

ON HOBBS'S ARGUMENT FOR GOVERNMENT

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HOBBS argues that it is reasonable to institute government. The argument, found in *Leviathan*,¹ may be reduced to, first, four propositions, then an inference drawn from them, then a sixth proposition and a final conclusion. I shall present these propositions and an explanation of each, using both direct quotes and paraphrases of relevant passages, all in a manner I hope will be fair to Hobbes. After I have presented the argument, I shall examine its soundness by questioning the truth of the first proposition. That proposition, it seems to me, is not only the most crucial one in his argument but is also one that, in varying forms, has found its way into some contemporary arguments in favor of government. "Without government there would be anarchy and chaos" might be the modern equivalent of Hobbes's first premise. I shall indeed be arguing in defense of anarchism, but only in the sense of disputing Hobbes's particular reasons for advocating government. Whether, on other grounds, government can be shown to be desirable or necessary, is not the concern of this essay. In addition, my discussion will not be fully detailed. I present instead a protocol argument—an outline of a plausible alternative to Hobbes, the potential complexities of which, I hope, future investigators will attempt to unravel.

1. *The absence of a common power is a war of all against all.*

"During the time men live without a common power to keep them all in awe," says Hobbes (p. 106), they can be expected to find no opposition to actions conforming to their natural passions, save whatever hindrances other men, acting similarly, present. Some important characteristics of man's natural passions are these: (1) men act according to their desires and aversions (pp. 52–53); and (2) men seek power, which is the means to the satisfaction of their desires (pp. 78, 86). That men are prompted to action by desires and aversions in response to external stimuli is plausible enough for the sake of this essay; it will not be necessary to accept

Hobbes's explanatory premise that such stimuli work physical pushes and pulls along the nerve strings (p. 25). The point of Hobbes's doctrine comes, roughly, to this: men seek to obtain that which they see as being to their own benefit and seek to avoid that which they see as being to their own detriment. Man is naturally concerned with himself, and a correct report of man's process of evaluation leads to a kind of egoism.

For these words of good, evil, and contemptible are ever used with relation to the person that uses them, there being nothing simply and absolutely so, nor any common rule of good and evil to be taken from the nature of the objects themselves—but from the person of the man. . . . [P. 53]

The value of all things contracted for is measured by the appetite of the contractors, and therefore the just value is that which they be contented to give up. [Pp. 124–25]

Values are subjective.

Although different people may have different desires, there are nevertheless some things which different people desire but which they cannot all have, and in such cases, men become enemies (p. 106). Under such conditions it is only reasonable, says Hobbes (pp. 105–6), to anticipate that whatever one wants, others may want as well. Anticipation will lead to a strategy of preemptive attacks: Strike first in order to master your enemy before he strikes you. Even when there are lulls in the battles, there will be preparations for and anticipations of future battles. Men are therefore either engaging in battle or preparing for battle, and both cases may be described as conditions of war (pp. 106–7). And since all persons are either actually or potentially involved in battle, this State of Nature—the absence of a common power—is a “war of all against all.”

2. *In such a state, it is reasonable to seek peace.*

In the State of Nature, because there is a war of all against all, men find it dangerous to engage in enterprises that may arouse the desires of enemies. War is an attempt to subdue one's enemies, and while some people might delight in the mere domination of others (p. 106), other people engage in war in order to rid themselves of the enemies who stand in the way of obtaining what would otherwise be available: in order that crops may be planted and harvested, in order that animals may be herded and kept, in order that the lesiure may be had to fashion tools for a more productive and comfortable existence, one ought to protect against the possi-

bility that enemies might invade and steal (p. 107). There is, then, a twofold motive for attaining peace: (1) a fear of death and (2) the desire for "such things as are necessary to commodious living" (p. 109).

