’s needs better. Sixth, the fallacy of unwarranted extrapolation misleads people into thinking they know much more about history and prehistory than they actually do. We recognize a trend and extrapolate to the end \((1, 2, 3, \ldots \text{ infinity})\). The increase in living standards and life expectancies over the last 150–200 years tempts one to assume that these variables have always increased even if earlier trends might have been very different. The fallacy of a false dichotomy is the mistaken belief that there are only two possible alternatives, when three or more alternatives are possible. For example, either everyone is better off in state society or everyone is better off in stateless society. Awareness of these issues will enlighten the discussion below as they come up.

This book proceeds by the following plan: Chapter 2 discusses some background about political philosophy and anthropology. Chapter 3 shows how Hobbes introduced the Hobbesian hypothesis into modern social contract theory. Chapter 4 discusses how Locke introduced basically the same hypothesis into his influential theory of natural property rights. Chapters 5, 6, and 7 show that many philosophers have asserted the Hobbesian hypothesis from 1700 to the present. Chapter 8 discusses the role of the Hobbesian hypothesis in anthropology. Although it was initially influential, it gradually received greatly increased scrutiny and was finally abandoned by anthropologists in the latter half of the twentieth century. Chapter 9 presents evidence to refute a key piece of support for the Hobbesian hypothesis we call “the strong violence hypothesis”—Hobbes’s claim that intolerable violence is an inherent feature of any stateless environment. Chapter 10 examines the Hobbesian hypothesis itself, using evidence from anthropology, archaeology, and other fields to show that it is dubious at best. Chapter 11 discusses the ramifications of these findings for contractarianism and propertarianism, concluding that the state and the property rights system remain unjust in both propertarian and contractarian terms unless and until people who benefit from those institutions reduce the harm they do to disadvantaged people. The online appendix to this book contains more information about many of the historical figures it addresses and some of the empirical arguments it makes.

**Note**

1 This book treats political theory and political philosophy as synonyms.