3. *Peace is sought by making and keeping covenants.*

Men are at peace if they are not under actual or foreseeable attack (p. 107). If men were reasonably assured that they would not be invaded, they could get on with the business of pleasurable life. How does one find such assurances? One way might be simply to make a truce with one's enemies: if people agree, and can be expected to abide by that agreement, not to engage in acts of war, a condition of peace would obtain. Specifically, what Hobbes calls the second Law of Nature is

that a man be willing, when others are too, as far forth as peace and defence of himself he shall think it necessary, to lay down his right to all things, and be contented with so much liberty against other men as he would allow other men against himself. [P. 110]

4. *But it is reasonable to keep covenants only when there is a common power to compel performance.*

Agreements made in the State of Nature are null and void, says Hobbes. Why? Because if one is in the first instance concerned about subduing one's enemies, it would be a splendid advantage to have the enemy agree to lay down his arms first. One then has the choice of laying down one's arms in return, in which case one would be at the enemy's mercy, in case the enemy had cleverly kept a derringer up his sleeve or had confederates hiding in the bushes; and anyway, how far should one trust a person bent on one's destruction? Or else one could seize the advantage and slaughter the enemy thus caught unarmed. The strategy of preemptive attack must prevail (pp. 110, 115).²

Agreements are worthless in the State of Nature because there is no assurance that the parties to the agreements will perform as promised. If only such an assurance were given, however, agreements (most especially, agreements for peace) could be sustained. Such an assurance could be provided by the existence of a power that would hold the parties to the agreement in awe: a power, that is, that could impose sanctions so severe as to make performance of contract more desirable than nonperformance (pp. 111–12, 115, 118).

5. *Therefore, in a State of Nature, it is reasonable to institute a common power to compel performance of covenants.*

I shall assume, and ask the reader to agree with me, that this proposition follows from the first four.

6. *The only appropriate common power is government.*

and such power [to compel performance] there is none before the erection of a commonwealth.

where there is no coercive power erected—that is, where there is no commonwealth. . . .

the validity of covenants begins not but with the constitution of a civil power sufficient to compel men to keep them. . . .

[P. 120]

7. *Therefore, it is reasonable to institute government.*

I shall assume, and ask the reader to agree with me, that this proposition follows from the propositions above.

That is Hobbes's argument. I believe it to be unsound. Let us look again at the first premise. When Hobbes speaks of a State of Nature, where men, following their natural passions, find opposition only in the similar actions of other men, we may imagine three possible contexts in which such a State of Nature might be described. (A) Perhaps there was a time before which there were no governments on earth. Primitive men, egoistic but rational, realizing that they were in a miserable condition of unrestrained competition, began to acknowledge the possibility of an alternative mode of existence, one, namely, wherein some common power would be erected to restrain them. Hobbes does not explicitly endorse such a view; in fact he says,

It may peradventure be thought there was never a time nor condition of war as this, and I believe it was never *generally so over all the world*. . . . [P. 108, emphasis added]

Nevertheless, this passage is not so much a denial as a bit of hedging. Whether such a condition of war did at some time generally obtain is a question that a study of anthropology might answer. If the answer is in the affirmative, so much the better for Hobbes. If in the negative, never mind: an alternative context is at hand. (B):

there are many places where they live [in such a condition of war] now. For the savage people in many places of America, except the government of small families, the concord whereof depends on natural lust, have no government at all and live at this day in that brutish manner as I said before. [P. 108]

Once again, anthropological (and other) evidence may confirm or deny such a claim. But Hobbes is not keen on insisting that his doctrine hangs on whether or not there are or have been places or times in which men live or have lived in a condition of war on account of their never having been subjected to government control. His point is intended to be much stronger than that. (C) The third context may be illustrated by this passage:

Howsoever, it may be perceived what manner of life there *would* be where there *were* no common power to fear by the manner of life which men that have formerly lived under a peaceful government use to degenerate into a civil war.
[P. 108, emphasis added]

It is not clear whether Hobbes asserts that civil wars *are* States of Nature or whether they only come pretty close—close enough, that is, so that we can appreciate what a real State of Nature would be like. At any rate, I shall take Hobbes to be affirming that the absence of a common power would lead, even if only eventually, to universal war. And this conclusion is not based, as he presents it, on the existence of any historical example, which, in any case, he uses as illustration and not as proof; rather, Hobbes believes it to be a fine deduction from certain premises, premises having to do with the nature of man as an entity driven by appetites and fears according to his own self-interest. That conclusion is the first premise of his main argument. I shall reformulate it hypothetically: if any situation be given in which men are not in awe of some common power, then that situation will be a condition of universal, egoistic, unrestrained, and violent competition—or say, for short, a war of all against all.

The truth of the premises in support of that claim will not here be in question. Let it be granted that man endeavors to serve his own self-interest and that his self-interested actions are in the first instance generated by appetite and fear. I intend to question Hobbes's doctrine by reinterpreting the State of Nature. The success of my reinterpretation will lend considerable force to the denial of Hobbes's final conclusion, viz., that government ought to be instituted. I intend to give some measure of plausibility to the claim that a State of Nature need not be a state of war, that people in a State of Nature can with reason enter into and perform some kinds of agreements, and that, where some power is required in order to assure performance, such power need be neither absolute nor common over everyone.

I will not deal with context (A) described above nor with

context (B). The attention of this essay shall be directed to (C), which is Hobbes's main contention anyway. I shall argue that it is plausible that persons living under no common power could nevertheless live in peace. There are two ways of showing this: either (1) by citing a historical example of a peaceful anarchic society, or (2) by showing that such a peaceful anarchic society is plausible. I shall not deal with the first possibility, only the second. But the second way itself involves (at least) two alternatives: (i) showing that a peaceful anarchic society could plausibly evolve out of a situation wherein the persons involved are not already in contact with one another (this I shall call the Robinson Crusoe version); (ii) showing that a peaceful anarchic society could evolve out of a situation that is already one of universal, egoistic, unrestrained, and violent competition (this I shall call the Civil War version). Now, just to make the matter even more complex, there are two particularly interesting refinements to each of (i) and (ii), namely: (ia) the Robinson Crusoes have always been isolated, and (ib) the Robinson Crusoes have previously been members of some society or other (perhaps over which there ruled some common power); similarly, there are (iia) the people have always been in this condition, and (iib) the people used to be subjects of (ordered and restrained by) some common Sovereign.

Each of the four variations under (C2) represents a condition without a common power. According to Hobbes, each would either be or else degenerate into a state of universal war. If I can show that at least one of the variations either could be, or else could evolve into, a state of peaceful anarchy, I shall have won my point. In fact, I believe that all four states could either be or evolve into a condition of peaceful anarchy, though only (ib) and (iib) plausibly would. I elect, in this paper, to deal only with the Robinson Crusoe version, and variation (ib) in particular. But a few words can be said about (ia).

(ia) is, by hypothesis, a condition of peaceful anarchy at the outset. Whether war would erupt in such a situation would first of all depend on two things: (1) whether the Crusoes know of one another's existence, and (2) whether and how (either by design or by accident) the various Crusoes come into actual or imminent contact with one another. The sociology of apes might provide clues. Supposing primitive Crusoes to behave much like, say, modern chimpanzees, one would expect them to keep a discrete distance from one another as long as the necessities for their lives—such as food and shelter—were available to each of them in places or territories not already occupied by another. Two

strangers (chimps or Crusoes) might, on meeting, become alarmed and make elaborate and noisy displays. But would this not satisfy conditions of a so-called cold war and therefore count as a condition of war, according to Hobbes (pp. 106-7)? I think not. Should a long series of encounters generate between the "opponents" nothing more than warnings, and, further, should the "opponents" make in advance no *preparations* for possible future encounters, hot or cold, it would be difficult to justify calling that condition one of continual war. At most, I think, the Crusoes might be expected to keep their eyes and ears open for possible dangers, even when there is no present threat. But there is in that no basis for claiming that the Crusoes, during those times, have a reasonable fear of each other, or of anything in particular, any more than there is for saying that under the power of a Sovereign men still have a reasonable fear of each other because the Sovereign's power may not be quick or strong enough to stop *all* aggressive acts. If there is no such reasonable fear, then covenants can be made and kept. (I'm no longer talking about chimps.) And wherever covenants can be made and kept, there is no state of universal war in the sense Hobbes intends.

So much for variation (ia): peaceful anarchy *could* obtain, although I recognize that Crusoes might react differently from their animal cousins: they just might, on meeting, instinctively take to fisticuffs; they might, for all I care, be eager to do battle with anything they happened upon—lions, elephants, volcanoes.

A war of all against all is a type of violent interpersonal action: it is a type of disagreement. In order for there to be disagreements, there must be at least two persons, but there need not be more than two. In order to facilitate analysis of a state of affairs in which universal war is possible, but in which peaceful anarchy could nevertheless be shown to be plausible, I shall first deal with dyadic, or two-person, social interactions. When and if more persons are necessary to create other types of interactions, they shall be introduced. If I may be permitted to coin a phrase, I shall call this type of analysis Crusoe Political Science.³

Beginning, then, with dyadic interactions: Let there be two persons named Crusoe and Caruso, and let them be, either by design or by accident, the sole inhabitants of some inhabitable isle. Let them also be products of some civilization or other, though not necessarily both of the same society. There are a host of incidental details that might also be of some concern. For example, the two persons ought not to have previously known each other. For suppose they are close chums, shipwrecked on some

distant land. This would make for a plausible case for peaceful anarchy, and I should be content to rest my case here, did I not think that Hobbes would cry foul, and rightfully so. For a plausible case for peaceful anarchy, beginning with dyadic interactions, ought to maintain that any (or almost any) two individuals could, plausibly, coexist without war. Crusoe and Caruso, then, must be two typical persons, or two persons, chosen at random from one or two of the societies that have ever existed. No more need be said about them except what might be inferred from the fact that they are experienced in peaceful coexistence (whether under the eye of a Sovereign or not makes no difference). Their having already experienced various cases (and methods) of cooperation takes the place of a great deal of experimentation in attempting to cooperate peacefully, which experimentation they would have had to carry out under the adverse (according to Hobbes) conditions of a State of Nature and the successes of which (according to Hobbes) would have been minimal at best, except by the introduction of some common power. It is taken to be a further plausible inference that, in their own societies, the lives of both Crusoe and Caruso could have been characterized as essentially peaceful and not as essentially hostile.

Now, unless every instance of their experience of successfully peaceful relations had taken place under, and had been thought to be on account of, the immediate control of some common power—an implausible assumption—Crusoe and Caruso would realize that they have little to fear from the other unless some reason be given, such as an overtly threatening act. But it takes only a brief encounter, where neither Crusoe nor Caruso attempts hostilities (even though they might be geared up for defence), in order for each of them to realize that the other had obviously had no intention of attacking. It is against their very habits as socialized beings to be constantly prepared for attack. Not only have they no immediate and identifiable cause for fear,⁴ but they both have reason to expect that they might gain through cooperation. The mere knowledge, if they have it, of the value of the division of labor and the consequent increase in the standard of living it makes possible might be incentive enough to risk an immediate display of peaceful intentions—anything from the show of an open hand to the definite offer of a gift.

Hobbes might suggest that Crusoe would reason: "If I offer peace, I am open to attack. That is a risk I cannot take." But it is implausible to suppose that socialized people would reason in that way. Where they are used to gratuitous politeness—or, at

least, nonaggressiveness—they are bound to reason differently: “Let me see if this fellow wants company.” Not “What harm will he do to me?” but “What help can I induce him to give?”

Let there be but one instance of cooperation, or, even less, let there be but one encounter, howsoever brief, where there is no aggression, and peaceful cooperation will have a foothold. And where cooperation—or even mere nonaggression—has once occurred, there is a tendency in man, having witnessed its benefits, to endeavor a second occurrence, and a third, and a fourth. Each instance is reinforcing, and probably more so at the beginning. But by hypothesis Crusoe and Caruso, having been members of some society, have already experienced cooperation, and so their initial encounter is bound to be something far less than open hostility.

But now let there be a situation wherein both Crusoe and Caruso desire something that they cannot both have: suppose Crusoe has food and Caruso has none. Then, says Hobbes, they become enemies. That, I think, is possible, but generally implausible: Crusoe picks a banana. Here comes Caruso, his stomach aching for nourishment. He sets upon the poor Crusoe with fist and sword (ax, stone), subdues him, and devours the remains of the banana. Bravo Caruso! He is as stupid as he was hungry. Why did he not take the simpler course and pick a banana for himself? Suppose there were no other bananas. Then why did he not eat berries, nuts, coconuts; why did he not kill a small animal? Surely any risk in hunting rabbits, say, is far less than the risk in fighting an equal. But suppose there were no food other than Crusoe's lone banana?

I must call a halt to this. Hobbes and I are discussing a State of Nature, and there is nothing in this concept that requires a state of famine. Suppose, in a commonwealth, the Sovereign has a banana, and no one else has food?

That trivial incidents do not, plausibly, give rise to combat is no trivial matter. For while Crusoe and Caruso might, in the beginning, be unable to agree to lay down all their arms and stand defenceless in face of each other, they might eventually be able to keep such an agreement if they had previously made and kept a long series of less consequential bargains. When a pattern of peaceful coexistence in relatively unimportant affairs has been established, then more risky ventures can, by minimal steps, be approached.

No matter how earnestly they both seek peace, however, there may come a time when, out of ignorance or misunderstanding, or on account of a scarcity in the supply of some important good, a

disagreement arises. What shall they do? If the matter is unimportant, the consequences of a disagreement over it may be unimportant as well. A duel to the death is most unlikely, especially when both Crusoe and Caruso not only have experienced, but also presently desire, the continuation of peace. And if the disagreement is over some vital concern, it is implausible to suppose that both Crusoe and Caruso would immediately take to force of arms. Most likely, all avenues of negotiation and bargaining, especially if they have a foothold in relation to less important matters, would be tried first.

Failing that, war may, of course, break out. But to suppose that the circumstances in which Crusoe and Caruso first find themselves could be characterized as a state of universal war on account of the possibility of unresolved disputes on some important matters, is no more plausible, I think, than to characterize a commonwealth as a state of universal war, inasmuch as civil war is always a possibility. Still, since there do arise possibilities of armed conflict in dyadic interactions, the case for peaceful anarchy would be strengthened if such possibilities could be lessened. This can be done by introducing a third person, whom I shall name Clousseau.

Everything concerning dyadic interactions applies to triadic interactions, but the addition of a third person allows for the evolution of a new phenomenon, one that may be the single most important tool for a peaceful anarchy and one that, paradoxically, Hobbes considers the single most important step toward a commonwealth.

Crusoe and Caruso have a dispute. But instead of instantly engaging in combat, they seek first a peaceful resolution. Any resolution that they actually accept I shall call, following Hobbes, *just* (pp. 124–25). But in the absence of a just resolution, Crusoe and Caruso could, in place of, or in postponement of, combat, seek agreement on a *method* for arriving at a resolution. Any method would do, as long as both Crusoe and Caruso agree to it: a toss of a coin, a trial by strength (which is not the same as armed conflict), or, where a third person is available, the appointing of a judge or arbitrator.

It must be emphasized that in the first instance Crusoe and Caruso may have been attempting to decide which opinion should be the one acted upon—e.g., should Crusoe give up his plan to dam the river in return for Caruso's agreement not to hunt deer on this side of the island? Or should Crusoe build a dam only if Caruso also has access to some of the hydroelectric power

produced?⁵ But if they find no proposition that satisfies them both, they may now seek a means to pick out some proposition that they both must accept, regardless of which proposition it is. In the case of the use of a third person, Crusoe and Caruso are agreed that the opinion of the third person, whatever that judgment might be, shall be accepted. This is to say that they are agreed on who shall have the final say. It is no longer a question of which opinion (regardless of its author) should be acted upon, but rather of which person (regardless of his opinion) they should obey. The advantage of an arbitrator, who shall produce the final opinion, as opposed to other methods, such as trial by ordeal or the toss of a coin, is that even though the final say comes not directly from either Crusoe or Caruso it nevertheless need not be unrelated to arguments each might make in his own behalf. The toss of a coin is entirely unrelated to whatever reasons each person may be able to put forth in defence of his opinion, whereas an arbitrator's final say need not be arbitrary.

Initially, a third person, Clousseau, might be engaged in order to decide only upon whether action should be taken on Crusoe's plan or on Caruso's, no other or intermediate position being allowed. If Clousseau decides that Crusoe is to build no dam and that Caruso is nevertheless to be allowed to hunt deer, then both Crusoe and Caruso may understand that Clousseau's decision shall carry no weight, for it was not one of the alternatives among which he was to choose. But if the use of an arbitrator has become a trusted tool, and if there arose a situation wherein it was thought that some kind of compromise position should be allowed, then the arbitrator might be given more extensive powers.

But in any case, there are two problems as yet unaddressed: (1) Will Crusoe and Caruso, in a State of Nature, be able peacefully to engage the services of Clousseau? (2) What guarantee have they that each would obey the final decision of Clousseau? As to (1), the problem is no more difficult than the problems that Crusoe and Caruso had initially in any sort of peaceful encounter and cooperative action. The discussion of dyadic relations above allowed for the plausibility that Crusoe and Caruso could, with some frequency, coexist without war. A similar dyadic analysis holds between each of Crusoe and Caruso with Clousseau. As for (2), under many circumstances Crusoe and Caruso would be reasonably assured that each would obey the decision of the arbitrator, simply because each by now knows the other well enough (each has had dealings with the other often enough) to be able to understand what the other person is like and is likely to do. Each

has a reputation with the other. Both Crusoe and Caruso have a vested interest in the use of the arbitrator in the first place. To renege on the arrangement on account of, say, an unfavorable decision by Clousseau would be to rip the very fabric of trust woven so far out of their previously peaceful interactions and would be certain to generate some kind of animosity. In addition, humans—especially, perhaps, humans experienced in peaceful social relations—have, to a certain extent, a tendency to calculate the future status of their affairs on the basis of the consequences of their present actions. They are anxious to obtain peace in the first place, not only because it makes life more comfortable now, but also because it tends to reinforce an aptitude for peace later on. “If I break my word now,” Crusoe could reason, “how shall I get Caruso to trust me in the future?” Moreover, Crusoe has a similar incentive to establish a trustworthy reputation with Clousseau as well. And Caruso would reason along the same lines. And so would Clousseau, for he can expect that, in his dealings with Crusoe and Caruso, there may arise the need for arbitration. All three persons, then, have excellent incentives to abide by any agreements entered into.

But such an incentive may not always be enough to outweigh the possible immediate gains to be had by breaking the agreement. Hobbes declares that the natural passions of men drive them to choose the immediate advantages of nonperformance of contract over the long-range benefits of a reputation for honesty. For this reason, according to Hobbes, performance of contract cannot be insured without some common power to impose negative sanctions, the immediate results of which would be less desirable than the immediate benefits to be had by nonperformance. I have, above, disagreed that this will always be the case: men, concerned with their own interests, nevertheless need not be unable to appreciate what lies ahead for them in the long run of their interactions with others; this holds all the more for persons already experienced in peaceful society. But where present incentives for nonperformance might outweigh the appreciated values of honesty—where, that is, the stakes are very high and where a person may be willing to be an outcast for the sake of some present good—there Crusoe and Caruso may be more cautious to devise some method to insure performance. The first such method is an obvious one: a verbal threat. “Just remember,” says Crusoe, “that if you don’t abide by the decision of Clousseau, the stakes of the agreement are high enough so that I will hunt you down wherever you may be.” Caruso responds: “Yeah, and that

goes double for you." In addition, Clousseau would be wise to add force to each threat: "And both of you ought to know that I shall join forces with the injured party."

There is an additional tactic possible, and that is for both Crusoe and Caruso to give some of their power to Clousseau so that Clousseau could, by himself, impose sanctions. But, contrary to Hobbes, this power need not be absolute. If the mere joining of forces of Clousseau and the injured party against the person who breaks the covenant is thought to be an insufficient deterrent to nonperformance, then both Crusoe and Caruso might give up part of their military means to Clousseau: not as much as would make Clousseau more powerful than both of the others combined, but only so much as to make Clousseau somewhat more powerful than each separately and considerably more powerful when joined with one of them than the other would be alone. That both Crusoe and Caruso must retain power enough so that, with forces united, they stand a good chance of subduing Clousseau, is necessary in order for them both to retrieve, where it is possible to do so, any power that was earlier handed over to Clousseau and that Clousseau later refused to return.⁶

Hobbes's suggestion, that people (in this case Crusoe and Caruso) ought to put themselves wholly and permanently at the mercy of a Sovereign (in this case Clousseau), is fabulous. First, it is not necessary in order to create sanctions. And second, if these gentlemen would be willing to take such a risk with Clousseau, why do they not more simply take a similar risk with each other? Why does not Crusoe hand his weapons over to Caruso and say: "Here. You decide. And if I don't obey, kill me"?

The tool of arbitration allows for the making and keeping of risky covenants. Even if the risks were not so high, in a society of only three people, such risks would still be bound to occur in more populated societies where not everyone could establish a reputation for fairness with everyone else and where, as a consequence, people would have to make agreements with strangers. The institution of arbitration could, plausibly, facilitate cooperation, and all the more where there are arbitrators who themselves develop reputations for fairness.

There are other institutions that could, plausibly, evolve, given the beginnings of a peaceful anarchy. These institutions would perhaps be first of all of such a nature as to reduce the occasions on which arbitration would be necessary—they would be protective or preventative. Two such possibilities deserve at least brief notice.

1. In order to prevent harm, the restitution for which might require arbitration, more elaborate *defence services* might evolve. These could include anything from the use of sophisticated locks to the hiring of personal bodyguards. There is some risk in encouraging persons to excel at the art of war so as to be competent protectors, yet such a risk need be no more than, and would probably be far less than, the risk one would incur by following Hobbes's suggestion to put all military power into the hands of a single Sovereign.⁷

2. The considerations that led to the institution of arbitration point toward another institution. Even when dealing with fully reasonable persons, we cannot expect them always to be of the same opinion with regard to particular choices of actions. The judgments of reasonable persons may still differ on account of such things as availability of evidence, theoretical background, unexamined habits, and scales of value. This is more obviously so when circumstances do not permit a thorough discussion of the matter. Whether a particular person should or should not act in a certain manner is a question that may directly concern more than one person, and in such a case diversity of opinion may lead either to coercive interruption if the action is attempted or else to coerced performance if the action is neglected. Where there is a difference of opinions, we are, as a matter of practical action, anxious to find a resolution. Bringing about unanimity, of course, always resolves disputes. Although we may, in moments of optimism, hope that all reasonable minds will, given sufficient time and tools for investigation, tend to reach the same conclusions on a given matter, we can neither assume that such concurrence now exists nor take for granted that it will exist at any particular and practically useful time in the future.

In the absence of concurring opinions, we search for a method for establishing who shall have the final say. In this way we are no longer concerned with which opinion shall prevail, but rather with which person shall have the power of final decision, regardless of what opinion he holds. Now, someone's having the final say in no way settles differences of opinion; it only allows a certain action to be performed even though there remain conflicting judgments. The method of arbitration establishes a final say, but since the use of arbitration on every occasion on which disputes do or may occur would prove to be an unwieldy mechanism for a restlessly productive society, the institution of property rights could be a simplifying alternative. A property right establishes in advance who has the final say concerning the disposition of a certain speci-

fied good or territory, this right being invested in one person, called the owner of that good or territory.

I take the preceding pages to have outlined a plausible alternative to Hobbes's conception of the State of Nature. Whether the same or similar arguments would hold for unsocialized Robinson Crusoes, or for either variation under (ii), the Civil War version, will not, as I warned, be investigated here. There is, however, one more variation under (C2) that I did not mention earlier because it is on the verge of being unfair to what I take to be Hobbes's claim. That variation is this: Suppose a group of persons, all believers in the value and viability of a government-less society, agree to establish a colony somewhere or other (say on another planet). Must their attempt to maintain a peaceful anarchy necessarily fail? I think not. By means of the tools indicated in this essay it is possible, indeed, quite plausible, that they could lead a productive, commodious, and peaceful coexistence without recourse to a common power over them all.⁸ The possibility of war—among themselves—arises most particularly as the colony's founders become more and more of a minority group, i.e., by the addition of immigrants and offspring and by death of the original members. Even supposing such a free society to be successful in achieving a commodious life, new members might very well immigrate because of the good life there, not realizing that life was good *on account of* its being a free society. And persons born into such a community might not be socialized in such a way that the very freedom they have will be recognized by them. It is plausible to suppose, then, not only that they might organize coercive institutions in a misguided attempt to protect the good life they now enjoy, but also that they might later strengthen such institutions in an attempt to undo the harm that, unrecognized by them, had occurred as a result of their original coercive interference.

But it is also plausible to suppose that a free society as imagined above would be conscious of its motive principles, would be acutely aware of and loyal to the ideology that led to the establishment of the colony in the first place, and would be jealous of any attempt to pass off as a defence of that freedom institutions that would rely on coercive interference.⁹ The socialization of new members might take the form of explanation and persuasion by means of education available on a free market and propaganda by deed rather than wall-poster slogans, classroom chants, or presidential promises. It is expected that agreement through understanding generates a more solid defence against misdirection than does conformity through institutionalization.¹⁰

1. All page references to the *Leviathan* are to the Bobbs-Merrill edition (Indianapolis: Liberal Arts Press, 1958).

2. Disarming is not the only object of possible agreements, of course. But it is the paradigm case of the infelicity generated by being double-crossed and emphasizes the importance of the second half of what Hobbes calls the Fundamental Law of Nature: if you cannot attain peace, you ought to "seek all helps and advantages of war" (p. 110).

3. I have not fully coined the phrase. There is in economic science a type of analysis called Crusoe Economics. See Murray N. Rothbard, *Man, Economy, and State* (Princeton, N. J.: D. Van Nostrand, 1962).

4. This is not to say that they will be neither cautious nor on guard.

5. Their technology is somewhat more advanced, let us say, than that of mere brutes scratching for edible roots.

6. If it is possible to measure the power of each person, and if it can be assumed that each person begins with equal power, then Crusoe and Caruso ought to give up to Clousseau no more than one-fourth of their power.

7. For a discussion of the uses of and potential problems with protection services, as opposed to government protection, and for arguments for the desirability of the former over the latter, see especially Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), and John T. Sanders, "The Ethical Argument against Government" (Ph.D. diss., Boston University, 1976).

8. Enthusiastic presentations of the details of the machinery that might be used in such a society can be found in Morris and Linda Tannehill, "The Market for Liberty," in *Society without Government*, by Tannehill and Wollstein (New York: Arno Press and The New York Times, 1972); David Friedman, *The Machinery of Freedom* (New York: Harper & Row, 1973); Murray N. Rothbard, *For a New Liberty* (New York: Macmillan, 1973); and the Nozick and Sanders works already cited.

9. That such a society might be internally unstable in such a way as to evolve peacefully into what could be called a governed society is argued with some force by Nozick. For an interesting rebuttal, see Sanders, chap. 10.

10. I am especially indebted to John T. Sanders and Lawrence Haworth for their many valuable comments on an earlier draft of this paper.